

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 1 May 2014. The meeting will commence at 1.30pm.

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

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Director of 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 1st May 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/02380/FUL Mr A Cunningham Alne Page no. 3	Demolition of agricultural building and construction of a dwelling For: Mr & Mrs Edward Gregory At: Woodlands, Forest Lane, Alne RECOMMENDATION: REFUSED
2	14/00413/FUL Mr A Cunningham Dalton Page no. 9	Change of use from agricultural to mixed agricultural and equestrian use and construction of a stable block and yard For: Mr I Myatt At: Land to the rear of Orchard End, Islebeck, Dalton RECOMMENDATION: GRANTED
3	14/00406/FUL Mrs H Laws Easingwold Page no. 15	Residential development for the construction of 22 dwellings, associated access and provision of public open space For: Heritage South Ltd and Mulgrave Properties At: South of Paddock Rise/west of Oxenby Place, Easingwold RECOMMENDATION: GRANTED
4	13/01551/FUL Mr J Howe Leeming Page no. 24	Demolition of store and construction of a dwelling For: The Elliah Thomas Richardson Discretionary Trust At: Toll Crest, Roman Road, Leeming RECOMMENDATION: REFUSED
5	14/00717/FUL Mr J Howe Northallerton Page no. 27	Temporary change of use of land from timber merchants/building supplies to car parking and variation of conditions of Planning Consent 04/00373/FUL For: Mr N Kershaw, North Yorkshire Timber At: Standard House, Northallerton Business Park RECOMMENDATION: GRANTED
6	14/00706/FUL Mrs T Price Romanby Page no. 30	First floor extension to dwelling as per amended plan received by Hambleton District Council on 7th April 2014 (height of extension reduced) For: Mr & Mrs Ian Godfrey At: 22 South Vale, Northallerton RECOMMENDATION: GRANTED
7	14/00561/MRC Miss A Peel Thirsk Page no. 32	Variation of condition 7 with amended plans received by Hambleton District Council on 12 March 2014 For Mr M Snelling At Green Acres, Byland Avenue, Thirsk RECOMMENDATION: REFUSED

<p>8</p>	<p>14/00159/FUL Mrs B Robinson Thrintoft</p> <p>Page no. 35</p>	<p>Access track and hook up facilities to accommodate 10 additional touring caravans at existing caravan site</p> <p>For: Mr K Tiplady At: Canada Fields, Moor Lane, Yafforth</p> <p>RECOMMENDATION: GRANTED</p>
<p>9</p>	<p>14/00361/FUL Mr J Howe Well</p> <p>Page no. 40</p>	<p>Retrospective permission for the construction of an agricultural storage building</p> <p>For: Mr R Smirthwaite At: Marwell, Church Street, Well</p> <p>RECOMMENDATION: GRANTED</p>
<p>10</p>	<p>14/00808/FUL Mr J Howe Well</p> <p>Page no. 43</p>	<p>Construction of agricultural building</p> <p>For: Websters (Farmers) Ltd At: Mowbray Hill, Well</p> <p>RECOMMENDATION: GRANTED</p>
<p>11</p>	<p>14/00528/FUL Mr A Cunningham Whenby</p> <p>Page no. 45</p>	<p>Conversion and extension to building to form a dwelling and workspace</p> <p>For: Messrs Parker & Owen At: Whenby Grange, Whenby</p> <p>RECOMMENDATION: GRANTED</p>

Parish: Alne
Ward: Tollerton

Committee Date : 1 May 2014

Target Date: 7 January 2014

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13/02380/FUL

Revised application for demolition of existing agricultural building and construction of a dwelling at Agricultural Buildings At Rear of Woodlands, Forest Lane, Alne, North Yorkshire for Mr & Mrs Edward Gregory

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks planning consent for the demolition of an existing agricultural building and the construction of a dwelling at Woodlands, Forest Lane, Alne. This scheme was previously refused as part of 12/02495/FUL in 2013. The dwelling design and access remains unchanged. The applicant has provided additional information in support of the principle of the dwelling on site.

1.2 The site is positioned approximately 95m to the south of Forest Lane, with the proposed dwelling located to the western boundary of the premises. The existing bungalow at Woodlands is not within the control of the owner of the surrounding fishing lakes which are positioned to the east and south of the site of the proposed dwelling. The circumstances surrounding its severance are explained later in this report.

1.3 The proposal is for a 3 bedroom dwelling measuring approximately 13.8m x 7.6m, with a total height of approximately 8.4m. The structure would be constructed of a clay pantile roof above brick walls, with UPVC windows and doors.

1.4 Parking for two vehicles would be positioned to the northern elevation of the proposed dwelling. Access from the public highway to the north would be via a track formed of interlocking brick pavers which would pass to the western boundary of the domestic curtilage of the dwelling of Woodlands.

1.5 The proposed dwelling would be constructed to the western boundary of the site which abuts agricultural land beyond. The east and south elevation of the dwelling would front the existing fishing lakes. The applicant is proposing the retention of the existing vegetation to the eastern boundary of their proposed domestic curtilage along with the formation of the timber fence to the southern boundary.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/01/006/0180 - Alterations and extensions to existing dwelling; Granted 2001.

2.2 2/03/006/0193A - Change of use of existing pond from private to public fishing as amended by letter and plan as received by Hambleton District Council on 9 October 2003; Granted 2003.

2.3 05/01827/FUL - Construction of a cafe and siting of portable toilets at existing fishing ponds; Refused 2005.

2.4 06/00403/FUL - Revised application for the construction of a cafe and siting of portable toilets at existing fishing ponds; Granted 2006.

2.5 11/01745/FUL - Formation of 3 ponds and additional car parking; Granted 2011.

2.6 12/02495/FUL - Demolition of existing agricultural building and construction of a dwelling; Refused 2013.

- Refusal Reason 1: Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. The application site is not located within an existing sustainable settlement nor has an exceptional circumstance been demonstrated and the development is, consequently, contrary to these policies. Additionally the development proposal has not identified an essential need in the terms of the National Planning Policy Framework.

- Refusal Reason 2: The proposal fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

3.0 RELEVANT PLANNING POLICIES:

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

- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP37 - Open space, sport and recreation
- National Planning Policy Framework - published 27 March 2012
- Development Policies DP42 - Hazardous and environmentally sensitive operations
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity

4.0 CONSULTATIONS

4.1 Alne Parish Council - No objections.

4.2 NYCC Highways - Conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, visibility splays and precautions to prevent mud on the highway.

4.3 Yorkshire Water - Water Supply: A water supply can be provided under the terms of the Water Industry Act, 1991. Waste Water: This proposal is in an area not served by the public sewerage network, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

4.4 Environmental Health - Recommend conditions regarding noise and the proximity of the dwelling to the adjacent landfill site.

4.5 Environment Agency - We note that a non mains drainage system is proposed. As our records show that the water environment is of a low sensitivity, we have no specific comments about this development. You should, however, ensure that the proposal complies with the foul drainage hierarchy.

4.5 Neighbours notified and site notice posted; expired 11.12.2013 - Two responses received supporting the proposed dwelling and highlighting the interaction of the business to other local businesses.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of a residential unit in this location which requires an essential need to be acceptable under NPPF and LDF policies, any impact on the visual amenity of the surrounding area, any impact on neighbour amenity, any highway safety issues that may arise and the required contribution towards the off-site provision of open space, sport and recreation facilities.

5.2 Local and National Policy:

5.2.1 Policy CP4 of the Hambleton Local Development Framework (LDF) directs the location of development outside of settlement limits and states that development will only be supported in these locations when an exceptional case can be made for the proposals in terms of policies CP1 and CP2 of the LDF and where (as relevant) it is necessary to meet the needs of recreation or tourism with an essential requirement to locate in the countryside and will help to support a sustainable rural economy. Policies CP1 and CP2 refer to sustainable development and minimising the need to travel.

5.2.2 The National Planning Policy Framework (NPPF) sets the tests for isolated dwellings in the countryside at paragraph 55. This promotes sustainable development in rural areas, where housing should be located to enhance or maintain the vitality of rural communities. The policy stance also requires that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at their place of work in the countryside.

5.3 The agent for the applicant has cited the following reasons to justify this essential need:

- Maintaining oxygen levels
- Security
- Night Fishing, Televised Match Fishing and Fish-O-Mania
- Breeding
- General management
- Severing of business from dwelling known as Woodlands
- To ensure the growth of the business and its contribution to local economy

5.4 Oxygen Levels:

5.4.1 Oxygen levels within fishing lakes can fluctuate in certain weather conditions and if not controlled can lead to a serious suffocation of the fish. Without being monitored the applicant advises that in the worst case scenario this could lead to the loss of the entire fish stock. Oxygen levels can fluctuate in adverse weather conditions and rapid and unforeseen changes in the living environment of the fish can lead to their premature death. The applicant argues that their remote location and the time taken to respond to a change in oxygen level could be costly in terms of ensuring the safety of the fish. The applicant also advises that there are no systems available that allow oxygen levels to be monitored remotely and that even if there were to be in future an on-site presence would be crucial to check that these remote systems were working correctly. The Council have raised the issue of why the maintenance of oxygen levels cannot be dealt with by a duty manager. The applicant cites the severing of the business from Woodlands (the occupant of which used to oversee oxygen levels) as the catalyst for the applicant to assume this role. The applicant explains that they travel from their home in Easingwold during the night to oversee oxygen levels. Oxygen levels are checked visually by establishing the behaviour of the fish and by the use of specific apparatus. The applicant has been requested to supply details of the monitoring arrangements but he has been unable to advise of the historical regularity which this has occurred.

5.4.2. The applicant has referred to five appeal decisions in their additional supporting statement of 31 January 2014 which in their view conclude that the issue of oxygen levels alone demonstrates a

functional requirement for permanent manager's accommodation on site. The agent for the applicant has cited an appeal decision (APP/X3025/A/08/2084072) which lent support on oxygen grounds to a similar proposal with half the number of pegs than there will be at Forest Lane Fisheries when the previously approved ponds have been completed. The context of this appeal decision is similar to Forest Lane Fisheries but in the case of this application the inspection of the oxygen levels is less regular than is indicated in the appeal decision insofar as the agent has only referred to night as opposed to daytime inspections. Additionally no details have been provided as to exactly how the oxygen level inspections are undertaken on site and how long this takes.

5.4.3 In the intervening period of the applicant's former business partner severing their links with the enterprise (this has occurred since 2011) and the submission of this scheme the applicant has maintained oxygen levels by making trips to the site during the night. The key issue here is the evidence of the regularity that this has occurred, how often oxygen levels have fluctuated and how the trips to the site during the night have prevented the collapse of the oxygen levels. There is no demonstration as to how often oxygen levels have fluctuated or collapsed, and no record of when visits to the site have been made or when they were made what impact they had. Without this information full weight cannot be afforded to this issue and how an on-site presence would overcome existing operational inefficiencies. Additionally the evidence for how oxygen levels are monitored has not demonstrated how onerous the task is and how an on-site presence would overcome this. It has not been satisfactorily demonstrated why manager's accommodation cannot fulfil the function for accommodating an individual to monitor oxygen levels. The evidence of the maintenance of the oxygen levels does not provide justification for a permanent on-site residential presence.

5.5 Security:

5.5.1 The applicant considers that the fishing lakes are currently vulnerable to incidents of theft and vandalism and although there are no recorded incidents of theft, the applicant advises that they have occurred. Remote monitoring could be installed but the applicant considers that this would not allow for a rapid response should an incident occur. The applicant has highlighted the value of the machinery on-site and the fish stock. The applicant advises that the lakes are densely populated and contain ornamental species (which have been listed) which makes them very valuable. The applicant has also advised that theft by anglers has occurred in the past. Woodlands is also not considered by the applicant to provide a security deterrent given its position on site and its severance from the business. The applicant advises that they have proposed the dwelling to be positioned mid-way into the site to ensure a clear view of all the ponds, that would deter potential intruders. It is recognised that the fish stock are high value and that an on-site presence by an individual associated with the fishing lakes would improve the security of the site, however no appraisal of measures to safeguard the site has been undertaken to assess the effectiveness of alternatives to an on-site residential presence.

