

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Golden Lion Hotel, High Street, Northallerton DL7 8PP on Thursday 29 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 Environmental and Planning Services

SITE VISIT CRITERIA

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

PLANNING COMMITTEE

Thursday 29 May 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/00611/FUL Mrs H Laws Easingwold Page no. 30	Demolition of bungalow and garage; replacement detached 4 bedroom house, double garage and new vehicular access For: Mr & Mrs M Blackburn At: Laxton Bungalow, Tanpit Lane, Easingwold RECOMMENDATION: GRANTED
2	14/00706/FUL Mrs T Price Romanby Page no. 37	Alterations and first floor extension to dwelling For: Mr & Mrs Ian Godfrey At: 22 South Vale, Northallerton RECOMMENDATION: GRANTED
3	14/00172/FUL Mr A Cunningham Shipton Page no. 40	Change of use of land from nursery to storage of light commercial vehicles For: Mr A Huggins At: Shipton Nurseries, Main Street, Shipton by Beningbrough RECOMMENDATION: GRANTED
4	14/00103/FUL Mrs B Robinson Snape with Thorp Page no. 47	Change of use from ancillary accommodation to separate dwelling and new parking arrangements For: Mr & Mrs T Morton At: Land to the rear of Rose View, Ings Lane, Snape RECOMMENDATION: GRANTED
5	14/00337/OUT Mrs J Low Stokesley Page no. 54	Outline application for a residential development of up to 226 dwellings with associated access (with all other matters reserved) For: Johnson Brook At: Land West of Tanton Road, Stokesley RECOMMENDATION: REFUSE
6	14/00319/FUL Mrs B Robinson Stokesley Page no. 78	Change of use from vacant Class A1 (shop) to Class A2 (Financial & Professional Services) or Class A3 (Restaurants and cafes) For: Northern Retail Consortium Ltd At: 8 High Street, Stokesley RECOMMENDATION: GRANTED
7	14/00755/FUL Mr A Cunningham Thirsk Page no. 83	Change of use from a nursing home to 7 one bedroom and 1 two bedroom apartments For: Joplings Property Consultants At: Mitchell House, Gillings Court, Thirsk RECOMMENDATION: GRANTED
8	14/00680/FUL Mr A Cunningham West Rounton Page no. 86	Construction of ancillary manager's accommodation For: Mr S Taylor At: Horseshoe Inn, West Rounton RECOMMENDATION: GRANTED

Parish: Easingwold
Ward: Easingwold
1

Committee Date : 29 May 2014
Officer dealing : Mrs H M Laws
Target Date: 9 May 2014

14/00611/FUL

**Demolition of bungalow and garage; replacement detached 4 bedroom house, double garage and new vehicular access as amended by plans received by Hambleton District Council on 12 May 2014.
at Laxton Bungalow Tanpit Lane Easingwold North Yorkshire
for Mr & Mrs M Blackburn.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site lies on the southern side of Tanpit Lane within the Easingwold Conservation Area. The site is currently occupied by a detached brick and slate bungalow with associated garage and outbuildings and garden area surrounded by mature hedgerows.

1.2 Access into the site is from Tanpit Lane on the north eastern corner of the plot, onto the end of a shared driveway with neighbouring properties.

1.3 The existing bungalow lies towards the north western corner of the plot with the associated outbuildings towards the eastern boundary within the centre. It is proposed to remove all the buildings from the site and construct a two storey detached four bed roomed dwelling more centrally within the plot with a detached double garage /store at the western side. It is proposed to close the existing access and plant a hedgerow across the existing gap (about 4 metres) and create a new access at the western end of the frontage onto Tanpit Lane. This would require the removal of approximately 6.5m of the existing holly hedge.

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

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

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

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

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

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

3.0 RELEVANT PLANNING POLICIES

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

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

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Town Council - wish to see approved in principal but is concerned at the roof height and how such an imposing property will fit in with the immediate street scene.

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

4.3 HDC Environmental Health Officer - no objections

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

1. Privacy would be affected
2. Other effects include noise, values
3. The HDC Local Plan of 1989 stated that "existing trees, woodlands and hedgerows will be conserved ...and where possible a requirement that they are retained in new developments." In addition the Easingwold Conservation Area Assessment 2000 in the section on Townscape Analysis refers to Tanpit Lane (among others) and states "These lanes are characterised by dense holly hedges with holly trees." the proposed development totally ignores these planning constraints and seeks the removal of some sections of holly hedge and of two trees one of which is a holly tree.
4. Such a high roof will dominate the neighbouring properties of Tudor Rose Cottage and The Bungalow and will tower over the Parish Rooms across the road. We cannot see any justification for such a high ridge height and ask the Council to consider restricting the ridge height of any new building to 7 metres or less.
5. The site should remained a bungalow, and stayed within the street scene
6. Principle of replacement is acceptable but the size and scale is too large and too tall and the roof terrace would overlook adjacent property;
7. The scale of the proposal in respect of footprint, roof ridge and eaves height will significantly overwhelm the surrounding dwellings
8. The ridge height will be between 2.5m and up to 3m higher than the surrounding properties. This is a very substantial building with considerable mass
9. The first floor terrace is going to be intimidating to the adjacent properties as users will have a commanding view into gardens and rooms
10. The site slopes west to east thereby exacerbating the imposing scale and height of the proposed building
11. The scale and mass of the building demonstrates a total lack of empathy to the conservation area of Easingwold
12. Congestion is almost certain to increase when the redevelopment of the present Tanpit Lodge takes place and any town centre parking proposals are affected
13. Despite two slow signs on the roadway approaching the junction the speed of motorists can be best described as excessive
14. The proposal to stop up the existing access with an infill hedge must have regard to the need to ensure that the already difficult visibility for users of the private lane is not further impaired
15. The new access point will involve the removal of some 6m of mature holly hedging and one mature holly tree

16. A further length will be removed to provide a pedestrian access to the front door, which would be dangerous for pedestrians exiting straight onto the roadway, the holly hedge should be preserved.
17. Cedar cladding is reminiscent of large log cabins and oversized garden sheds; is it really consistent with the ideals of the Conservation Area?
18. Concerned about the industrial nature of the proposed grey powder coated metal fascia board and stanchions and the glass balustrading
19. If the planning authority get this wrong now then the amenity of Tanpit Lane will be damaged for the foreseeable future
20. Attention is drawn to the conclusions of an appeal inspector in 1999 "I consider the substantial holly hedge to the frontage of Laxton Bungalow makes an important visual contribution to the character of Tanpit Lane....this action (part removal) would have a significant impact on the visual character of the streetscene and therefore on the Conservation Area."

5.0 OBSERVATIONS

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

5.2 The proposal is to replace an existing dwelling, which is within the Development Limits of Easingwold and therefore the principle of replacing a single dwelling with another is acceptable. The existing bungalow is not considered to be of architectural or historic merit and due to its position it makes little positive contribution to the character and appearance of the streetscene. As such there are no objections to its proposed demolition and replacement.

5.3 The replacement of a bungalow with a two storey dwelling would clearly result in a development with a greater visual impact on the streetscene. The proposed replacement is a relatively large property but is set within a relatively large plot and there would remain an adequate area of amenity space for the residents. The proposed dwelling would be more prominent in the streetscene than the existing property and would be clearly visible along the approach along Tanpit Lane from the west and from the east.