5.6 Night Fishing, Televised Match Fishing and Fish-O-Mania:

5.6.1 The applicant is keen to pursue night fishing on site but cannot do so in their opinion without a permanent on-site presence to allow them to minimise potential risks to anglers, managing the arrival and departure of anglers, protect the security of assets and facilities on site. A list of support from existing anglers has been provided to the Council to show the support for the venture. The applicant also wishes to run televised match fishing and Fish-O-Mania but feels that they cannot run the business as efficiently as possible without an on-site presence. These activities demonstrate the aspirations the applicant has for the site and how the current arrangements limit these.

5.7 Breeding:

5.7.1 The applicant currently undertakes fish breeding on an annual basis to ensure sustainable growth of the fish stock and to allow replacement of any stock that is lost. The process is particularly time consuming and requires the brood stock to be separated from the existing stock and introducing them to small stock ponds during the breeding season. Once the fish have bred the brood stock again need to be separated to ensure that they do not eat the eggs. The breeding season can last up to 3 months. The applicant has provided details of how the breeding of fish is undertaken particularly the daily activities

involved. It is recognised that this labour intensive and involves attending to the fishing lakes during the very early morning to reduce the potential loss of spawn. This would not generate an essential need to have a residence on site.

5.8 General Management:

5.8.1 The applicant has provided a breakdown of the manager's duties and tasks in addition to those mentioned above. These are as follows:

- o The applicant visits the site every day to open up the site and prepare the lakes for the days fishing, whether that be match fishing or casual. Only nets owned by the applicant are allowed on site in order to ensure disease does not spread amongst the stock and these need to be ready for use when visitors arrive.
- o During match days the applicant has to be present on site to run the 'weigh-in' which involves weighing the fish that have been caught in each participants net and ensuring that they are adequately cared for;
- o There are usually 5 matches a week and the process of overseeing such events is particularly time-consuming. The new lakes that will be opening in the future will only exacerbate the issue as at present the applicant can make up to six journeys to the site per day when the applicant is not required to be on site when anglers are fishing;
- o In addition, the applicant needs to be present on site to manage and arrange deliveries to the site and then to undertake the numerous maintenance tasks that arise from such deliveries. These include the delivery of fish food, stone for the paths and timber for fishing platforms;
- o The fish need to be fed twice daily
- o Maintain the welfare of the fish.

5.8.2 The applicant has also outlined the duties of other family members (wife and son) who would be resident in the proposed dwelling to demonstrate their level of involvement and why basic manager's accommodation would be insufficient. The applicant's wife: collects ticket money of both pleasure anglers and on match days, manages the cafe, takes and manages bookings, undertakes administration work such as collation of match day results and submission to the league, purchases supplies and re-stocks the cafe, and assists in 'weighing in' on match days along with taking delivery of fish food and general on site maintenance. The applicant's son assists with various duties around the site but has a full time job elsewhere. The applicant's wife also assists with instances where there is a need to address oxygen levels.

5.9 Severing of business from dwelling known as Woodlands:

5.9.1 In their supporting statement of 14 March 2014 the agent for the applicant has described the past and present relationship of Woodlands to the fishing enterprise. The applicant highlights that the bungalow has never been tied to the fishing lakes by planning condition and as such has never been official manager's accommodation. The applicant advises that the bungalow was originally built and occupied by the owner of the York Handmade Brick Company which is situated near to the site. When he vacated the property it was purchased by the company's works manager who was the applicant's former business partner. The Forest Lane fishing lakes were initially constructed by the applicant's former business partner to accommodate fish being transferred from a lake which was to be removed from the brick company site. The applicant invested in the business to bring to its level of growth visible today. The occupant of Woodlands still has links to the brick company but has severed links with the fishing lakes and the applicant has become the sole owner. The applicant's agent states that 'the applicants do not and have never owned or partially owned the [existing dwelling]'. It is evident that Woodlands cannot be considered as potentially available to serve as manager's accommodation given

that it has never been tied by planning condition to the enterprise, and is currently occupied and owned by an independent user.

5.10 To ensure the growth of the business and its contribution to local economy:

5.10.1. The applicant's accountant has also verified their expansion plans for the next few years and that 'we are quite satisfied they will be trading profitably for years to come, and their business will be on a sound financial footing'. Letters of support for the enterprise have also been received from two businesses in the locality. The business clearly provides support to the local economy in a sustainable manner.

5.11 Conclusion on principle of dwelling:

5.11.1 The NPPF requires an essential need to be demonstrated for new homes in the countryside and requires that housing maintains or enhances the vitality of rural communities. Local policy requires an exceptional case to be demonstrated as part of essential requirement to locate in the countryside which also supports a sustainable rural economy. The evidence provided regarding the maintenance of oxygen levels does not demonstrate an essential need or requirement for a permanent on-site residential presence. The individual issues cited are not in themselves able to constitute an essential need or requirement. It is recognised that an on-site residential presence would be desirable and could constitute sustainable development given its very close association with the fishing lakes, and would promote the more efficient operation of the enterprise, but it has not been demonstrated why this could not be overcome through the provision of non-residential manager's accommodation. The fishing enterprise is in an interim phase where there are great aspirations for expansion. It has not been demonstrated how the expansion plans are inhibited by the lack of a permanent on-site residential presence or that the provision of non-residential manager's accommodation could not address the operational issues cited. The principle of the permanent dwelling is not acceptable.

5.12 Visual amenity:

5.12.1 The design of the proposed building is attractive and would not look out of place when compared to architecture in the locality. Clear views of the structure could be had from Forest Lane to the west, when looking to the south-east, given the fragmented boundary treatment. These views would however be on the backdrop of the vegetation surrounding the fishing lakes and the land form of the waste transfer site to the east. Consequently it is not considered that the scheme would harm the visual amenity of the surrounding landscape.

5.13 Neighbour amenity:

5.13.1 The proposed dwelling is sufficiently separated from the domestic curtilage to the existing dwelling at Woodlands, and properties in the immediate vicinity. The proposed dwelling is closely related to the adjacent fishing lakes. Taking into account the complimentary function of the structure with the operation of lakes claimed by the applicant, the recommendations of Environmental Health and its positioning on site an adverse impact on neighbour amenity is not considered to arise subject to a condition restricting the occupation of the proposed dwelling.

5.14 Highway safety:

5.14.1 NYCC Highways have appraised the proposed scheme and not raised objection to the proposal. The scheme would not be prejudicial to highway safety.

5.15 Open Space, Sport and Recreation Contribution:

5.15.1 The applicant has provided the Local Planning Authority with a draft Unilateral Undertaking and Certificate of Title, which has not been completed. The Unilateral Undertaking is proposing the contribution of 33307.80 which is the full required amount for a 3 bedroom dwelling in the Easingwold sub area.

5.16 Conclusion:

5.16.1 The proposal does not show an essential need for a new dwelling. Evidence has not been provided to show that there is a functional need for a residential presence. The acceptability of the scheme in terms of visual and neighbour amenity and highway safety does not outweigh the key issue that the dwelling is not acceptable in principle. The Unilateral Undertaking regarding a contribution towards open space, sport and recreation facilities off-site has not been completed and therefore the scheme fails to comply with policies CP19 and DP37 of the Hambleton Local Development Framework. The scheme is therefore recommended for refusal.

6.0 RECOMMENDATION: That the application be **REFUSED** for the following reasons:

1. The proposed development is contrary to Hambleton Local Development Framework policies CP1 and CP4 in that it has failed to demonstrate that there is an essential requirement in terms of the functional needs of the fishing enterprise for the proposed residential unit to be located in this isolated location outside of Development Limits. The proposal is also contrary to the National Planning Policy Framework paragraph 55 and it has not been demonstrated that there is an essential need for a rural worker to live permanently on site in this countryside location.
2. The scheme fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

Parish: Dalton

Committee Date : 1 May 2014

Officer dealing : Mr A J Cunningham

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Target Date: 29 April 2014

14/00413/FUL

Change of use from agricultural to mixed use agricultural and equestrian and construction of a stable block and yard at Land To Rear Of Orchard End, Sandy Lane, Islebeck, North Yorkshire for Mr I Myatt

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for a change of use of land from agricultural land to a mixed use of agricultural and equestrian uses, the formation of yard area and construction of a stable block at land to the north of Hagg Farm, Sandy Lane, Islebeck.

1.2 The site is positioned to the south-west of Bagby and sits to the west of the C168 highway linking Sowerby with Dalton. The plot is positioned approximately 45m west of the western boundary of a dwelling known as Orchard End. Currently the plot provides pasture for livestock and horses and is partitioned with post and rail fencing.

1.3 The proposed stable block would be formed in an inverse 'L' shape and at maximum dimensions would measure approximately 16.4m x 16.9m, with a total height of approximately 3.1m. The structure would be formed of 3 stables, a store/tack room and an open store. Materials for the proposed building would comprise tongued and grooved timber cladding below corrugated roofing sheets.

1.4 A hardcore surfaced area measuring approximately 11.2m x 11.4m is proposed. This hardstanding area would be enclosed by a post and rail fence.

1.5 The applicant's agent advises that the proposed stables would be used for the stabling of privately/family owned horses and the hardstanding provides a means to access the stables for maintenance and to transport these horses.

1.6 The site is bound by mature tree vegetation to the northern boundary. The eastern, western and southern elevations would be surrounded by agricultural land divided by post and rail fencing. Landscaping is proposed to the eastern elevation of the stable block and yard.

2.0 RELEVANT PLANNING HISTORY

2.1 11/00894/FUL - Change of use of land from agricultural land to equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011; Withdrawn 2011.

2.2 12/00702/FUL - Revised application for a change of use of land from agricultural land to mixed use agricultural and equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011; Refused 2012; Appeal Dismissed 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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies 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
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Dalton Parish Council - No objections and wish to see approved.

4.2 Environmental Health - Final response awaited.

4.3 NYCC Highways - Comment: The applicant has cut back the existing hedge to provide a visibility splay however has not fully completed the work. I estimate that a further 5 metres of hedge should be cut back to achieve a satisfactory splay' - a condition regarding visibility splays is recommended.

4.4 Neighbours notified and site notice posted; expired 10.04.14 - Three responses received in summary regarding: traffic on Islebeck Road, highway safety, impact on hedgerow, differences to previous application, change in appearance of site, principle of scheme, history of applicant's activities on site, history of site, application for planning permission is retrospective, impact on amenities of Orchard End and Greenacre, site characteristics, impact on property value, disposal of waste and its storage on site, need for use on this site, land drainage, advertisement on site, replanting of hedgerow, contribution to local economy, sustainability.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed stable building and associated works in this location, any impact on neighbour amenity, any highway safety issues that may arise, and any impact on the visual amenity of the surrounding area.

Principle

5.2 The principle of the development in this location was a reason for refusal in application 12/00702/FUL as a result of its conflict with policies CP1, CP2 and CP4. The Inspectors appeal decision dated 7 February 2013 concluded:

'I am not satisfied that it has been shown that a development of the type proposed, which I acknowledge would include local and short trips by private motor vehicle, would be so harmful as to amount to unacceptable development in terms of sustainability. There is some conflict with the development plan, but this is tempered by the acknowledged need for private transport in a rural area. In reaching this view I also take into account that retention of the site in agricultural use would almost inevitably involve some trips to access the site, and to work the land. In short, there is no convincing evidence that this proposal (which almost by definition requires a rural location) would be in an unacceptable location. On this issue I therefore conclude that the development, if other matters are acceptable, would not be unacceptably harmful to sustainability objectives or be located in an unacceptable location'.