5.4 The surrounding properties are more modern rather than traditional; the existing bungalow, which as stated above is of little merit, is unobtrusive to reflect its degree of importance within the Conservation Area. The proposed building is much more prominent, significantly altering the character of the site and introducing a dwelling the scale of which suggests some importance within the streetscene. The form and design of the principal part of the dwelling clearly reflect those of other larger properties within the Conservation Area such as nearby Oriel Lodge, and is therefore in keeping with the local vernacular.

5.5 The proposed dwelling has been designed to reflect traditional Georgian properties in the area with the use of brick, timber painted windows in a sash style, natural Welsh slate roof and stone water table. An oak and glass porch of appropriate design is proposed and is considered to be in keeping with the area. The dwelling is sited quite close to the front of the site, but no further so than the existing bungalow. Properties along Tanpit Lane set a precedent for this form of development. The height of the dwelling has been reduced in an attempt to minimise its prominence within the site.

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

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

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

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

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

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

5.12 The proposed development is acceptable and approval of the application is recommended.

6.0 SUMMARY

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

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

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

7.0 RECOMMENDATION

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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, including details of a holly hedge to be planted across the existing access boundary, has been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of the dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development hereby approved shall not be undertaken other than in accordance with Drawing number 1589/5/c that shows the finished floor level of the development at 50.00, other than with the prior approval in writing by the Local Planning Authority.
5. The flat roofed section at the rear of the dwelling shall at no time be used as a balcony.
6. The package of mitigation and compensation measures as detailed within the Bat Survey produced by MAB Ltd and received by Hambleton District Council on 14 March 2014, shall be carried out in full to the satisfaction of the Local Planning Authority.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference D413010/04 Rev C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public

highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered D413010 04C, 05C, 06E, 07D, 08E and 010A received by Hambleton District Council on 14 March and 12 May 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP28.
4. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
5. To protect the amenity of local residents in accordance with LDF Policy DP1.
6. The package of mitigation and compensation measures as detailed within the Bat Survey produced by MAB Ltd and received by Hambleton District Council on 14 March 2014, shall be carried out in full to the satisfaction of the Local Planning Authority.
7. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.

11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Romanby
Ward: Northallerton Broomfield
2

Committee Date : 29 May 2014
Officer dealing : Mrs T Price
Target Date: 27 May 2014

14/00706/FUL

**Lean to roof over existing garage as per amended plan received by Hambleton District Council on 13th May 2014.
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 the construction of a lean-to roof over the existing flat roofed section of the garage of a detached house within a predominately residential area of Northallerton. The application is amended significantly from the two-storey side extension reported to the last meeting.

1.2 The proposed works include the division of the garage to create a utility room at the rear. The flat roof to the rear of the garage would be altered, creating a lean-to roof to adjoin the pitched roof over the front part of the garage, measuring 5.8m x 2.6m taking the height to 4.2m. The materials for the proposed roof would comprise concrete roof tiles to match the existing dwellinghouse.

1.3 The application is presented to Planning Committee as one of the applicants is an employee of Hambleton District Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant.

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
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council: No observations

4.2 Neighbours: No responses received in respect of the original plans. Neighbours have been notified of the amended plans and any comments received will be reported to the meeting.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact of the proposed roof 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 roof extension are such that the works would blend well with the dwelling and the surrounding built environment. It is considered that the closest neighbouring

property, no. 24 to the west, would not be significantly affected by the works. To the rear, the nearest building is a detached garage to a dwelling some 17m away which is considered an acceptable distance. Similar roof schemes can be seen within the South Vale estate therefore the works would be in keeping with the character of the area.

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.

5.4 In view of the reduced scale of the proposal and as no neighbour comments were submitted in respect of the original plans it is not expected that further public comments will arise. However, notification has been undertaken and any responses will need to be considered. The Committee is requested to authorise the Director of Environmental and Planning Services to grant permission on that basis.

6.0 SUMMARY

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

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

7.0 RECOMMENDATION

Subject to the expiry of the period for public comment on the amended plans and consideration of any relevant comments, the Director of Environmental and Planning Services is authorised to **GRANT** permission 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 HDC01. G1 & G2A received by Hambleton District Council on 27th March and 13 May 2014 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:

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

Ward: Shipton

3

Committee Date: 29 May 2014

Officer dealing: Mr A J Cunningham

Target Date: 1 May 2014

14/00172/FUL

Change of use of land from nursery to storage of light commercial vehicles as amended by drawings and details received by Hambleton District Council on 20 March 2014 at Shipton Nurseries, Main Street, Shipton by Beningbrough for Mr Anthony Huggins

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of land at the southern fringe of Shipton by Beningbrough from a nursery to the storage of light commercial vehicles. The application has been amended by a location and block plan, revised application form and supporting statement.

1.2 The application would be positioned to the rear (west) of a dwelling which is adjacent Shipton Nurseries and within the applicant's control. Another dwelling, The Cottage, is positioned to the north-east of the application site and is within the control of the applicant. At the time of the site visit the nursery business appeared to have ceased.

1.3 Vegetation in the form of a hedgerow is positioned along the length of the southern boundary and partly along the northern boundary of the application site. A plantation of mature vegetation screens the site to the west. The existing structures east of the site along with the existing dwelling provide screening to this aspect.

1.4 The proposed use would provide an overflow parking area to accommodate a maximum of 40 vehicles to be used in association with the applicant's business which is York Van Centre and is located on Station Lane, Shipton. This business specialises in the servicing and sale of new and used commercial light goods vehicles. The sale of new light goods vehicles is proving very successful and has necessitated the requirement for overflow parking for new unsold motor vehicles awaiting preparation and sale, given that the existing site which the business is located is at capacity.

1.5 Access to the site would continue to be from the A19, via a track between 'The Cottage' and the dwelling associated with Shipton Nurseries. A transporter would deliver light goods vehicles to the Station Lane site for inspection and hand over. New vehicles which cannot be accommodated on the main site would be individually driven to the application site for temporary parking. When the vehicles are sold they would be individually driven back to the Station Lane site for final preparation and pre-sale checks.

1.6 Vehicular movements to and from the site would be a maximum of 4 vehicle movements per day, between the hours of 8am and 6pm Monday to Saturday.

1.7 The surface of the parking area is currently a mix of hard earth and gravel. The proposal would supplement this permeable surfacing with crushed stone laid over the existing surface to a 50mm depth.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 07/00014/COU - Change of use from nursery to paddock; case closed January 2007.

2.2 07/03281/FUL - Construction of a replacement dwelling and gates; granted 2007.

2.3 10/02317/FUL - Application to replace extant permission in order to extend the time limit for implementation of construction of a replacement dwelling and gates; granted November 2010.

2.4 13/02307/FUL - Application for a planning permission to replace an extant planning permission (10/02317/FUL) in order to extend the time limit for implementation for the construction of a replacement dwelling and gates; application returned November 2013.

2.5 13/02371/FUL - Demolition of existing dwelling and construction of a replacement dwelling, boundary wall and gates; granted January 2014.

2.6 It was noted at the time of the site inspection in connection with the current application that light goods vehicles were being stored on land within the applicant's control adjacent to the application site. The applicant advised that the vehicles are temporarily being stored there whilst this application is considered. Further investigation is on hold pending the determination of this application.

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 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 DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and 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
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Shipton Parish Council - Requested more information before making a recommendation on this application but advised "The major concern is that Highways do not appear to have been consulted and with the increased volume of traffic entrancing and exiting the site, through a narrow entrance at a difficult point in the highway, and the possibility of vehicle transporters unloading, conditions must be applied by the Highways Authority. Until Highways have been consulted and responded no decision should be made. Concerns were also expressed with regard to the visual impact of up to 40 vehicles being stored at a location visible from the A19 on the approach and exit to the village which would be detrimental to the village landscape".