5.3 The Inspectors decision is important to the consideration of this proposal. The Inspectors decision that the principle of the stable development was acceptable is a material consideration of significant weight. The proposed use is identical to the previous scheme only the position of the stables on site has changed. The principle of the development is considered to be acceptable.

Neighbour amenity

5.4 The nearest dwellings to the site are Orchard End and Green Acre to the east. Careful consideration needs to be given as to the impact of the proposed building and associated works on the amenities of the occupiers of these and other surrounding properties. In doing so the scheme needs to be considered in terms of the activities that could occur from the site without the need for planning consent. Taking into account the siting of the building and the proposed scale of activities it is not considered that the proposal would give rise to an adverse impact on neighbour amenity and would therefore accord with policy DP1 of the LDF in this respect. The initial comments of Environmental Health regarding the storage and disposal of manure and stable waste are noted. The applicant has provided additional information in this regard which is currently being assessed by Environmental Health unit. Until such time as this additional detail is deemed acceptable it is reasonable to attach relevant conditions regarding the storage of manure and stable waste to any permission granted.

Highway Safety and Visual Amenity

5.5 The roadside boundary hedgerow has been extensively trimmed to achieve the visibility splay in the southerly direction. NYCC Highways are satisfied with the proposal subject to additional works to a further 5m of hedgerow. The agent advises that this is within the applicant's control. The agent has advised that the hedge has now been trimmed to the satisfaction of NYCC Highways and that this visibility splay is achieved. Written confirmation from NYCC Highways is awaited. Subject to this response the works would not have an adverse impact on highway safety. The agent is confident that the required trimming would not be harmful to the appearance of the site. The building itself is relatively small scale and is discretely located. Adjacent boundary treatment softens its limited appearance in the landscape.

Neighbour Responses

5.6 The responses received have been taken into account in the preparation of the officer recommendation. To address the issues not already covered above;

- it is considered that the scheme would not exacerbate localised flooding issues
- it is acknowledged that an existing stable structure is on the site and that this is a movable building and has not been the subject of a planning application.
- the issue of an impact on property value does not form a material consideration in the determination of this planning application.
- the agent for the applicant confirms that the advertisement has been removed from the site.
- it is acknowledged that the hedgerow is considerably thinner than it once was - it is appropriate in this instance to require by condition the replanting of a hedgerow behind the existing hedge in the adjoining field to reinforce it.

Conclusion

5.7 Taking account of the matters dealt with by the previous appeal decision and subject to the response from NYCC Highways regarding the hedgerow works, the remaining merits of the scheme are considered in accordance with the LDF policies, and this scheme is recommended for approval.

SUMMARY

The proposed development would 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. The proposal is in accordance with the policies set out in the Local Development Framework and is therefore considered acceptable.

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

6.0 **RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 27 February 2014 and 4 March 2014 unless otherwise approved in writing by the Local Planning Authority.
3. The use of the building shall not be commenced until the external surfaces have been finished in accordance with a colour scheme to be approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road C168 from a point measured 2.0m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. The development shall not be commenced until a landscaping scheme indicating the type, height and species of the hedgerow to be planted to the west of the existing hedgerow forming the eastern boundary to the south of the access to the site, has been submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented. Any hedgerow plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. 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 premises shall not be used for any purpose other than a private equine use only and not a commercial equine use.
7. No manure or stable waste shall be burnt on the site.
8. Prior to commencement of development a suitable scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how manure and stable waste will be stored and removed from the premises. Thereafter the approved scheme shall be implemented and maintained.
9. No manure or stable waste shall be stored within 50m of a boundary with neighbouring residential premises.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP30 and DP32.
3. To protect the visual amenity of the surrounding area in accordance with policies DP1 and DP30 of the Hambleton Local Development Framework.
4. In the interests of road safety.
5. In the interests of improving the visual appearance of the site in accordance with policies DP1 and DP30 of the Hambleton Local Development Framework.
6. In the interests of neighbour amenity and highway safety.
7. In the interest of neighbour amenity in accordance with policy DP1 of the Hambleton Local Development Framework.
8. In the interest of neighbour amenity in accordance with policy DP1 of the Hambleton Local Development Framework.
9. In the interest of neighbour amenity in accordance with policy DP1 of the Hambleton Local Development Framework.

Attention is drawn to the following Informatives:-

1. An explanation of the terms used in condition 4 is available from the Highway Authority.

Parish: Easingwold
Ward: Easingwold

Committee Date : 1 May 2014

Officer dealing : Mrs H M Laws
Target Date: 23 May 2014

3

14/00406/FUL

Residential development for the construction of 22 dwellings, associated access and provision of public open space.

**at Land To The South Of Paddock Rise And West Of Oxenby Place Easingwold North Yorkshire
for Heritage South Ltd And Mugrave Properties C/O.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site lies at the eastern end of Easingwold, accessed from Oxenby Place off Back Lane, close to the junction with Uppleby. The application site covers an area of 0.98ha and is currently vacant grassland. The site lies opposite the bungalows on Oxenby Place and is currently bounded by a post and wire fence onto the street with hedgerows and some hedgerow trees along the eastern and southern boundaries. The northern boundary of the site is with the dwellings on Paddock Rise, which lie at a higher ground level. The southern boundary of the site lies adjacent to the remaining area of the allocated site.

1.2 It is proposed to construct a total of 22 dwellings on the site with associated parking, garaging and the provision of public open space. These comprise 8 no. 2 bedroom houses; 6 no. 3 bedroom houses; 5 no. 4 bedroom houses; 2 no. 3 bedroom bungalows and 1 no. 5 bedroom house. This would deliver a density of approximately 24 dwellings per hectare.

1.3 Two of the dwellings are accessed from driveways directly from Oxenby Place. The remaining dwellings are accessed from new roads created from Oxenby Place. The main cul-de-sac road lies towards the northern end of the site and a total of 13 of the new dwellings would be accessed from this road. The remaining dwellings at the south western corner of the site (7 no.) would be accessed from a courtyard parking area off Oxenby Place.

1.4 An area of public open space is proposed on the north western corner of the site covering an area of 620sqm. A footpath is proposed to cross the site and some landscaping mostly around the edges.

1.5 Landscaping is proposed within the site and the hedgerow along the south and east boundaries are to be maintained.

1.6 A total of 11 affordable dwellings (50%) is proposed on the site; this comprises 8 no. 2 bedroom houses and 3 no. 3 bedroom houses. This includes 7 no. for social rent and 4 no. for intermediate tenure.

1.7 Bin storage and cycle storage areas are proposed.

1.8 The dwellings are to be finished in bricks and roof tiles, the details of which are yet to be agreed.

1.9 The application site, together with the open land to the south form a larger site that is allocated for housing, for release over both Phase 2 (2016-2021) and Phase 3 (2021-2026), subject to:

- i. development being at a density of approximately 40 dwellings per hectare, resulting in a capacity of around 160 dwellings (of which a target of 50% should be affordable);
- ii. housing types meeting the latest evidence on local needs;
- iii. main access to the site being from Crabmill Lane, with a small number of dwellings being served directly from Oxenby Place (maximum of 10). Other than for cycles, pedestrians and

- emergency vehicles, no through route will be permitted from Crabmill Lane to Oxenby Place;
- iv. provision of open space(s) within the site, suitably linked to existing and proposed footpath routes;
 - v. contributions from the developer towards the costs of a Sports Hall at Easingwold Secondary School, cycle/footpath links to existing or proposed footpaths/cycleways and, if required, drainage and sewerage infrastructure;
 - vi. contributions from the developer towards the provision of additional school places and local health care facilities as necessary;
 - vii. securing any necessary improvements to the existing drainage system or providing appropriate and suitable alternative drainage methods; and
 - viii. implementation of any necessary highway improvements as a result of a traffic assessment.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP11 - Phasing of housing
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP34 - Sustainable energy
- Development Policies DP36 - Waste
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP39 - Recreational links
- Development Policies DP43 - Flooding and floodplains
- Allocations Document Policy EH2 - Kellbalk Lane and East of Oxenby Place, Easingwold - adopted 21 December 2010
- Conservation Area Appraisal Easingwold Supplementary Planning Document - adopted 21 December 2010
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

Pre-application consultation

The applicant carried out a leaflet drop of 150 nearby residents advising them of a public consultation event which was held on 6 February 2014. A public notice advertising the consultation event was also published in the Easingwold Advertiser (w/c 27 January 2014). At the exhibition a series of information boards were displayed providing background to the proposals and identifying the factors which have potential to impact on the surrounding area. The applicant and consultant team attended the event to respond to queries regarding the proposed development. Local residents were encouraged to complete a questionnaire at the event or at a later date. Prior to the exhibition, an email was sent to the Ward Members on Hambleton District Council and the Chairman of Easingwold Town Council with an invitation to the exhibition.

A total of 75 local residents attended the exhibition and 36 questionnaires were returned. A number of couples attending the exhibition filled in one form. It is stated that the views of the community within the SCI represent approximately 11% of those invited.

In the applicant's analysis of questionnaires - 47% were generally in favour of the proposals, whilst 36% were against and 17% undecided. Only 1 of the 36 respondents was not aware that the land was allocated. A total of 58% of the respondents thought that a low density high quality development was appropriate for this site, whereas 25% thought this was not the case. 47% of respondents (17no) said there were features they did not like about the scheme, 11 of whom cited highway related matters.

The application provides further detailed commentary on the responses received to the consultation exercise in the Statement of Community Involvement.

Application consultation responses

4.1 Easingwold Town Council - supports the application and the proposed mix of residential types. However the increase in traffic and the drainage of water and sewerage are major concerns.

4.2 NYCC Highways - no objection in principle but have some concerns with the proposed layout relating to footpath provision, turning head, width of carriageway and streetlighting

4.3 Yorkshire Water - additional information and has now been provided. The final recommendation is still awaited.

4.4 NYCC Education - a contribution of £74,778 is sought towards the provision of 5.5 primary school places

4.5 North Yorkshire Police Architectural Liaison Officer - as far as crime and security is concerned this application is excellent. The Design & Access Statement refers to crime prevention throughout and is reflected in the layout of this estate.

I note that there is ample parking space with 22 houses having 57 car parking spaces of which 17 are garages. This generous car parking has been planned into this application has to be applauded as it can alleviate crime problems of remote overspill car parking, and inappropriate car parking which can generate anti-social behaviour.

The security of cycle storage has also been addressed with either cycle shelters or cycle stands.

I note that there is an existing footpath adjacent to one side of this estate. There should be a fence of 1.8m high along the footpath protecting this estate from access into it, from the path.

4.6 HDC Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.

4.7 HDC Senior Engineer - comments awaited

4.8 Forest of Galtres Society - makes the following comments:

1. Where Back Lane meets with Uppleby there are very poor sight lines for traffic emerging from Back Lane. There is a concern for the safety of traffic
2. Concern regarding loading on Easingwold's sewerage system. The fact that the sewer in Oxenby Place may have capacity has no bearing on the sewer incapacity further downstream
3. The design and relationship to existing streetscene is not appropriate in respect of the gable end of Plot 14, which is an eye catcher. It is not a local frontage feature and should be resisted and we strongly encourage a subordinate position not a dominant position for end gables.

4.9 Site notice/local residents - correspondence has been received from 11 households, the comments of which are summarised as follows:

1. In principle the number of dwellings seems fair
2. Traffic Increase - dangerous impact; by bringing this site forward this condition is broken. I am concerned primarily with the increase in traffic that this site will bring (particularly at the Uppleby/Back Lane cross roads - already a regular accident location) that this restriction was meant to address
3. Back Lane currently has 52 dwellings with direct access and 3 more approved. Another 55 dwellings have been added through cul-de-sac development and an additional 20% is proposed here
4. In order to preserve the 'feeling' of the existing Oxenby cul-de-sac, I would prefer to see the private dwellings to the S.East of the plan be placed to the S.West, and the affordable dwellings moved to the East
5. Bungalows only on 2 sides of property now and new dwellings should be bungalows only on at least these two sides or preferably bungalows only
6. This is a quiet area of town and proposed housing suggests influx of children and associated noise
7. The ground is wet and sewerage load will be increased problem as it has been in Easingwold over many years. Crossroads with Back Lane very tight with flooding after heavy rain and ice in winter
8. Paddock Rise is Private road, trucks and cars will not be able to turn or park
9. I accept that housing is scheduled for this site and confirm that I support the application as proposed. It is considerably better than could be expected from the national housebuilders from whom applications were expected.
10. Driveway directly opposite the proposed access into the development; will cause loss of existing amenity. Short term visitors can park on road but this would no longer be possible
11. Traffic along Oxenby Place should have priority
12. Topography of the public area suggests balls may roll down into the road
13. Larger speed humps, a 20mph limit and a local traffic only sign reinstated
14. Pavement should be available for the full distance of the lane
15. Too much traffic to come out of a blind crossroad junction onto the main road on Uppleby where there is already lots of near misses and bumps. Also it block our views of the countryside.
16. Although we support this application, we note that in the Hambleton Local Development Framework dated December 2010, it states that Oxenby Place should have a maximum of 10 dwellings. We feel that the application for 22 dwellings is rather excessive, especially with half being affordable housing.
17. Due to the lack of new bungalows being built in Easingwold and the nature of Oxenby Place having only bungalows, it would be complementary and preferable to the area not to have houses overlooking these properties
18. When the Claypenny site was being considered it as stated that the traffic movements through Uppleby and the Market Place would be undesirable. This latest proposal would only exacerbate the problem. The additional traffic from Back Lane approaching the junction will make the possibility of an accident more likely with traffic entering a junction with a blind crest approach on Crayke Road with vehicles parked adjacent to the junction on Uppleby
19. The problem would be reduced significantly if traffic was directed south towards Kelbalk Lane and Crabmill Lane
20. Object to the unique open aspect of Oxenby Place being destroyed and to the cramming of 22 houses in a small field which would have an unacceptable adverse impact on my home
21. Visually overbearing impact on the bungalows of Oxenby Place, overshadowing and blocking natural sunlight, overlooking and loss of privacy

22. Visitors to the new houses would increase car parking on Oxenby Place causing obstructions for residents, emergency services and deliveries
23. Oxenby Place is steep and in winter cars get stuck
24. The play area is a safety hazard
25. Brownfield sites should be used for building to protect precious open countryside and farmland
26. Whilst appreciating that there is a national shortfall of housing, it does appear that recent builds in the Easingwold area are developer driven rather than the product of intelligent, proactive planning by the planning authorities. Little regard has been given to infrastructure issues and our schools, amenities and medical care are left to struggle with a burgeoning population. There is no commensurate funding to compensate for the increased pressure on these facilities
27. Since 2001 there have been 8 new builds on Back Lane and another 2 have extant planning permission. Back Lane has become a rat run for commuters living on the Claypenny Estate and the walk into Town by Back Lane residents is already fraught with the inherent dangers of increased traffic competing for space on this narrow lane
28. Someone needs to think about how we want to live in this community and devise a plan that combines domestic accommodation areas with safe pedestrian ways and a traffic circulation plan that satisfies both
29. Consideration should now be given to: a. Discharging Oxenby Close traffic onto the Crayke road. b. The provision of traffic lights. c. The provision of effective traffic calming measures along Back Lane d. Making Back Lane a One Way street e. Resurfacing Back Lane and improving the discharge of surface water
30. The recent findings of the Farrell Review echoes the CPRE's view that current planning system is undermining local democracy and handing power to local developers. The balance of power must now be restored with local government and communities having more say in what is to be built and where it is located

5.0 OBSERVATIONS

5.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy. The application site forms part of larger site allocated within the submitted LDF Allocations Development Plan Document as Policy EH2 for development over both Phase 2 (2016-2021) and Phase 3 (2021 - 2026) subject to:

- a density of approximately 40 dph (of which a target of 50% should be affordable);
- type of housing meeting the latest evidence on local needs;
- the main access being taken from Crabmill Lane with a maximum of 10 dwellings being served from Oxenby Place;
- provision of open space;
- contributions from the developer towards the costs of a sports hall at Easingwold School, cycle or footpath links, additional school places (if required) and
- increased or improved access to local healthcare facilities;
- necessary improvements to the existing drainage system and
- necessary highway improvements.

Phasing

5.2 Policy EH2 states that the site is allocated for housing, for release over both Phase 2 (2016-2021) and Phase 3 (2021-2026). In December 2013, following an audit of allocated sites and sites with planning permission, Council approved the relaxation of the phasing policy in the Plan. This was to ensure a robust and deliverable supply of housing sites is available to cover the 5 year period from October 2013 to September 2018. The bringing forward of this application into Phase 1 (2004-2016) is therefore in principle supported.

House Types

5.3 Policy EH2 requires that housing types should meet the latest evidence on local needs. The Strategic Housing Market Assessment of November 2011 demonstrates a need in Easingwold for 1 and 2 bedroom properties, recommending the delivery of 2 bedroom properties to best meet this need (SHMA Nov 2011, p.136). The application makes provision for 8 no. two bedroom houses, 2 no. three-

bedroom bungalows, 6 no. three-bedroom dwellings, 5 no. four-bedroom dwellings and 1 no. five bedroom dwelling in a range of terrace, semi-detached and detached styles.

5.4 LDF Policy DP13 requires proposals to provide for a mix of dwellings, which meets the needs of all sections of the community, promotes sustainable communities and social cohesion and supports the local economy. The range of properties provides an acceptable mix to address local need for families and the elderly and affordable homes.

Density

5.5 Policy EH2 states that the wider allocation site is allocated for housing subject to 'development being at a density of approximately 40 dwellings per hectare (dph), resulting in a capacity of around 160 dwellings'. The Policy identifies the allocation site as being roughly 4ha. The allocated site size is actually 3.86ha, therefore the overall housing requirement of 160 dwellings (and a density of 40dph) should be seen as approximate.

5.6 The current application site forms the northern part of the allocation site EH2 and is 0.98ha. The application seeks 22 dwellings, which, as a density of approximately 24dph, is well below the approximation. The Cabinet report that was approved by Council on 10/12/2013 makes specific reference to potential problems arising from the relaxation of site phasing. The application site was intended to be developed in conjunction with the rest of the allocated site, specifically with 30 out of the 40 required dwellings being accessed from the main part of the allocation site to the south (with only 10 from Oxenby Place).

5.7 The NPPF permits Local Planning Authorities to 'set out their own approach to housing density to reflect local circumstances' in order to 'boost significantly the supply of housing' (paragraph 47). It is accepted that the current Policy target of 40 dph does err on the high side, particularly for an edge of settlement location. The flexibility afforded by the NPPF in allowing LPAs to set their own approach to boost housing delivery, could be interpreted as permitting reduced densities in order to achieve this (rather than increased densities). Taking account of local circumstances and of the need to boost housing supply, especially the supply of affordable homes, it may be appropriate to permit a lower density scheme in order for the site to come forward in the short term. Other allocation sites within Easingwold, which have been approved and are currently under construction, include Site EH1 (Ward Trailers) and EM1 (South of Stillington Road), the latter being approved with more than originally allocated. These sites, taken together with the application site, would realise a net increase of 27 dwellings above the policy requirements for the town and therefore, in conjunction with the other sites, would meet the housing needs of Easingwold.

5.8 The proposed provision of 50% affordable housing is welcome and in accordance with the policy requirements. The provision of both 2 and 3 bedroom units reflects the local needs, particularly the provision of the 2 bedroom units. The units are pepper potted only in two clusters rather than fully integrated within the development but as the application proposes the full 50% requirement the proposed siting is acceptable.

Design

5.9 The scheme proposes a varied mix of house types and styles; from cottage style to town houses to dwellings that have reference to agricultural buildings. Local vernacular features included within scheme are to be found within the Easingwold Conservation Area such as flat topped bay windows, string courses. Otherwise the detailing is simple and reflects local characteristics.

5.10 A comment has been received from The Forest of Galtres Society specifically relating to the design of Plot 14 and the gabled frontage onto the street. The applicant considers this feature appropriate as the gable is the secondary elevation and the detailing is appropriate as it provides 'visual interest and a strong presence to Oxenby Place.' It is agreed that the primary frontage of this dwelling, which faces onto the area of public open space, would provide a focal point on the approach into the development from Back Lane without detriment to Oxenby Place.

5.11 The proposed scheme is in accordance with LDF Policies CP17 and DP32 and would result in a high standard of development.

Amenity

5.12 Consideration has been given to the existing layout and the proximity of existing dwellings in Oxenby Place and Paddock Rise. The backs of the dwellings along the northern side of the application site lie at a distance of more than 30m from the rear elevation of the dwellings on Paddock Rise. These existing dwellings lie at a higher ground level and therefore their amenity would not be significantly affected.

5.13 Two of the proposed dwellings (Plots 14 and 15) front onto Oxenby Place and would directly influence the outlook of the dwellings at numbers 6, 8, 10 and 12 Oxenby Place. These two proposed dwellings lie at a distance of 21m from the dwellings opposite and although would reduce the outlook and views from these bungalows would not be overbearing or result in an unacceptable loss of privacy. The two dwellings are separated from each other by a single storey garage, whilst one of the dwellings has a gable elevation facing onto the street; these features contribute to the open character of the streetscene and minimise the harmful impact.

5.14 There are adequate separation distances between the dwellings proposed within the application site to satisfy the requirements of LDF Policy DP1.

Highway safety & Access

5.15 Policy EH2 states that access can be taken from Oxenby Place for a maximum of 10 dwellings only, with the remainder of the site to be accessed from Crabmill Lane to the south (through the rest of the allocation site). The application includes the submission of a Transport Assessment which concludes that the proposed development would be acceptable in highway and transport terms. Information from the Highway Authority now indicates that the proposed level of development should not cause problems with road capacity. There would be no reason on highway safety grounds to refuse the application for this reason.

5.16 Various footpath links are available from the site into the town centre , which contribute to the sustainability of the site.

Drainage and Sewerage

5.17 Additional information is awaited from Yorkshire Water and the Council's Engineer

Sustainable energy

5.18 A sustainability and energy statement is included within the application, which addresses the design and construction process. As stated within the report the site lies within convenient walking distance of the town centre with a network of roads and footpaths in the vicinity and the development would help to support local services and facilities. Policy DP34 requires development to incorporate energy efficient measures within the scheme; the scheme proposes to promote a 'fabric first' approach to reduce the energy requirement of the development. A condition is recommended to ensure this is achieved.

Ecology

5.19 A habitat survey, submitted with the application, concludes that the proposed development is unlikely to impact on any protected species or habitats but recommends that clearance is undertaken outside the bird nesting season. Bat and bird boxes are proposed to be installed throughout the site

Landscaping

5.20 It is proposed to retain existing landscaping along the southern and eastern boundaries and infill existing gaps within the hedgerows. A number of hedgerow trees including oak and alder are to be planted with shrub planting throughout the site.

Contamination

5.21 A risk assessment has been submitted to establish whether there is a likelihood of potential contamination within the application site; the conclusion being that the risk to future residents is very low.

Contributions - generally

5.22 There is no longer a requirement for a payment towards the Sports Hall at Easingwold School as this has been addressed by previous developments in the town. Contributions are sought in accordance with Policy DP2 towards open space, and education. There are no practical routes for footpaths or cycle tracks through the site; the scheme does not impact upon the existing footpath that lies to the south of the application site.