4.2 NYCC Highways - Receipt is acknowledged of the amended site layout and supporting statement. The following conditions shall be attached to any planning permission granted: weight limit, no parking, loading or unloading on A19, no vehicles sales, provision of approved access, turning and parking areas.

4.3 Environmental Health Officer - No objections, recommends that the approval restricts the land use to the storage of light commercial vehicles as that applied, to prevent any additional unrestricted use that could have a detrimental impact on local amenity.

4.4 Neighbours notified and site notice posted; expired 10.04.14 - Representations have been received from two respondents in summary mainly concerning: visual impact on the proposed use particularly on the York Green Belt, highway safety, traffic impact, transportation of vehicles to the site,

increased crime, increased noise, pollution and vehicle movements, external lighting, shared access to The Cottage, The Nurseries and the proposed storage area, new or used vehicles on storage area, future increase in vehicle movements, blocking of existing entrances to The Cottage and The Nurseries, additional landscaping needed.

5.0 OBSERVATIONS

5.1 The most significant planning issue to take into account when considering this application is the principle and impact of the use in this location within the York Green Belt. After that it is necessary to consider any impacts on the visual amenity of the surrounding area, neighbour amenity and any highway safety.

5.2 The Hambleton Local Development Framework (LDF) policy on control of development within the York Green Belt, DP9, confirms that "only development acceptable within the terms of national policy" will be permitted within the York Green Belt. The acceptability of the development must therefore be judged on its impact on the openness of the York Green Belt with regard to the National Planning Policy Framework (NPPF).

5.3 The NPPF confirms that the fundamental aim of Green belt policy is "to prevent urban sprawl by keeping land permanently open" and that "the essential characteristics of Green belts are their openness and permanence" (paragraph 79). Development that would not maintain openness is inappropriate and should not be permitted unless justified by very special circumstances (paragraph 87). The NPPF identifies a number of instances where the construction of new buildings is not inappropriate in Green Belts including:

- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Whilst the application is for use of land rather than the construction of buildings, there is no similar guidance for land uses and the impact of the proposed vehicle storage may vary with time. However, it is possible to limit the scale of vehicles stored on site by condition and on that basis it is considered reasonable to assess it in the same manner as built development.

5.4 The development involves partial redevelopment of brownfield land, which the NPPF allows for, and it remains to be considered whether, with appropriate mitigation, the impact on the openness of the Green belt would be greater than the nursery.

5.5 The impact of the proposed use on the openness of the Green Belt would be affected by the colouration and the height of the stored vehicles, the landscaping to the site boundaries, and any external lighting installed. The proposed storage area would adjoin the southern boundary of the site and therefore could be seen in views from the south across the adjacent field. However, the existing boundaries surrounding the site provide partial screening the locality and due to this and the roadside hedgerow on approach from the south the potential impact of the vehicles would be reduced. Longer distance views of the site from the north are diluted by mature trees which form the western boundary of the domestic curtilage to The Cottage and further tree vegetation which forms the northern boundary of the land within the applicant's control beyond this. Glimpses of the vehicle storage area could however be had along the access track to the highway. It is recognised that the degree of screening is reduced in the winter months and that the lighter colouration of the vehicles could be seen in the local landscape. It would be unreasonable to restrict by planning condition the colour of stored vehicles but it would be reasonable to require a landscaping scheme of suitable species which can grow quickly and reinforce boundary treatments within the application site to permit the screening of light coloured vehicles. In addition it would be reasonable to place a restriction on the height of vehicles to be stored on site. External lighting also has the capacity to harm the character of the countryside and a condition requiring any external lighting to first be approved by the Local Planning Authority could also be imposed.

5.6 In assessing the impact of development with the mitigation offered by landscaping it should be borne in mind that the site has been intensively developed with glasshouses and polytunnels in the past and the impact of these on the openness of the Green Belt needs to be considered. The scheme would involve the removal of one polytunnel, which contributes a limited degree of visual intrusion into the Green Belt. It is also evident from historical aerial photography that additional polytunnels existed on the application site in the past. A future application for replacement structures would, given the historic use of the site, be difficult to resist and must form a consideration when determining the harm the proposed use would have on the openness of the Green Belt. Subject to appropriate landscaping, which may require adjustment of the proposed parking layout near the southern boundary, it is considered that the impact of the storage use can be managed to maintain the openness of the Green Belt, and on this basis the development is not considered inappropriate.

5.7 Policy CP4 of the LDF requires that development in locations outside of settlement limits put forward an exceptional case in terms of policies CP1 (sustainable development) and CP2 (minimising the need to travel) and demonstrate that it is necessary to meet the needs of an enterprise with an essential requirement to locate in the countryside, and will help to support a sustainable rural economy. Regarding supporting a prosperous rural economy the National Planning Policy Framework (NPPF) supports sustainable economic growth in rural areas.

5.8 The proposed use would satisfy policies CP1 and CP2 given that the applicant is making use of land which is available and is 0.6 miles from the business to which it relates. The applicant has not identified any land which is available and is nearer than the application site. The essential requirement to locate in this countryside location will be informed by this assessment. The remainder of the applicable policy section of CP4 requires the development to support a sustainable rural economy. There is no doubt that the overflow parking area would assist the success of the business and that this requirement is satisfied. Subject to a satisfactory assessment of local land availability the proposal is in compliance with policy CP4 of the LDF. The proposed change of use would be in accordance with the policy drive of paragraph 28 of the NPPF. Subject to the outstanding information the proposal is acceptable in principle.

5.9 The applicant has provided a sequential overview of other sites, five of which are within Shipton, and has assessed the potential to meet their needs on sites in the nearby settlements of Skelton and Newton on Ouse. None of the sites within Shipton meet their operational needs and locations in the other settlements present practical problems because of the need to minimise mileage of new vehicles prior to their sale. The applicant has also reiterated that a comparison needs to be drawn between the existing use of the nursery and the appearance of the structures on site and the activity associated with it.

5.10 The activity associated with the storage of the vehicles on site and transporting of vehicles to and from the site is limited and would not harm the amenities of occupiers of neighbouring property. It is recognised that activity could change in future to an extent where it could become harmful and therefore it is reasonable to attach a condition restricting vehicle movements to those specified by the applicant's agent.

5.11 No objections are raised by the Highway Authority subject to the recommended conditions. On this basis, and the consideration of the existing use on site and that proposed, the scheme would not harm highway safety.

5.12 In response to the neighbour representations not already addressed:

- Increased crime is an important consideration in assessing the proposed use. It is imperative that the scheme is design with 'secured by design' in mind. The applicant has advised that the site will be secured by a lockable gate, and that the vehicle alarms and close proximity of the applicant's dwelling would be sufficient to minimise the likelihood of crime.
- Whether the vehicles are new or used is not a matter where the Local Planning Authority can intervene (provided the vehicles are being stored) although it is noted that the applicant has indicated that they are to be new vehicles.

- It is not considered reasonable to request the closing of the accesses to The Nurseries and The Cottage. It is noted that NYCC Highways have not requested this to be done.

5.13 The scheme is acceptable and is in accordance with the policies of the LDF and the NPPF and is recommended for approval. Whilst each application is considered on its merits it is not considered that this would set a precedent for further development because of the need to limit activity levels, achieved by reference to vehicle movements in recommended condition 6.