Public Open Space

5.23 LDF Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

5.24 The proposed development incorporates an area of public open space extending to 620sqm on the edge of the development, the aim of which is to provide a facility for both existing and proposed residents. The aim is for the space to be maintained by a maintenance company.

5.25 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within Easingwold. A contribution of £57,600.40 has been offered towards young peoples' facilities and outdoor sports facilities to address the deficiencies in the Easingwold area.

Education

5.26 The developer has agreed a payment of £74,778 towards the provision of additional school places and which will be the subject of a Section 106 agreement once completed.

Community Engagement

5.27 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement (SCI) and paragraph 66 of the NPPF.

5.28 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's SCI, which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

5.29 The response to the consultation exercise is considered modest but it would appear that the majority of those who commented are generally supportive of the proposals. The major concerns appear to relate to highway issues and although the scheme has not been amended following the exhibition a Transport Statement has been undertaken to address the concerns.

Conclusion

5.30 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy EH2. The amended scheme will deliver an attractive and sustainable development which will add to the built environment of Easingwold.

5.31 Subject to the signing of a S.106 agreement covering those matters detailed above (education, affordable housing, public open space), the proposed development is considered to be acceptable and accords with the aims of the development brief and relevant policies of the Hambleton LDF.

SUMMARY

The principle of development has been established as the site is allocated for residential development within the submitted Allocations Development Plan Document as Policy EM1. The proposed scheme, as

amended, will deliver an attractive and sustainable development which will add to the built environment of Easingwold.

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 representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations and the completion of a Planning Obligation in the terms described in the above report that the application be **GRANTED**

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on drawing no P13 4814 100 0 received by the Hambleton District Council on 10 March 2014 as being within the curtilage of the dwelling have been planted or seeded in those positions. 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. No part of the existing boundary hedges along the south and east boundaries of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1500mm other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

The reasons for the above conditions are:-

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP33.
4. The existing hedges are considered to make a worthwhile contribution to the character of the area and are worthy of retention in accordance with LDF Policies CP16 and DP33.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. 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.

Parish: Exelby, Leeming And Newton
Ward: Leeming

Committee Date: 1st May 2014
Officer dealing: Mr J Howe

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Target Date: 22 October 2013

13/01551/FUL

**Demolition of store and construction of a dwelling
at Toll Crest, Roman Road, Leeming, North Yorkshire
for The Elliah Thomas Richardson Discretionary Trust**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the demolition of a single storey brick-built storage building and the construction of a two storey detached dwelling with an attached garage at the north-eastern corner of the village on the eastern side of Leeming Lane. The site forms part of the curtilage of the adjacent dwelling which is owned by the applicant and which, in addition to his own domestic curtilage, includes a paddock of some 0.6ha.

1.2 The proposed dwelling is of simple, traditional design and would be constructed in facing brickwork with a natural clay pantiled roof, painted timber windows and black cast-iron rainwater goods. The floor area of the building to be demolished and the proposed dwelling are both approximately 90sq.m. Although the new dwelling would be two storeys in height it would have a shorter boundary elevation (9m as opposed to 14m) to the adjacent dwelling to the south which is 6.5m away. A new 2m high timber fence would be provided on the boundary with the adjacent dwelling.

1.3 The applicant's existing dwelling lies immediately to the north. The respective garages would face each other and the habitable parts of the dwellings would be 13.5m apart. The applicant's dwelling would have a remaining curtilage 24m wide and 30m deep whilst the new dwelling would have a curtilage 13m wide and 30m deep. The front elevation of the new dwelling would be 1.5m forward of the front wall of the storage building it would replace, creating a staggered building line between the neighbouring dwelling to the south and the applicant's dwelling to the north.

1.4 The applicant has submitted a bat, breeding bird and barn owl survey by a qualified Ecologist. The survey confirms that "the proposed demolition of the outbuilding will not impact on any bats or bat roosts and no further survey work or mitigation measures is required".

1.5 The site lies entirely within the Development Limits of Leeming village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/76/048/0050B: Demolition of dwelling and construction of a detached bungalow with private double garage: Permission Granted 1976

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Development Policies DP1 - Protecting amenity
Development Policies DP37 – Open space, sport & recreation
Core Strategy Policy CP21 - Safe response to natural and other forces

4.0 CONSULTATIONS

- 4.1 Exelby, Leeming and Newton Parish Council: Has concerns in respect of the impact on the local sewerage system.
- 4.2 North Yorkshire County Council (Highways Authority): No objections subject to conditions.
- 4.3 Swale and Ure Internal Drainage Board: Preferred method of surface water disposal is from a soakaway.
- 4.4 Yorkshire Water: No objections
- 4.5 Environmental Health Officer: No objections to the development subject to the relative position of the development to the noise contours. Following study of relationship of property to noise contours advise that whilst PPG24 has ceased to have effect the noise levels are still likely to be unacceptable and recommends that the application be refused.
- 4.6 The application was advertised by site notice and the four closest neighbours were notified. One letter was received from the neighbour to the south of the site who objects to the proposal on the grounds of impact on light and views from his dwelling. A second letter objects to the proposal on the grounds of the impact of an additional dwelling on the local sewerage system.

5.0 OBSERVATIONS

- 5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policy CP4), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on visual and residential amenity (Policies DP1, CP16 and DP30). Policy DP37 also requires the payment of a contribution towards the provision/improvement of local recreational facilities.
- 5.2 Because of the site's proximity to RAF Leeming, the proposal also needs to be considered in terms of the likely impact of aircraft noise (Policies CP21 and DP44).
- 5.3 Leeming Village is identified in the context of Policy CP4 as a Secondary Village, having a modest range of local facilities which are capable of serving, and would in themselves benefit from, limited additional development. The site lies within the defined Development Limits for the village and is consequently considered to be a sustainable location in local and national policy terms.
- 5.4 The dwelling proposed is a modestly sized property of simple and traditional design constructed in facing brickwork with natural clay pantiles, timber windows and cast iron rainwater goods.
- 5.5 The comments of the adjacent occupier are noted. However, it is mentioned above that the proposed dwelling, although two storey in height, would have a significantly shorter length than the existing building which lies along the common boundary. In view of the fact that the neighbouring dwelling lies directly to the south of the proposed dwelling it is not considered that there would be any demonstrable adverse impact on light to the neighbouring dwelling.
- 5.6 The comments of the Parish Council and local resident in respect of the impact of the development on the local sewerage network are also noted. However, in view of the response from Yorkshire Water and the fact that the application is for a single dwelling only, a refusal on drainage grounds would not be sustainable.

5.7 A contribution of £3,318 towards the improvement and provision of recreation facilities in the area as required by Policy DP37 is provided for by a completed planning obligation.

5.8 The site lies within the area defined in the LDF Policies with reference to the MOD Noise Contours relating to military aircraft movements at RAF Leeming. Within this area three zones of differing noise contours were defined: “exclusion”, “restriction” and “insulation”. The site is within the “restriction” zone. The former Hambleton District Wide Local Plan explained how the controls should be used in each of the three areas.

5.9 Paragraph 109 of the NPPF states that the planning system should - amongst other things - prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

5.10 Whilst the NPPF post-dates the HDWLP, now replaced by the LDF, the wording of the earlier policy can still assist in the interpretation of the noise contours. It is noted that squadrons of fighter aircraft are not based at RAF Leeming at present but this could be subject to change and it is therefore appropriate to consider the potential use of the airfield.

5.11 Guidance as detailed in the HDWLP Policy PH5 sought to protect developments defined as “noise sensitive” from excess noise and the definition included dwellings. Development that was required to be undertaken due to “exceptional circumstances” could under HDWLP Policy PH5 be permitted within the “restriction” area but only if:

- i. It was essential; or
- ii. There was an absence of suitable alternative sites; or
- iii. The development would provide facilities to serve the local community; or
- iv. It would result in improvement to the local environment.

Any development approved under the policy was also to be given an adequate level of insulation against noise. This would be a standard requirement in the “insulation” area, where noise contours were sufficiently low to make an adequate level of insulation against noise achievable. However, the noise contours were such that adequate insulation could not be achieved in “restriction” area and therefore sensitive development should only proceed in that area if other planning merits outweigh the harm from noise.

5.12 Despite changes in policy, the harmful impacts of excess noise remain a legitimate area of concern. The levels of noise within the site as determined by the noise contours are unchanged and given the potential for harm from noise at RAF Leeming to new “noise sensitive” development is contrary to the Policy contained in Paragraph 109 of the NPPF and LDF Policies CP21 and DP44 that require the protection of the population from unacceptable risk of being adversely affected by unacceptable levels of (amongst other things) noise pollution. No planning benefits have been identified that might outweigh this harm.

6.0 RECOMMENDATION

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

1. The site lies within the Noise Restriction Area, associated with RAF Leeming, as originally set out in Policy PH5 of the Hambleton District-Wide Local Plan which was formulated following guidance set out in PPG24 (Planning and Noise). Within this designated area new development for noise sensitive development is restricted to that which is essential to be located in that area; is a development which will provide facilities for the local community; or which will lead to local environmental improvements. The Local Planning Authority is of the opinion that the current application does not fulfil those criteria and is, consequently, contrary to current Policies CP21 and DP44.

Parish: Northallerton
Ward: Northallerton

Committee Date : 1 May 2014

Officer dealing : Mr J E Howe

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Target Date: 28 May 2014

14/00717/FUL

**Temporary change of use of land from timber merchants/building supplies to car parking and variation of conditions of Planning Consent 04/00373/FUL.
at North Yorkshire Timber Standard House Northallerton Business Park Thurston Road
for Mr N Kershaw.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the temporary use (for 3 years) of land within the yard of NYT, Standard House on Thurston Road for car parking associated with the Evolution Centre on the Northallerton Business Park. The application also seeks variation of the conditions applied to the approval for the use of the land by North Yorkshire Timber to allow the formation and use of part of the land for a car park for neighbouring business premises. The conditions relate to layout of turning and manoeuvring space, the use of the land and the approved drawings.

1.2 The application has been submitted by the adjoining landowner, North Yorkshire Timber, although the purpose is to increase parking facilities for the Evolution Centre which is operated by Hambleton District Council.

1.3 A statement submitted in support of the application indicates that:

"Evolution Business Centre was completed in September 2009. The building comprises 1,140 sqm (12,277sqft) of lettable floor space made up of 30 suites and 3 conference rooms. Overall Evolution could comfortably accommodate up to 150 people in the suites plus visitors to the Centre.

The number of car parking spaces provided at Evolution is 37 + 2 disabled bays; this number being sufficient to meet parking guidelines at the time of the original planning approval.

We have now reached a point where there are 11 suites let accommodating approximately 30 people who mostly travel individually by car. In addition Evolution Business Centre is a very busy meeting venue; there can easily be 2 or 3 different meetings taking place each day with the majority of people travelling by car.

When the Centre is this busy there is not sufficient car parking to accommodate tenants and meetings. The lack of parking is now a barrier to new lettings and taking on additional meeting room bookings. Evolution has established itself as a very popular meeting venue but bookings are being turned away due to insufficient parking provision to accommodate the needs of tenants and visitors. From 01.04.14, Evolution is expected to become even busier with meetings via a framework agreement with NYCC. "

1.4 Following discussions with North Yorkshire Timber, who currently have surplus space within their curtilage, they have agreed to rent out an area of land to the Council that would provide an additional 29 car parking spaces on a temporary basis. The additional spaces would provide the opportunity to attract more tenants to Evolution thereby supporting the Council's Business Plan objectives to facilitate the growth and development of local businesses and also to maximise the occupancy of the workspace portfolio.

1.5 The area of land under consideration is at the eastern end of the applicant's land and immediately south of the Evolution Centre. It is already concreted and therefore provides an appropriate surface for a car park. The proposal would involve the creation of a ramp from the existing car park at Evolution into the new area as there is a small change in land levels. A new fence would be erected to provide the boundary between the two sites. The car park would utilise the high level lighting already in situ.

1.6 It is stated that the use of the land will not prejudice the North Yorkshire Timber's own operation or circulation.

1.7 The application is reported to the Planning Committee for determination as the District Council is to take out a lease on the land for its own purposes as described above.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 04/00373/FUL: Construction of a building and layout of car parking and service area for timber merchants and building suppliers as amended by plan as received by Hambleton District council on 4 May 2004: permission Granted 2004.

2.2 08/00074/FUL Construction of an office building with associated landscaping and car parking. Permission Granted April 2008

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 CP12 - Priorities for employment development
Development Policies DP17 - Retention of employment sites
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment

4.0 CONSULTATIONS

4.1 Northallerton Town Council: Awaited.

4.2 North Yorkshire County Council (Highways Authority): No objections subject to a condition.

4.3 The application was advertised by site notice and the 21 closest neighbours/businesses were consulted. No representations have been received to date. The period for the receipt of responses expires on 29th April.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are the impact of the use on the operation of the applicant's existing storage and distribution business (Policies CP12 and DP17) together with the benefits to the continued success and potential growth of the facilities provided by the Evolution Centre which, in itself, has a significant 'spin-off' influence on the potential success of other businesses in the area (CP15 and DP25).

5.2 It has been noted above that the site, which is entirely within the developed area of the Business Park, is at present under-used by the owners. The 3 year temporary use proposed will give the applicants a guaranteed source of income for this period which is beneficial to their viability. They will subsequently be able to take the land back "in hand" in due course should it be needed for their own purposes. A three year temporary permission (which will be reflected in the lease arrangement) is considered to be appropriate at this time both to safeguard North Yorkshire Timber's future position and to allow the Council to investigate future options.

5.3 As stated in the documents supporting this application, the Evolution Centre has proved extremely successful since its completion and opening, however it would benefit from the provision of additional parking to accommodate more users. This would give further benefits to the local economy through lettings and supporting existing and the growth of new businesses.

5.4 This recommendation is subject to the receipt of no substantive adverse responses from consultees or as a result of advertisement which would warrant reconsideration by the Planning Committee.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the use of the car parking facility will be beneficial to the continued growth of the Evolution centre with no adverse impact on other adjacent uses.

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

6.0 RECOMMENDATION:

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

1. The permission hereby granted is valid until 30th June 2017 and the use shall be discontinued, and the land restored to its former condition on or before that date unless a further approval in writing has been granted by the Local Planning Authority.
2. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
 - (i) have been constructed in accordance with the submitted drawing (Reference: C/110/CP/733 and C/110/I/738)
 - (ii) 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.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref C110/CP/1733) and details attached to [planning application 14/00717/FUL received by Hambleton District Council on 4th April 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. In order to safeguard the potential future use of the land for its original purpose of storage and distribution in accordance with policy DP17.
2. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance and uses of surrounding land.

Parish: Romanby
Ward: Northallerton Broomfield

Committee Date: 1 May 2014

Officer dealing: Mrs T Price

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Target Date: 25 March 2014

14/00706/FUL

**First floor extension to dwelling as per amended plan received by Hambleton District Council on 7th April 2014 (height of extension reduced)
At 22 South Vale, Northallerton, North Yorkshire, DL6 1DQ
For Mr & Mrs Ian Godfrey**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks planning consent for a first floor extension to the existing dwelling at 22 South Vale in Northallerton.
- 1.2 22 South Vale is a detached property located within a predominately residential area.
- 1.3 The works are to include a first floor extension above the existing garage to create two larger bedrooms measuring 2.7m x 7.7m x 7.2m stepped down from the main roofline. A single window is to be located to the south east front elevation and north west rear elevation.
- 1.4 Materials for the proposed structure would comprise of facing brickwork, concrete roof tiles, white UPVC to match that of the existing dwellinghouse.
- 1.5 A site notice has been posted outside 22 South Vale.
- 1.6 The application is being presented before planning committee as the applicant is an employee of Hambleton District Council.

2.0 RELEVANT PLANNING HISTORY

- 2.1 No recent planning history.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant Local Policies within the Development Plan and National Policies are as follows;
 - Core Strategy Policy CP1 - Sustainable development
 - Core Strategy Policy CP17 - Promoting high quality design
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP32 - General design
 - Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

- 4.1 Parish Council: No observations
- 4.2 Neighbours notified and site notice posted, expiry 28th April 2014: No response received.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to the impact of the proposed first floor extension on the visual amenity of the surrounding built environment and any impact on neighbour amenity.
- 5.2 The design, scale and materials of the extension are such that the works would blend well with the surrounding built environment. It is considered that neighbouring property no. 24 to the north west side elevation will not be significantly affected by the works. No windows are located within the neighbouring first floor side elevation. The rear elevation will face on to a neighbouring garage 17m away which is considered an acceptable distance. Similar schemes can be seen within the South Vale estate therefore the works will be in keeping with the overall street scene.
- 5.3 Having taken the above into account it is considered that the proposed works would accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

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

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

6.0 RECOMMENDATION: That subject to any outstanding consultations permission be **GRANTED**.

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 HDC01. G1, G2, G3, G4A received by Hambleton District Council on 27th March and 7th April 2014 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1, DP32.

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

Parish: Thirsk
Ward: Thirsk

Committee Date : 1 May 2014

Officer dealing : Miss A J Peel

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Target Date: 9 May 2014

14/00561/MRC

**Discharge of conditions 1-6 of planning permission 08/00645/REM and variation of condition 7 with amended plans 3612-02, 03, 04.
at Green Acres Byland Avenue Thirsk North Yorkshire
for Mr M Snelling.**

1.0 PROPOSAL AND SITE DESCRIPTION:

1.1 The site is located at the southern end of Byland Avenue in Thirsk. The street is a cul-de-sac that accommodates several single storey detached bungalows. A reserved matters application was granted in June 2008 for construction of a 4 bedroom dormer bungalow with double garage. Construction work has since commenced and the dwelling has not been constructed in accordance with the approved plans.

1.2 An application has therefore been submitted to seek approval retrospectively for the amend plans. The proposal reflects the internal layout of the previously approved dwelling. The main changes involve the:

- increased height of the eaves from 2.8 metres to 3.9 metres,
- the positioning of the dormer windows which are now flush with the wall of the dwelling,
- alterations to the length, width and height of the garage,
- formation of accommodation in the roof space of the garage,
- alterations to the position and provision of new opening for windows and doors and
- the formation of a conservatory to the west elevation.

2.0 RELEVANT PLANNING HISTORY:

2.1 05/00361/OUT - Outline application for the construction of a detached dwelling - Granted 2005.

2.2 08/00654/REM - Reserved matters application for the construction of a dwelling - Granted 2008.

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 CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design

4.0 CONSULTATIONS:

4.1 Thirsk Town Council - Wishes to see approved, received 4 April 2014.

4.2 NYCC Highways - I refer to the above to vary conditions 4 and 7 and discharge all others. The site plan reference 3612-02 submitted in respect of condition 4 is satisfactory in principle to serve the application site except for the use of loose gravel in the immediate vicinity of the public highway. This is already being drawn onto the carriageway of Byland Avenue and this will need to be addressed either by bonding the gravel or introducing a barrier to prevent its movement. This area was previously surfaced in concrete. I note the neighbour's concerns regarding the parking and access to Greenacres. The access

is shown in the control of the applicant with a right of way to Greenacres; it would be a private matter for the neighbour to establish the full extent of that right.

Conditions 5 (preventing mud on the road) and 6 (construction contractor parking and storage) are highway related and the submitted details are satisfactory. Given that the works appear complete, these conditions can be discharged, received 15 April 2014.

- 4.3 Neighbours consulted and site notice posted - One response from nearby neighbour;
- a) Increased height creates overbearing and dominating dwelling.
 - b) Contrast in design from what was approved.
 - c) Unacceptable parking and turning area. Vehicles parking on Byland Avenue. Impact on highway safety.
 - d) Re-positioning of walls along the northern boundary to allow improved access onto Byland Avenue.
 - e) Overlooking from new window within the east elevation of the garage.
 - f) Poor construction.

5.0 OBSERVATIONS:

5.1 The issues for consideration is whether the submitted drawings of the "as built" scheme are of scale and design and involves consideration of the impact on the surroundings, the neighbours' amenity and upon highway safety. The principle of residential development on the plot was approved in the granting of outline planning permission in 2005 and details of the reserved matters were approved in 2008. The scheme implemented is not as approved in 2008 and is in breach of planning control and is liable to enforcement action.

5.2 Paragraph 57 of the National Planning Policy Framework (NPPF) states "it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". Policy DP32 of the Hambleton Local Development Framework (LDF) requires that the design of all developments must be of the highest quality and in terms of scale, volume and massing; all development should contribute positively and respect the scale of spaces and buildings in the area.

5.3 There are two storey properties near to the site but these are not visible from Byland Avenue, the dwelling is therefore sited amongst small single storey bungalows. The property has been constructed with a higher eaves height than approved and it is therefore significantly larger than the neighbouring dwellings. The dwelling therefore dominates the streetscene and appears out of keeping with the neighbouring properties. It is considered that the scale, volume and massing of the building has a harmful impact upon the character of the streetscene and is not a positive addition to the surrounding area. The increase in the eaves height has resulted in a large expanse of brickwork to the north elevation. This elevation is viewed from Byland Avenue and is therefore the most prominent elevation of the building. It is considered that this large area of brickwork and re-positioning of the dormer windows is not of good design and is harmful to the character and appearance of the dwelling and to the streetscene. The other alterations to the building, including the addition of the conservatory and alterations to the windows and doors are considered acceptable. Taking the above concerns into account it is considered that the development is contrary to the requirements of Policy CP17 and DP32 of the LDF and the guidance within the NPPF.

5.4 The neighbour to the east has raised concerns regarding the window at first floor height within the east elevation of the garage. This elevation is approximately 17 metres from the neighbouring dwelling which is considered to be a sufficient distance. The window at first floor height is to a dressing room which is beyond the bedroom and en-suite. The window is not to a habitable room and is unlikely to cause unacceptable levels of overlooking. A condition could be applied to any approval to require the use of obscured glazing to prevent a loss of privacy to neighbours. The re-positioning of the other windows and doors and the addition of a conservatory is considered acceptable and will not cause harm to the amenities of the neighbours.

5.5 It is considered that the dwelling is a reasonable distance from the nearby neighbours and the increased height of the building does not cause unacceptable levels of overshadowing.

5.6 NYCC Highways have confirmed that the site plan reference 3612-02 submitted in respect of condition 4 (access, turning and parking space) is satisfactory in principle to serve the application site except for the use of loose gravel in the immediate vicinity of the public highway. This is already being drawn onto the carriageway of Byland Avenue and this will need to be addressed either by bonding the gravel or introducing a barrier to prevent its movement. This area was previously surfaced in concrete. The proposal includes access arrangements onto Byland Avenue over an area that is owned by the applicant with rights of access to Greenacres. The application proposes a parking area to the east of the site which reflects the size of the parking and turning area originally proposed. It is considered that the area allocated within this application is a sufficient size. The neighbour has concerns that the access, parking and turning arrangements will result in vehicles parking on the highway. Byland Avenue is a cul-de-sac and not a busy highway. It is considered that any vehicles parking on the roadside would not be likely to cause significant access problems for the occupiers of the neighbouring properties, the emergency services or cause highway safety issues.

5.7 It is considered that the alterations to the scale and design of the dwelling are not acceptable and have had a harmful impact on the character and appearance of the streetscene. The application is therefore recommended for refusal.

5.8 The property has been constructed and is in breach of planning control; it is considered that formal enforcement action is necessary and appropriate and that such enforcement action that is necessary to remedy the breach should be commenced upon the determination of this application.