6.0 SUMMARY

6.1 Whilst there is considerable restraint on development within the York Green Belt the site is previously developed land and the nursery use has resulted in substantial development within the site. Considering this and the opportunity for landscape planting to strengthen screening on the boundaries, the impact on the openness of the Green belt can be adequately managed and the development is not considered inappropriate. The level of activity at the site can be managed by a planning condition relating to vehicle movements.

6.2 The applicant has demonstrated that an unsuccessful search for alternative premises within Shipton has been undertaken and has also demonstrated the potential disadvantage to the business if the use were located further afield.

6.3 The proposed development is therefore acceptable in principle and 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.

6.4 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 drawings and details received by Hambleton District Council on 20 March 2014 unless otherwise approved in writing by the Local Planning Authority.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. No vehicles exceeding a height of 2m shall be stored on the site.
5. No external lighting shall be installed within the application site or shining into the application site other than in accordance with details which have first been approved in writing by the Local Planning Authority.

6. No more than four vehicle movements per day associated with the storage use shall occur.
7. The site shall not be used outside of the hours of 8am to 6pm, Monday to Saturday and the site shall not be used on Sundays or Bank Holidays.
8. 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 the storage of light commercial vehicles.
9. No vehicle associated with the development shall exceed 3.5 tonnes maximum gross weight.
10. There shall be no vehicle sales carried out within the development site.
11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference PK-001) or as may be amended following approval of landscaping details under condition 3. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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. 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 DP30.
4. In the interests of the visual amenity of the surrounding area in accordance with policy DP1 and DP30 of the Hambleton Local Development Framework.
5. In the interests of the visual amenity of the local landscape in accordance with policies DP1 and DP30 of the Hambleton Local Development Framework.
6. In the interests of highway safety and neighbour amenity in accordance with policies DP1 and DP3 of the Hambleton Local Development Framework.
7. In the interests of neighbour amenity in accordance with policy DP1 of the Hambleton Local Development Framework.
8. The Local Planning Authority wishes to assess future uses of the site to ensure that they are acceptable in terms of principle and their impact on amenity.
9. In the interests of highway safety.
10. The Local Planning Authority wishes to assess future uses of the site to ensure that they are acceptable in terms of principle and their impact on highway safety.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Informative:

1. The primary intention of condition 3 is to strengthen the screening of development offered by planting along the southern boundary of the site. In order that the scheme required by condition 3 achieves this adequately , it may be necessary to amend the parking, manoeuvring and turning areas within the site a allowed for by condition 11.

Parish: Snape With Thorp
Ward: Crakehall
4

Committee Date : 29 May 2014
Officer dealing : Mrs B Robinson
Target Date: 8 April 2014

14/00103/FUL

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

1.0 SITE DESCRIPTION AND PROPOSAL

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

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

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

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

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

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

RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

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

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

RELEVANT PLANNING POLICIES:

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

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

National Planning Policy Framework – para 55

4.0 CONSULTATIONS

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

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

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

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

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

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

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

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

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

5.0 OBSERVATIONS

Policy Principles

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

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

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

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

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

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

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

Policy Conclusion

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

Other issues

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

5.8 The proposed new gateway is aligned with the existing boundary wall, and the scheme proposes to keep part of the existing wall and to provide timber gates. The proposal removes part of the existing stone wall, and the view of the Councils Conservation Officer is that due to its set back position of the

wall, and its atypical character, the conservation area would not be compromised. The retention of a part of the wall will ensure some continuity with the existing character of the conservation area in this vicinity, and particularly if control is exercised over new gates to ensure they retain the 'enclosed' character of the existing wall the overall effect on the street scene would be very similar to the existing, and will maintain the character of the Conservation Area.

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

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

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

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

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

Observations of the Parish Council and others.

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

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

Conclusion

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

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/1245/02; HDC/1245/03 received by Hambleton District Council on 14 March 2014 and 15 April 2014 unless otherwise approved in writing by the Local Planning Authority.
3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority.
 - (ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6.
 - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15.
 - (vi) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

7. Notwithstanding the submitted details showing the proposed gate in association with the new parking area for Rose View, received 15 May 2014, no gates shall be erected except in accordance with details previously approved in writing by the Local Planning Authority. The gates shall thereafter be retained in this form, unless otherwise agreed in writing with the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP32.

3. In the interests of highway safety.

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

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

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

7. In the interests of the amenities of the Conservation Area, in accordance with Local Development Framework Policy CP16 and DP28.

Attention is drawn to the following Informatives:-

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County

Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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

Parish: Stokesley
Ward: Stokesley
5

Committee Date: 29 May 2014
Officer dealing: Mrs Jill Low
Target Date: 29 May 2014

14/00337/OUT

Outline application for a residential development of up to 226 dwellings with associated access (and all other matters reserved at Land west of Tanton Road, Stokesley, North Yorkshire for Johnson Brook

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Outline planning permission is sought for the construction of up to 226 dwellings with associated infrastructure, with all matters reserved for subsequent approval, with the exception of access. An indicative master plan showing plot positions, landscaping, roads and footpaths has been submitted with the application, as part of the Design & Access Statement.
- 1.2 The indicative proposal (as detailed within the Design & Access Statement) suggests that there would be a mix of detached, semi-detached, and terraced houses of two to three storeys in height, as well as a range of formal and informal public open space areas including an existing plantation and some hedgerows.
- 1.3 The application site comprises an area of 9.31ha with a developable area of 6.88 ha and 2.43 ha has been set aside as public open space. A total of 226 dwellings would result in an average net density of 32.8dph within the developable area. The Applicant has committed to 50% affordable dwellings on site (113), which they indicate would be distributed throughout the site.
- 1.4 Existing landscaping features would be retained and serve as focal points. The landscape features of merit within the site include hedgerows and trees of which the majority are proposed to be retained, including some additional planting enhancement. Definitive landscaping proposals would need to be approved at reserved matters stage if outline permission were granted. Nonetheless, the Design & Access Statement confirms that a future layout is likely to include the retention and enhancement of existing public footpaths, the retention of Tanton Grove Southerly Tree Plantation, the creation of new landscape buffers to the boundaries of the site, and the creation of an equipped play area (LEAP) within one of the proposed areas of public open space.
- 1.5 The application site consists of agricultural fields surrounded by hedgerows and there are mature trees along most of the northern boundary. It is generally flat, but dips slightly towards the south western boundary. Tanton Grove Southern Plantation is a large group of trees in the centre along the northern boundary, which projects into the centre of the site. Peacock's Field Plantation is another significant group of trees which projects into the north eastern corner of the site. These areas are intended to be retained. There are also other trees located within the hedgerow boundaries around the edges of the site. In general, the field margins comprise a combination of hedgerows, woodland edge, fences, ditches and domestic boundaries (predominantly fencing and non-native shrubs).
- 1.6 The main vehicular access into the site is proposed off Tanton Road along the eastern site boundary. A second vehicle access is proposed at the south eastern corner of the site leading from The Acres, a residential road which is part of the adjacent housing development to the south of the application site. A public footpath crosses the centre of the site in a north-south direction and a second public footpath runs alongside the site's western boundary. A number of more informal paths exist, particularly around the edges of the site. The indicative proposals provide for the retention of the public rights of way and the creation of further public footpath links alongside and through areas of public open space which are proposed to be created adjacent to the

existing woodland areas. There are 3 distinct areas of open space, one in the far north western corner, one to the south of the central woodland area and a smaller area in the north eastern corner, adjacent to the proposed access into the site from Tanton Road. A green “bat link” and footpath is also proposed linking the southern part of the site with the Tanton Grove Southern Plantation.