7.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason and that enforcement action be commenced to remedy the breach of planning control:

1. The scale and design of the dwelling do not respect the scale, design and massing of other dwellings within the street, the development fails to contribute positively to the street scene and does not achieve a high quality of design. The proposal does not therefore meet with the requirements of Policies CP17 and DP32 of the Local Development Framework and paragraph 57 of the National Planning Policy Framework.

Parish: Thrintoft
Ward: Morton On Swale

Committee Date: 1 May 2014

Officer dealing: Mrs B Robinson

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Target Date: 19 March 2014

14/00159/FUL

Access track and hook up facilities to accommodate 10 additional touring caravans at existing caravan site.

**At Canada Fields Moor Lane Yafforth North Yorkshire
For Mr K Tiplady**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is in a rural location approximately 3 miles north west of Northallerton. There is an existing road access from the B6271, newly brought up to standard in accordance with a condition previously imposed. Along the roadside there is a well established copse of mature trees. Immediately behind the trees there is a range of modern agricultural buildings, and a cabin style dwelling. The buildings are used in association with a pig rearing enterprise.

1.2 There is an access track continuing from the agricultural buildings area westwards across the adjacent field and into a further field where there are 5 hard standings for caravans laid out beside the track. A previously approved amenity block is under construction. To the south of the track there is a pair of small recreational fishing lakes. On the east side the field is bounded by a post and rail fence from the adjacent agricultural field. There are intermittent trees and low hedge on the west boundary. There is new hedge planting along the approach track to the caravan site, along the north boundary of the caravan site field and variously along the west boundary and around the fishing lakes.

1.3 The proposal is to provide a track branching to the north side of the caravan site, and indicates provision for 10 seasonal touring caravans, in addition to the existing. The track is constructed of dark road planings and hardcore. No hardstandings are proposed for the additional touring caravans because they are proposed to be located on higher and better-drained land. 5 electrical hook-ups are in situ, spaced evenly along the north boundary of the caravan site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/01132/FUL - Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans. Formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building. Granted. 20 July 2012

2.2 13/00074/CAT3 - Enforcement investigation: access improvements required by condition 7 of permission 12/01132/FUL not implemented. Case pending (Closure expected following recent activity)

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

Development Policies DP4 - Access for all

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

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

Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Thrintoft Parish Meeting - Hope that numbers of caravans will not increase beyond present proposal. Concerns expressed about safety on a busy road. Beware/Go Slow warnings are suggested to warn of potential hazard. Further concerns about traffic coming through Thrintoft village (comment on horse lorries and trailers attending Northallerton Equestrian Centre and damage to roads). Suggest advice be provided to potential caravan visitors that access through Thrintoft village is prohibited, with appropriate signage.

4.2 NYCC Highways - Note that works to the existing access required by previous conditions are still outstanding. New proposals will increase the use of the access. Conditions requested to be imposed.

4.3 Environmental Health - No objections.

4.4 Neighbours and site notice - last expiry 25.02.2014 No observations received.

5.0 OBSERVATIONS

5.1 The main issues are whether as development outside of any sustainable settlement, the proposal is acceptable as an exception to policies CP1 and CP2, in accordance with the criteria set out in CP4, in this case criterion i), that it is necessary to meet the needs of tourism and will help to support a rural economy (CP15 DP26). If the development is acceptable in principle, other issues to consider will be the impact of the development on the rural surroundings (CP16 & DP30) amenity issues (CP1 & DP1) and any highway safety and access concerns.

Policy

5.2 CP4 recognises that tourism uses may have an essential need to locate in the countryside, and a site for touring caravans is one such. The NPPF supports sustainable rural tourism and leisure developments that benefit business in rural areas. This would include support for provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres and farm diversification projects. The Council's policies are in accordance with the NPPF on this point.

5.3 This site is approximately 3 miles from Northallerton which has a wide range of services, and the site lies on a bus route between Northallerton and Richmond which is accessible by hail and ride. The distance to Northallerton would lend itself to cycling, if required, or a reasonably affordable taxi ride although it is to be expected that caravan owners will usually prefer to use their own vehicles. The location for the tourism use is therefore considered to be sufficiently sustainable to warrant consideration as an exception to the principles of CP1 and CP2, if acceptable under other relevant policies of the Local Development Framework.

5.4 The application proposes an additional 10 pitches, bringing the total available to 15. The site remains relatively small overall. Additional information submitted with the application indicates that experience has shown that that most users stay for the week, and that use of the fishing lakes is almost wholly by caravan users and that overall the trip generation for the site as a whole notes remains at the low end of the possible range.

5.5 The proposal is associated by ownership with an existing agricultural use on the site, and this type of tourism use, which requires a rural location, and which does not inhibit the existing agricultural use of the site is a suitable farm diversification, in accordance with CP15 & DP26.

5.6 Overall, it can be accepted that although the nature of the use of the site for touring caravans is inherently car based, that is inherent in this form of tourism development and the location of the site is sufficiently sustainable to be considered as an exception to CP1 and CP2, as allowed for by CP4 subject to the other policies of the Local Plan.

Landscape

5.7 With regard to landscape amenity, the site is discreetly located and benefits from a belt of mature trees to the main road, and views in from the rural road to the north west would be softened by existing trees and further planting as it develops. A scheme to provide for landscaping was required under application reference 12/01132/FUL, and details have now been submitted, and are under review. It would be appropriate to consider a new scheme of planting appropriate to support the new development, if approved, and this can be controlled by condition.

5.8 Whilst new planting would support the landscape screening of the development in the longer term, there is sufficient established landscape screening to ensure that the development is not obtrusive in the meantime and the advisability of additional planting does not preclude approval at this time if otherwise acceptable.

Highway access and highway safety

5.9 The proposed development is served by an existing site access and consultation with the Highway Authority has not given any indication that the highway access is unsafe in terms of visibility. There was a long standing issue with regard to the making up of the surface to a standard recognised by the Highway Authority, and ensuring drainage is not onto the public highway. The applicant is understood to have now undertaken the matters required by conditions imposed on permission 12/01132/FUL, and this is to be confirmed to the Committee.

5.10 Concerns have been expressed about safety, and as seen above, this is not considered to be an issue of concern here, assuming a normal standard of attentive driving. Further discussion with local representatives including the Ward Member have indicated that caravans have not been noticed to be travelling through Thrinfoft. It is likely therefore that this is not a route normally chosen by towers of caravans, and it can therefore be assumed that this would continue to be case, even if the capacity of the caravan site is increased.

6.0 SUMMARY

6.1 The proposal is suitable in scale and layout to the site and will not have any significant harmful effect on the amenities of nearby occupiers or the surrounding countryside and is able to comply with the above policies.

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

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 KT/A3/02/15 received by Hambleton District Council on 22 January 2014 unless otherwise approved in writing by the Local Planning Authority.
 3. The development must comply with the following requirements that:
 - (i) The caravans are occupied for the holiday purposes only;
 - (ii) The caravans shall not be occupied as a person's sole, or main place of residence;
 - (iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
 4. There shall be a maximum of 15 touring caravans on site at any time.
 5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 6. Unless otherwise approved in writing by the Local Planning Authority, the development hereby permitted shall not be commenced until (a) the approved internal vehicle access track has been constructed in accordance with the submitted drawing (Reference KT/A3/02/15 submitted 22 January 2014); and (b) the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The existing access shall be improved by constructing in accordance with Standard Detail E1; and
 - (ii) Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.
 8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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. No vehicles or materials associated with on-site construction works shall be parked or placed on the public highway or outside the application site.

The reasons for the above conditions are:

1. The development hereby permitted shall be begun within three years of the date of this permission.
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 and DP30.
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
4. To enable the Local Planning Authority to assess the impact of any different number of caravans against the policies of the Local Plan.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives:

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Parish: Well
Ward: Tanfield

Committee Date: 1 May 2014

Officer dealing: Mr J Howe

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Target Date: 16 April 2014

14/00361/FUL

Retrospective permission for the construction of an agricultural storage building
At Marwell, Church Street, Well, North Yorkshire
For Mr R Smirthwaite

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This is a retrospective application for the construction of an extension to an existing agricultural building at Marwell Farm which lies some 200m east of the eastern fringe of the village. The farm steading straddles the C-class road from Well to Carthorpe. Substantial ranges of buildings are located both north and south of the road. The closest neighbouring dwellings lie some 85m to the south-west and 105m to the south-east. The extended building lies further away from the neighbouring dwellings than the existing farm buildings.
- 1.2 A four bay building was constructed on the site following a grant of permission in 2011 and the demolition of two older buildings within its footprint. This building measured 21m x 38m and 9.5m to the asymmetrical pitched ridge roof and was stated to be for the storage of hay and fodder. The applicant subsequently, earlier this year, had the building extended in identical form without submitting further plans. Following discussions with a member of the Enforcement Team the current application was received. The applicant has been asked for additional supporting information regarding the precise use of the building, as extended, and the reason for requiring a building of this scale in this location. A response is awaited.
- 1.3 The application has been put forward for determination by the Planning Committee at the request of the Ward Member in view of the retrospective nature of the proposal, its scale and potential impact on local amenity.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There have been applications for the construction of five buildings on the farm since 1995.

RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
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

4.0 CONSULTATIONS

- 4.1 Well Parish Council: The Council has concerns as follows:

- a). The building is significant in size with potentially an impact on nearest neighbours.

- b). Whilst the original building was stated to be for storage of hay and fodder, cattle have been housed recently.
- c) The submitted plans do not accurately show the respective dimensions of the original and extended buildings.
- d) It is not appropriate that the building should have been constructed prior to a planning permission being sought and obtained. Are there any sanctions associated with retrospective applications?
- e) If the building is used for cattle are the waste/drainage provisions adequate?

4.2 North Yorkshire County Council (Highways Authority): No objections.

4.3 Environment Agency: No objections. A response drew the applicant's attention to other elements of environmental legislation. A copy has been sent to the applicant for information.

4.4 Environmental Health Officer: : It would appear that this is a large established agricultural operation with a certain amount of livestock, principally cattle. The application relates to an extension to an existing building which is proposed to be used for storage. It is not clear whether the extension is intended to be used for livestock.

4.5 Livestock operations can give rise to amenity issues regarding odour, flies and noise. This service has received no complaint regarding the current operation. It would be prudent to confirm whether this proposal is linked with an intention to increase or significantly alter the existing livestock operation.

4.6 If the application is not linked with an increase or significant alteration in the livestock operation I have no adverse comment to make. If this is not the case I would wish to see further details making clear how issues regarding odour, flies and noise are to be managed.

4.7 Neighbours and Site Notice: The application was advertised by site notice at the front of the site and the three closest neighbours were consulted. No written responses have been received.

5.0 OBSERVATIONS

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

5.2 The extended building is a substantial structure although purpose designed for bona fide agricultural purposes and constructed in identical, traditional, materials to the original building. Although substantial in scale the building does form part of the existing steading group of Marwell Farm. The applicant has stated verbally, and written confirmation is awaited, that the building is to be used to service the existing farm enterprise for hay and fodder storage and he does not envisage at present any significant increase in stock levels as a result.

5.3 The distances to adjacent dwellings together with the scale of other buildings on the farm has been noted above. The extended portion of the building is further away from these dwellings than existing structures on the farm. The Environmental Health Officer has indicated that no complaints have, to date, been received regarding operations on the farm, but has expressed concerns that if the building is to be used for housing livestock then more details would be required regarding the management of odour, flies and noise. The Parish Council has also raised concerns about the building being used for livestock. The description of the development applied for in the planning application is as an agricultural storage building as opposed to a livestock building and that being the case it would be reasonable to restrict its use to agricultural storage. If in the future the applicant wishes to use the building for livestock then an application can be made to vary the condition.