- 1.7 The application site is not allocated for any purpose within the Hambleton Local Development Framework and lies beyond Development Limits.
- 1.8 The application is supported by documents including: a Summary Statement; Topographical Survey; Development Framework Plan; Design & Access Statement (incorporating an indicative layout); Planning Statement; Transport Assessment; Travel Plan; Phase 1 Site Investigation Report; Flood Risk Assessment; Arboricultural Report; Landscape & Visual Impact Assessment; Ecological Report; Air Quality Assessment; Noise Assessment; Archaeology Report; Arboricultural Report; Bat Report; Utilities and Infrastructure Report; Renewable Energy Statement; Socio-Economic Impact Report Statement of Community Involvement; Site Access Plan; Foul Drainage Strategy; Heritage Report and Section 106 Heads of Terms.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/02558/PPP – Pre Application Enquiry submitted on 9 December 2013 for proposed development of 226 dwellings. Meeting with applicant held but application submitted prior to reply.
- 2.2 13/02332/SCR - Screening Opinion for Environmental Impact Assessment submitted 1 November 2013. Although the proposal falls within Schedule 2 development of S.I. 1824, being an infrastructure project exceeding 0.5 hectares (Section 10(b) urban development projects), having regard to the characteristics of the development, its location and potential impact, the Local Planning Authority considered that the proposal did not require an Environmental Impact Assessment (EIA), decision dated 10 April 2014.

3.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 3.1 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government’s planning policies for England and how these are expected to be applied. Whilst the NPPF should be read as whole, the Council considers Section 3 “*Supporting a prosperous rural economy*” Section 6 “*Delivering a wide choice of high quality homes*”, Section 7 “*Requiring good design*” and Section 8 “*Promoting healthy communities*” to be particularly relevant, due to their reference to housing delivery, affordable housing and recreation facilities and the need to promote the retention of local services and facilities and paragraphs 66 and 215 in relation to public consultation and implementation respectively.
- 3.2 The NPPF also contains 12 core planning principles, the first of which is that planning should be genuinely plan-led, empowering local people to shape their surroundings. The third principle refers to the need to proactively drive and support sustainable economic development to deliver homes and that every effort should be made to objectively identify and then meet housing need.
- 3.3 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 3.4 The National Planning Practice Guidance (NPPG) was published in March 2014 and supplements the NPPF. In respect of housing and economic land availability assessment, NPPG states at

paragraph 020, "Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions." The applicant's track record of delivering housing is therefore a material consideration.

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

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP9 - Development outside Development Limits
DP10 – Form and Character of Settlements
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP 28 - Conservation
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

SH1 - White House Farm and Crab Tree Farm, Stokesley (6.6 ha)

Other Relevant Documents

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

4.0 CONSULTATIONS

Stokesley Parish Council

- 4.1 The proposed site is not included in the Local Development Framework (LDF). If this development were permitted in addition to the housing developments identified in the LDF it would lead to over development in Stokesley. This proposed development alone would increase the number of residential properties in Stokesley by approximately 10%.
- 4.2 The site of the proposed development suffers from a high water table and is subject to surface water flooding. Parts of the site are currently identified by the Environment Agency to fall into the medium risk category for risk of flooding from surface water.
- 4.3 There are significant highway related safety issues with the proposed main ingress and egress from the site. These relate both to traffic approaching the site from the north along the B1365 and traffic turning on to / from Tanton Road itself. No significant changes to the current road layout are proposed. The junction of the B1365 and Tanton Road suffers from flash, surface water flooding
- 4.4 However the Parish Council notes and supports the preparedness of the applicant to offer 50% affordable housing on the development. The Parish Council wishes to see a condition applied, should planning permission be granted, that such housing is for the benefit of persons who have a minimum period of previous residence in the Stokesley sub-area of the Hambleton District.

NYCC Highways

- 4.5 In assessing the submitted proposals and reaching its recommendation the Local Highway Authority (LHA) has taken into account the following matters.
- 4.6 Sustainability - The site has two vehicular accesses in line with design standards. There are also additional pedestrian/cycle routes to enable travel the relatively short distance to Stokesley town centre by non-car methods. The development is also located close to existing bus services which will allow connection to regional destinations.
- 4.7 Traffic Impact - A Transport Assessment (TA) and Travel Plan (TP) were submitted in support of the application. The TA assessed the impact of traffic likely to be generated by the development including in the PM peak. A junction capacity assessment for the proposed access at Tanton Road has indicated that the development will not adversely affect the local highway network. The accident record for the local highway network shows a cluster of traffic collisions at the B1365/ Tanton Road junction. The developer has agreed to fund an extension of the road lighting system to include this junction.

NYCC Education

- 4.8 Based on the development of 226 dwellings, no developer contribution would be sought for Stokesley CP School. We would also not be seeking a developer contribution for Stokesley School based on the current proposal. However, should the density of the site change we would need to recalculate this.

NYCC Development Management Archaeologist

- 4.9 There is potential for archaeological remains to exist on the site due to the potential in the surrounding area, as we have previously advised for other development proposals in this area.
- 4.10 In view of the large extent of the site, there is potential for hitherto unknown remains to exist within the area. National studies have shown that there is a relationship between site area and significant archaeology; the larger the site, the greater the chance of the site containing significant archaeological remains. Furthermore, national studies have concluded that desk-based assessment is not usually a sufficiently thorough method of evaluation to enable a confident judgement to be made about the presence of archaeological remains, unless detailed evidence about adjoining areas is available. Therefore without field evaluation, the level of archaeological potential remains unknown and unquantifiable, as is the potential significance of any remains. This remains conjecture from a desk-based exercise.
- 4.11 A scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the development proposal upon their significance. In the first instance, I would advise that this evaluation should comprise geophysical survey, to be followed by trial trenching, as appropriate. In accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, 2012 (paragraph 128), this evaluation should be undertaken prior to determination of the planning application. This will enable an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form (paragraph 135). If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording of any archaeological remains (paragraph 141).

NYCC Public Rights of Way

- 4.12 No objections, but require an informative to be added to any decision, outlining that no works are to be undertaken which would create any obstruction either temporary or permanent, to the Public rights of way across the site.

HDC Environmental Health Officer

- 4.13 I have considered the potential impact on amenity, safety and likelihood of the development to cause a nuisance and consider that there will be no negative impact once built. However during the construction and development phase there could be significant disturbance to the neighbouring estate. Request conditions to deal with contamination and remediation and a management plan for construction period

HDC Sustainable Development Officer

- 4.14 **Sustainable location:** This site is outside Development Limits, no over-riding sustainability reasons are presented as to why an exception should be made (e.g. zero carbon homes, car-free / Home Zone development).
- 4.15 **Renewable energy:** The report appears to base its calculations on 113 houses (Table 2), despite the planning application being for up to 226 homes. In “the average house” space heating makes up c. 60% of energy use and water heating only 25%, hence I am unclear why these two types appear to have an almost identical predicted energy demand. It may be that these homes are to be much more insulated than the average house so reducing space heating need, but this is not clear, nor is it explained anywhere how this will be achieved by “fabric first” or other methods. Analysis of the renewable energy options suitable for the site is clear and logical in its conclusions, however a central gas or biomass boiler with district heating appears to have been dismissed too easily – this is much more efficient than each home having its own heating

system, and accurate heat meters are readily available for billing. Such systems operate well and at affordable cost elsewhere, so I'd like to see a cost-benefit analysis of this option at any future stage of approval. Instructions and guidance for most energy efficient use of any installed technology should be provided to new residents in a move-in pack, and information permanently affixed in an appropriate location within homes for future residents should original manuals be lost (as frequently occurs when homes change ownership / tenancy).

- 4.16 **Waste:** All homes should be designed so recycling is the path of least resistance, with indoor bin storage areas having built-in sorting containers. A waste strategy would be highly recommended for the building stage of the development but preferably also for the occupation stage, to encourage minimisation of waste production, repair / re-use / sharing of unwanted items, with recycling and disposal to landfill as a last resort: ideally an on-site share-point should be included in the plans for all homes on the development.
- 4.17 **Design for Life standards:** Should be used so homes are suitable for all ages, with disabled-access homes having dedicated parking close by, and within easy access of a bus route.

HDC Leisure Services Officer

- 4.18 From a Community Leisure point of view the amount of public open space proposed would meet the needs of local residents living on this development. There are good footway links to the proposed open space and it is located centrally to the development which will provide easy access for children and young people. We would want to see the more detailed plans for the open space and particularly the equipped play area as plans for the development progress but spatially wise we are happy with the layout and areas proposed.

HDC Senior Engineer (Drainage)

- 4.19 The proposed development site is almost wholly located in Flood Zone 1 that is an area of low flood risk as assessed by the Environment Agency. There is a small area on the western boundary of the site which is Flood Zone 2 and smaller areas in Flood Zone 3 on the western and northern boundaries, these can be left undeveloped and are of minimal significance.
- 4.20 The Environment Agency has identified that assessment of the hydrological and hydrogeological context of the site needs to be undertaken to inform the design of a surface water scheme based on sustainable drainage principles.
- 4.21 In practice the applicant will need to understand the site specific geology and groundwater (groundwater monitoring over a 12 month period to capture seasonal fluctuations), to contribute to a comprehensive FRA and understand the potential flood risk associated with groundwater in combination with surface water flood risk.
- 4.22 The applicant has identified that existing land drainage is maintained; the further assessment work will help determine whether additional land drainage is required to contribute to management of surface water.
- 4.23 There is an area of existing surface water flooding on agricultural land to the east of the proposed development adjacent the junction of Tanton Road and the B1365. The flooding can extend to the public highway, with the requirement at times for traffic management to direct traffic around the flooding. There is limited risk to the proposed site from this run-off, though there should be investigation of whether there is a relationship between the flooding and when watercourses on the proposed development site are inundated. This would contribute to the understanding of flood risks from all sources as must be demonstrated by the FRA.
- 4.24 The applicant has stated the design standards for management of surface water that accord with current design standards. The design strategy should include consideration of exceedence events that is a flood event which exceed the design standards. The applicants will then need to

consider and include in their design designated safe exceedence flood flow paths that direct flows away from existing and proposed development.

- 4.25 The watercourses identified for discharge of surface water have main river status; it is the Environment Agency's responsibility to consent those discharge rates. Northumbrian Water has ownership and responsibility for the public foul and surface water sewers and for the connections and discharges to them. The flood risk to the proposed development site associated with watercourses is low as the proposed development is almost wholly in flood zone one. There is existing residential development adjacent to the proposed development site so it is unlikely that the potential flood risks associated with groundwater and surface water will be sufficient to preclude safe development of the site from a flood risk perspective.
- 4.26 Further assessment and investigation of the hydrological and hydrogeological context of the site to inform the design of a surface water management scheme based on sustainable drainage principles should be conditioned, including the requirement for 12 months groundwater monitoring to be undertaken prior to development. This work will enable a comprehensive understanding of flood risks from all sources and to the design of appropriate infrastructure to manage surface water and flood risk.

HDC Housing Manager

- 4.27 This site lies within Stokesley Sub Area where there is a target for 50% affordable housing on residential development sites.
- 4.28 The proposal is for up to 226 homes in total of which 55 are two bedroom houses, 104 three bedroom houses and 67 houses four or more bedrooms. The proposed mix is welcomed but the dwelling mix should be enhanced through the provision of some bungalows (mainly 2 bed but possibly a few 3 bed, both open market and affordable) to meet the needs of the growing elderly population, downsizers and families with disabled family members of any age. Recent research undertaken by the Housing Manager evidences a high demand for market bungalows in service centres such as Stokesley.
- 4.29 The applicant proposes 50% affordable housing i.e. 113 affordable homes. The properties comprise 55 x 2 bed, 54 x 3 bedroom and 4 x 4 bed houses. The profile of the affordable element would therefore be approximately 49% 2 bed, 48% 3 bed and 2% 4 bed. 40 homes are for intermediate rent (35%) and 73 (65%) for shared ownership/intermediate sale.
- 4.30 The applicant has provided an indicative layout proposing the location of these homes which are well pepper-potted throughout the development. The applicant has also committed to deliver these homes at a size that accords with the Council's SPD minimum size criteria and to transfer them at the Council's agreed Transfer Prices, albeit a Registered Provider partner has not yet been identified.
- 4.31 However, critically, the site lies beyond the development limits of Stokesley. If permitted its development would be an exception to planning policy. Within Hambleton, housing can be developed on rural exception sites on the edge of villages where it meets an identified local need. Such schemes are much smaller in scale, circa 15-20 homes of which 100% must be affordable. The scale of development proposed in respect of this application far exceeds this level.
- 4.32 If the site met planning policy requirements for open market housing there would be a 50% affordable housing requirement which the applicant is offering. The size of the affordable homes proposed would be supported in principle as they meet the Council's minimum size requirements but with a caveat that there is a need to provide 2 bedroom bungalows for older people and families with disabled members. The applicant's agreement to transfer the homes at the Council's agreed Transfer Prices would also be supported and the proposed level of pepper-potting seems reasonable. However, the applicant would be requested to revisit the tenure mix as this is currently unacceptable. In order to accord with the Council's policy and meet local housing needs

Housing would be seeking to achieve a tenure mix of 70% social rented and 30% shared ownership/intermediate sale.

Northumbrian Water

- 4.33 Due to this application being at the outline planning stage, there is not enough detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We have provided the developer with a pre-development enquiry response to the developer on this site and this is attached for your information. As explained in the pre-development enquiry response, the Sewage Pumping Station (SPS) which this development is likely to discharge to is unable to accept any further flows as it is currently at capacity. It is therefore essential for us to agree the points of connection to our system through the reserved matters application in order to prevent potential flooding.
- 4.34 We would therefore request a condition requiring development not to commence until a detailed scheme for the disposal of foul and surface water has been submitted and agreed. The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010.

The Environment Agency

- 4.35 Recommend conditions controlling finished floor levels and requiring submission of a surface water drainage scheme to ensure that the development complies with the submitted Flood Risk Assessment.
- 4.36 Surface water – The FRA does not make it clear the surface water will be discharged to the nearby local surface water sewer or directly to the tributary of the River Tame. We need this confirming either way. In principle, we have no objections to a connection to the watercourse and the outline greenfield calculations look acceptable. However, the percentage of impermeable area needs to be confirmed. Whilst the current calculations are based on 50% impermeable areas, a more realistic figure would be 30%. The calculations in the FRA should reflect this. Any new outfall will require prior written consent of the Environment Agency under section 109 of the Water Resources Act 1991.
- 4.37 Main river consent - The Leven is classified as a main river. The Water Resources Act 1991 and local drainage byelaws state that our consent will be required for all works in, under, over or within 5m of the top of the bank/foreshore.