5.4 The building, as extended, is visible from the eastern end of the village, although it does appear as part of an existing farm group. Views from the east of the site are more restricted due to the route of the road and landscaping in the wider area. It is not, therefore, considered that the extended building will have any demonstrable adverse impact on local visual amenity or landscape character.

SUMMARY

5.5 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate for the use and purpose of the building and there will be no demonstrable adverse impact on local visual amenity, landscape character or adjacent residential amenity.

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

6.0 RECOMMENDATION:

6.1 Subject to any outstanding conditions that permission be **Granted** subject to the following condition(s)

1. The permission hereby granted shall be completed and maintained in complete accordance with the drawings (Ref 34369; 34670) attached to planning application 14/00361/FUL received by Hambleton District Council on 19th February 2014 unless otherwise approved in writing by the Local Planning Authority.
2. The building shall be used for agricultural storage only and shall not be used for the housing of livestock unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.
2. Policy DP1 of the adopted Local Development Framework requires that all development proposals must adequately protect amenity. The new building is in relatively close proximity to nearby residential dwellings and insufficient information has been submitted with the planning application to explain how issues would be dealt with relating to the keeping of livestock, namely flies, noise, odour and the management of waste matter.

Parish: Well

Committee Date : 1 May 2014

Officer dealing : Mr J E Howe

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Target Date: 4 June 2014

14/00808/FUL

**Construction of agricultural building.
at Mowbray Hill Well North Yorkshire DL8 2QL
for Websters(Farmers) Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application is for the construction of an 8 bay agricultural storage building at Mowbray Hill Farm which lies some 200m north of the B6268 Masham to Nosterfield road, one mile south-west of Well.
- 1.2 As the proposed building is to be used for the storage of hay and feeds it is to be sited 70m to the north of the main steading behind a substantial mature plantation thus reducing any risk of fire affecting the rest of the farm buildings.
- 1.3 The proposed building would measure 36m x 24m x 9.7m to the pitched ridge. It is to be open sided with a sheeted anthracite grey roof.
- 1.4 The application is put forward for determination by the Planning Committee as one of the applicant partners is a member of the Council.

2.0 PREVIOUS PLANNING HISTORY

- 2.1 2/97/167/0048B: Construction of an agricultural storage building: Permission Granted April 1997.
- 2.2 06/01317/FUL: Construction of an agricultural building and associated hardstanding: Permission Granted July 2006.
- 2.3 09/01171/FUL: Construction of three cattle buildings: Permission Granted July 2009.
- 2.4 12/01175/APN: Application for prior notification for construction of steel portal framed building for the housing of cattle: Approved July 2012.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
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

4.0 CONSULTATIONS

- 4.1 Well Parish Council: Awaited.

- 4.2 North Yorkshire County Council (Highways Authority): Awaited.
- 4.3 Environmental Health Officer: Awaited.
- 4.4 The application was advertised by site notice at the entrance to the site. There are no adjacent neighbours. The period for the receipt of representations expires on 2nd May. None have been received to date.

5.0 OBSERVATIONS

- 5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30) and, finally, the agricultural use of, and need for, the building.
- 5.2 The building is a purpose designed structure in simple materials, for a bona fide agricultural purpose. The wish to build some distance from the main steading is a serious practical consideration and made in the light of two farm fires in the area within the past two years, one of which involved tragic loss of stock. The siting to the north of a mature plantation means that the building will not be seen from public viewpoints to the south and there are no views from the north as a result of local topography between the site and the village.
- 5.3 This recommendation is subject to the receipt of no substantive adverse responses from outstanding consultees or as a result of advertisement which would warrant reconsideration by the Planning Committee.

SUMMARY

- 5.4 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no adverse impact on local visual amenity or landscape character.
- 5.5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

That planning permission be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref layout plan scale 1:200) attached to planning application 14/00808/FUL received by Hambleton District Council on 9th April 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.

Parish: Whenby
Ward: Stillington
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Committee Date: 1 May 2014
Officer dealing: Mr A J Cunningham
Target Date: 5 May 2014

14/00528/FUL

Conversion and extension to building to form a dwelling and workspace as amended by details received by Hambleton District Council on 15 April 2014 at Whenby Grange, Whenby, North Yorkshire, YO61 4SE for Messrs Parker and Owen

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the conversion and extension of an equestrian building to the north of the main dwelling at Whenby Grange, Whenby, to form a dwelling. The scheme relates to the conversion of the northern section of the existing buildings to residential use plus the extension of this building to the east.

1.2 Whenby Grange consists of a former farmstead on the south eastern outskirts of the village and comprises the refurbished and extended former farmhouse and immediate ancillary buildings which have been converted to a single substantial dwelling and also separate design studio in a further range of buildings (two-storey) and vacant single storey range beyond. The original modern buildings have been removed with the surfaced yard area being retained on the north eastern side of the farmstead complex. There are no agricultural activities undertaken at the farmstead with the land being farmed and managed on a contract basis.

1.3 The proposed accommodation would provide for 3 bedrooms, en-suite, bathroom, utility, kitchen/dining area, lounge at ground level. At lower ground level a store and music studio area are proposed. The extension would be formed in a T shape with maximum dimensions of 16.6m x 11.1m, with a total height of approximately 6.2m.

1.4 Materials for the proposed structure would comprise stone and timber walls below pantiles and with painted timber windows and doors. The curtilage of the dwelling would extend to the north and south and would be enclosed by post and rail fencing.

1.5 Vehicular access is gained from the main adopted highway to the west which is a largely single width highway with passing places near the application site although this does increase in width beyond the village.

1.6 The planning agent is in the process of supplying a protected species survey in support of the scheme.

1.7 There is a design studio immediately adjacent the application site and the application indicates the first occupant of the proposed dwelling would be one of the partners in the design studio, with the other partner residing in the main dwelling.

1.8 Additional supporting information regarding the sustainability of the proposed use has been supplied in the form of a trip generation assessment. The operation of the design studio business has also been clarified. The business does not as a matter of course involve the public visiting Whenby Grange, with most meetings being at clients' properties. Company representatives may on occasion visit Whenby Grange but the activity on site is solely related to day to day office and design work. Materials for clients' projects go direct to their properties.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/02170/FUL - Alterations and extensions to existing dwelling and conversion of outbuildings and agricultural buildings to domestic use and design studio, construction of garage, stable block, agricultural barn and reinstatement of vehicular access; Withdrawn 2008.
- 2.2 08/04961/FUL - Revised application for alterations and extensions to existing dwelling and conversion of outbuildings and agricultural buildings to domestic use and design studio, construction of a stable block and agricultural barn; Granted 2009.
- 2.3 09/03566/APN - Application for prior notification for the formation of a track for the use of agricultural vehicles; Refused 2009.

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 CP12 - Priorities for employment development
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
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 DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP25 - Rural employment
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
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 Whenby Parish Meeting - No objection.
- 4.2 NYCC Highways - The access has been improved in accordance with the requirements of the Highway Authority and therefore there is no objection to the proposal.
- 4.3 Yorkshire Water - Based on the information submitted (connected into site's existing package treatment plant and soakaway system) no comments are required .
- 4.4 Environmental Health - No objections or recommendations.
- 4.5 Neighbours notified and site notice posted; expired 16.04.14 - No responses received as at 22.04.14.

5.0 OBSERVATIONS

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

Principle

5.2 Policy CP4 of the Hambleton Local Development Framework (LDF) sets out that development in the countryside will only be supported when an exceptional case can be made for the proposals in terms of policies CP1 (sustainable development) and CP2 (minimising the need to travel) and where certain exceptional circumstances are met. There are no exceptional circumstances that fully align with the principle of the proposal although it is acknowledged that part (iv) which refers to the re-use of existing buildings without substantial alteration or reconstruction whilst supporting a sustainable rural economy is partly relevant due to the inclusion of a workspace in the proposal.

5.3 Reflection on policies CP1 and CP2 in the context of the relationship of the dwelling to the design studio on site is also an important consideration. Additional information provided by the agent has focused on the sustainability of the proposed dwelling by comparing the trip generation for the scenarios of: (1) all living on site but working elsewhere; (2) living in Sowerby (the current residence of one of the applicants) and working at Whenby Grange; and (3) all living and working at Whenby Grange. The results of this assessment demonstrate that the third option would have the fewest number of trips and is the most sustainable option in terms of minimising the need to travel. CP1 also refers to minimising the need to travel and in this regard is considered satisfied.

5.4 In their supporting statement the agent has referred to the fallback position of how the applicant could change the use of the existing design studio to a dwelling under permitted development rights, subject only to a prior approval process for consideration of the transport and highways impacts of the development and any contamination and flooding risks on the site. The applicant acknowledges that this would cause the loss of the design studio and would in sustainability terms represent a dis-benefit as is demonstrated in the trip generation analysis. The alternative position is to retain the design studio and convert and extend the remaining agricultural building to form a dwelling which the applicant considers a more sustainable option. Policy CP1 of the LDF refers to encouraging the efficient use of land, including developments which include a sustainable and complementary mix of uses. The proposal is considered to satisfy this criterion.

5.5 The National Planning Policy Framework (NPPF) refers to supporting a prosperous rural economy at paragraph 28 and rural housing at paragraph 55. Paragraph 28 discusses the support that should be given to supporting sustainable growth and expansion of all types of business and enterprise in rural areas. Paragraph 55 states that isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 28 lends support to this proposal. In terms of paragraph 55, and notwithstanding the advantages identified above, it is clear that there is not an essential need for the applicant to reside on site. However, the site is close to Whenby and is therefore not considered to be isolated within the meaning of the NPPF.

5.6 It is recognised that the scheme does not fully satisfy policy CP4 of the LDF nor paragraph 55 of the NPPF. Weighing paragraph 55 against the context of the remaining sections of the NPPF which lend support to the sustainable growth of rural business, the relationship to the existing approved and established design studio on site, the fallback scenario of creating the dwelling by change of use under permitted development regulations and the positive sustainability credentials associated with the consolidation of activities on site it is clear that the principle of the scheme is acceptable in terms of its alignment with the overall objectives of local and national policy.

Visual amenity

5.7 The design, scale and materials of the proposed structure relate well to the existing buildings on site and are traditional and agricultural in character. The previously approved and partly unimplemented scheme partly in the position of the proposal is also noted. The proposed structures would be viewed from the east against the backdrop of the existing complex. The proposed structures would not harm the visual amenity of the surrounding landscape.

Neighbour amenity

5.8 The proposed use of the building, including the music studio is noted, as is the isolated position of the range of buildings away from residential property (except for the existing dwelling at Whenby Grange). The relationship of the both properties to the design studio, the overall design of the proposed dwelling and the on-site configuration of the structures and associate amenity space are noted. The scheme would not harm the amenities of occupiers of nearby residential property.

Highway Safety

5.9 The existing access is satisfactory, and considering this, the proposed dwelling, the existing activities on site along with the response of the Highway Authority, the scheme would not adversely impact highway safety.

Open Space, Sport and Recreation facilities

5.10 A draft Unilateral Undertaking to agree the full contribution of £3307.80 towards the provision of off-site open space, sport and recreation facilities in accordance with the standards set in policy DP37 and the Open Space, Sport and Recreation Supplementary Planning Document has yet to be completed.

6.0 SUMMARY

6.1 Subject to the findings of the protected species survey and the completion of the Unilateral Undertaking regarding the provision off site open space, sport and recreation facilities the scheme is considered acceptable in so far as its principle is in accordance with the overall objectives of local and national policy, and that the remaining merits of neighbour and visual amenity and highway safety are in accordance with the policies of the LDF and NPPF. Consequently the scheme is recommended for approval.

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

Subject to (i) the prior receipt of a satisfactory protected species survey and; (ii) the prior completion of a satisfactory planning obligation to secure an appropriate contribution towards the provision off site open space, sport and recreation facilities, planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 11 March 2014 and 15 April 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 site shall be developed with separate systems of drainage for foul and surface water.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, 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 avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.