Police Architectural Liaison Officer

- 4.38 From a crime viewpoint the street layout shown on the Illustrative Masterplan looks quite satisfactory. Welcome the statement in the application that “Front gardens create flexible space to incorporate curtilage parking” - this allows the owners of those vehicles to protect them.
- 4.39 Note that the majority of existing fencing of the gardens that adjoin this site are in relatively good condition. However there are some gaps in this fencing on the southern edge of the north east area of rear gardens of Woodlands Walk, also along Tanton Road. Suggest that consideration be given to wooden fencing 1.8m high to infill these gaps.

Recommends that:

- 1) The houses on this estate actually attain Secured By Design Certification, and not just conform to the principles of Secured By Design, (SBD), which has shown in the past to be vastly different. Secured By Design status reduces burglary by over 70%.
- 2) Play areas should be either a LEAP (Locally Equipped Area for Play - children 4yrs to 8yrs), or a NEAP (Neighbourhood Equipped Area for Play - 8yrs and upwards). LEAPS can be a collecting point for youths who may mean no harm but by their mere presence can be viewed

as being intimidating and can frighten the toddlers from using their play equipment. Need to consider fully the security and personal safety, of the children. Do not locate play areas directly in front of people's homes where they may become a source of tension. Play areas should be located in such a way that people using adjacent footpaths and cycle ways will not be subject to harassment or otherwise put in fear.

- 3) Areas for ball games are important but they should be located away from housing as they tend to attract older children and youths with consequential additional noise. Careful consideration needs to be given to whether playgrounds should be locked at night to prevent damage, graffiti and general misuse.
- 4) Any toddler play area should preferably be fenced off with hooped metal fencing approx. 1.1m to 1.2m high and which incorporates a lockable gate.
- 5) Should display signage to play areas outlining when they are open and closed and what age group they cater for.
- 6) Litter bins should be provided at suitable locations in the play areas.
- 7) There are several existing footpaths to be accommodated into this estate and urge that these be kept to a minimum so that over permeability is not an issue. Recommend that any footpath in or around this proposed estate should be 3m wide with at least a 1m wide buffer on each side and be as straight as possible, and be lit.

Natural England

- 4.40 The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be used to enable an assessment to be made of protected species survey and mitigation strategy. The application may provide opportunities to incorporate features into the design such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably and bring benefits for the local community through green space provision and access to and contact with nature.
- 4.41 The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'
- 4.42 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Ramblers Association

- 4.43 Any comments will be reported to the meeting.

Pre-Application Consultation

- 4.44 The Applicant distributed leaflets to over 600 households and businesses in Stokesley describing the proposal and explaining how to access a dedicated website regarding the scheme and how to make comments. The proposal was advertised in the Darlington and Stockton Times on 25th October 2013, giving details of where to find further information and explaining how to comment. A public exhibition was held at Stokesley and District Community Care Association on 14th January 2014 between 4.30 and 7.30 pm. The exhibition was advertised on 10^h January in the Darlington and Stockton Times, as well as in the Northern Echo, and on the Totally Stokesley

Facebook page. A copy of the public exhibition advert was also e-mailed to Parish Councillors in December 2013.

- 4.45 The exhibition was attended by approximately 90 people and attracted over 60 responses which are appended to the applicant's Statement of Community Involvement. The applicant has included analysis of the responses and commented on the issues raised. They note that many residents object to the principle of residential development but some offered constructive comments.
- 4.46 Prior to the exhibition, a letter was sent to the local Members on both Hambleton District Council and North Yorkshire County Council as well as Stokesley Parish Council Members. An opportunity to meet prior to the exhibition was offered.

Publicity

- 4.47 The application was advertised by site notice and directly to the neighbouring residents. The consultation period expired on 3 April 2014 and at the time of writing the report 292 representations objecting to the scheme have been received which are summarised below -
- a) **Contrary to LDF**- The development is not an allocated site on Hambleton DC's Local Development Framework. Stokesley is shown to be an area of restraint for housing in the Local Plan. Green field site outside Development Limits. The sites already allocated in Stokesley meet Hambleton DC's targets for new housing. Not in keeping with existing form of development. No exceptional reasons to disregard LDF. Precedent for other opportunists. Stokesley is an area of restraint for house building. The allocated sites in Stokesley will meet housing requirements for the duration of the Plan. White House Farm development is more suitable in terms of traffic density, location, percentage of affordable housing and amenities.
 - b) **Effect on infrastructure and Services** - The public transport links are insufficient. Significant distance from town centre and services. Adverse impact on primary school, health centre and other local services. Could put appropriate school classroom sizes in jeopardy. For every 250 houses that are built, 100 children will be of school age – where will they put them all? Drainage and sewerage already over stretched, as well as community services.
 - c) **Traffic & Congestion** - Extra traffic would make the situation worse. Further congestion on already very busy road network. Would lead to increased parking problems in Stokesley town centre. Increase traffic pressure on B1365. Tanton Road is a major thoroughfare between the town and the Teesside conurbation especially on weekdays. At these times drivers pay scant regard to speed limits. Vehicles leave the B1365 and enter Tanton Road accelerating quickly into a left hand bend. Extra traffic past the junior school in Springfield. Cars already have difficulty turning out of Ashwood Drive, a short distance from where the new site entrance would be. Combination of additional traffic and another junction is a recipe for disaster. Insufficient consideration given to road safety. Likely to bring an additional 400+ cars to the area. Extra traffic on B1365 will lead to additional hazards for cyclists. The B1365 is a narrow winding road unfit for more vehicular traffic. Huge impact on traffic and the lives of residents.
 - d) **Inadequate Road System** - The road network is not up to the standards required for this kind of development. The B1365/Tanton Road junction is already poorly designed for the amount of traffic it receives – lighting is abysmal and is prone to flooding. B1365 to Middlesbrough is already overloaded with commuters – road has sharp double bends and Tanton Bridge regularly has to be repaired due to vehicle impact. Small, local roads will be unable to cope with the increase in traffic.

- e) **Inadequate Access** – Proposed main access is on a bend leading from a busy junction. Potential accident risks. Already a visibility problem for traffic turning right from Ashwood Drive onto Tanton Rd, which would be exacerbated by additional traffic flow. Secondary access, via The Acres would increase traffic through a residential area and pose dangers to children. Cars already speed down The Acres.
- f) **Footpaths** – Will now become walks through a housing estate instead of through open fields
- g) **Flooding/ inadequate sewerage capacity** - The junction of Tanton Road and the B1365 is already prone to flash flooding, which sometimes requires traffic control. The whole of the proposed site of development is prone to flooding. High water table, evidenced by large areas of the site being under water after heavy rainfall. Will exacerbate drainage problems. Surrounding beck overtops during periods of heavy rainfall. Despite extensive drainage systems and remedial works the gardens to some adjoining properties remain saturated for more than half the year. No amount of drainage ponds or tanks would adequately drain this land. The huge areas of hard surfacing proposed by this development will contribute to flooding. The entire area is in and out of flood zone mapping each time it is re-mapped which shows how unstable it is. Rainfall will be captured into outlets into watercourses at a greater rate than they can cope with, exacerbating flooding problems.
- h) **Loss agricultural land** – Permanent loss of farm land.
- i) **Density** – Far too dense and plot sizes too small. Unacceptably high density.
- j) **Noise and disturbance** – Additional noise and disturbance from the development itself and noise pollution from additional traffic.
- k) **Increase commuting** – Would lead to ingress from Teesside and commuting out of Stokesley by car. Not sustainable.
- l) **Impact on landscape and wild life** - Permanent loss of woodland and hedgerow. Permanent loss of green space for walkers. Loss of valuable amenity area. Adverse impact on deer who use the land as a feeding ground. Loss of natural habitat.
- m) **Overdevelopment** - Development is too large and overbearing.
- n) **Spoil Character of Stokesley** – Adverse impact on character of lovely and unique Market Town. Stokesley does not need to become another Ingleby Barwick or Coulby Newham.
- o) **Loss of privacy and security** – Will directly overlook our property and that of our neighbours. High density housing directly behind our fence line. Garden is only 6m long – concerned about overlooking.
- p) **Other Objections** - The prospect of this and other proposed developments is putting people off from moving to Stokesley. There is a surfeit of building land available in Middlesbrough.

4.48 In addition, a letter has been received from the Keep Stokesley Special Group, which states that “Keep Stokesley Special” is the banner under which a group of Stokesley residents have come together to object to the application. Stokesley is a special place and development must be sensitively controlled to ensure that it remains a charming small market town, protected from undesirable and unwanted opportunist developers. In summary, the letter states –

- The site is not allocated for development in the LDF. The LDF is a good plan – let’s stick to it and not open the floodgates for other potential developers.

- There are allocated sites in Stokesley that would lead to a better balanced community with least visual impact on the landscape in more sustainable location
- Stokesley is an area of restraint for house building. Allocated sites will easily meet HDC requirements/targets for new housing for duration of current Plan period. If this application approved, it would create over 500 new homes in total and swell the population by more than 20%
- Stokesley's infrastructure could not cope with such an influx
- Scale of development would attract ingress from Teesside, causing people to travel out of Stokesley for work and increasing commuter journeys – not sustainable.
- In 2012 the development was re-mapped out of flood zone 2 but enclosed photographs of the site and surrounding fields show the site under water

4.49 In addition, 3 letters of support have been received, commenting that –

- Stokesley needs more housing for younger people at affordable prices so they can get on the housing ladder
- There are a lot of homes being built for the over 55s but not enough for everyone else.
- Had to move to Great Ayton where prices are cheaper but would like to move back to Stokesley

5.0 **OBSERVATIONS**

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

- a) Housing Supply
- b) Scale & Distribution of Development
- c) Development Limits
- d) Housing Mix, Type & Tenure
- e) Affordable Housing
- f) Public Open Space
- g) Education
- h) Highways Issues
- i) Drainage & Flood Risk
- j) Design & Layout
- k) Sustainable Construction
- l) Landscape & Visual Impact
- m) Trees & Ecology
- n) Archaeology
- o) Ground Conditions
- p) Impact on Residential Amenity
- q) Other Developer Contributions
- r) Infrastructure & Services
- s) Air Quality and Noise
- t) Community Engagement

Housing Supply

5.2 The first of 12 core planning principles in the National Planning Policy Framework (NPPF) is that planning should be “genuinely plan-led empowering local people to shape their surroundings”. This is in line with the principles of localism. Therefore the development of this unallocated site should only be considered in exceptional circumstances, where it can deliver benefits that clearly outweigh the disadvantage of not adhering to the core planning principle and not following the LDF's spatial strategy and which justify abandonment of the proper engagement of communities in evaluating options for meeting their housing needs that is inherent in localism, expected by the NPPF, and which the plan-led system provides.

- 5.3 The Applicant contends that their calculation of future housing supply within the District justifies planning permission being granted. The Council sets out its policies for housing supply in its Development Plan Documents. These documents were adopted before the publication of the NPPF, which places emphasis on maintaining a 5 year supply of deliverable housing sites (paragraph 47). Paragraph 47 requires an additional 5% buffer to be applied to ensure choice and competition in the market for land and for this to be increased to 20% where there has been a record of persistent under delivery, i.e. increasing the supply to 6 years. There is no clear and concise definition regarding what constitutes persistent under delivery of housing. Whilst the Council considers that District-wide targets were met in 4 out of the last 9 years, it recognises that delivery has been below target in the last few years, and accepts that it is prudent to plan for an additional 20% buffer.
- 5.4 Beyond this 20% buffer it has become practice in some appeal decisions to add the backlog in undersupply of dwellings from previous years to the next five years' supply of sites (known as the 'Sedgefield Method') or over the remaining plan period (known as the 'Liverpool Method'). This practice is not required by national or local planning policy but has developed in a series of appeal decisions^{5.5}. The Council is mindful of the Government's objective to significantly boost housing supply nationally, and has taken into account recent appeal decisions when determining the methods to use to calculate housing supply. Therefore the Council has taken a cautious approach to calculating five year supply for the District, with an additional buffer of 20% and undersupply incorporated into the five year supply (i.e. following the Sedgefield Method). A robust survey has been carried out for all sites with extant planning permission and allocations to assess the expected quantum of housing and delivery rates of housing within the district. No provision has been made for windfalls. Information from the survey informed the production of the Strategic Housing Land Availability Assessment (SHLAA) December 2013.
- 5.6 The targets for housing provision have been set through the Core Strategy Policy CP5. The former Regional Spatial Strategy subsequently revised targets for the district and these revisions informed the targets within the Allocations DPD. The Core Strategy in CP5 sets a target of 290 dwellings gross for the period 2011 to 2016. The former RSS provides an indicative net build rate of 280 dwellings per annum. The Allocations DPD based housing supply on gross assumptions and accounted for the assumption within the former RSS that there would be clearance of 10 dwellings per annum, the annual target for the period 2008-2026 was therefore 290 per annum. The applicant questions the appropriateness of target based on RSS due to it being out of date and subject to policy restraints and that the RSS is revoked. The applicant within their planning statement indicate they have been working on the development of an objective housing target for Hambleton based on NPPF and NPPG (Regeneris Consulting, January 2014). The applicant indicates an Objective Housing Requirement which is much higher than the Council's adopted housing target consequently the ability of the Council to demonstrate a five year supply is questioned. Paragraph 49 of the NPPF is clear that "relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.7 The Council has responded to the need for an up to date evidence base to inform its Local Plan and decision making and commissioned Edge Analytics to review the objective housing targets in the light of the NPPF and NPPG. This work has not been finalised and their findings will be reported to Cabinet in July. However, those findings will provide a range of new household projections and scenarios, rather than a definite target figure, which is a policy choice for plan making. The Council will need to detail how it responds to this new evidence, which includes the implications for plan making. At present therefore this application should be assessed against the targets adopted in the LDF but Members should be aware that the need could be higher. The position set out below is against our adopted targets based on the findings of the 2013 developer survey and should be considered with an element of caution.
- 5.8 The Core Strategy in CP5 sets a target of 290 dwellings per annum gross for the period 2011 to 2016 delivery (1,450 five years supply), adding 20% leads to a revised target of 1,740 (an additional 290 dwellings). The undersupply backlog for the District over the period April 2004 - September 2013 is 358. If this were added to the above the total requirement (five years' supply

plus 20% plus backlog) would be 2,098 dwellings (420 pa over five years). In line with mechanisms within Development Policy DP11 and the Allocations DPD which provides for a control mechanism to ensure the maintenance of a 5 year rolling supply of deliverable sites, the Council agreed to relax the phasing of all housing sites by removing the phasing requirements on 10th December 2013. The findings of the Council's 2013 Developers' Survey conclude that at that point, the District has a deliverable supply of 2,267 dwellings. This exceeds the revised target requirement for supply (169 surplus), even when adopting the most cautious approach to its calculation and with no allowance for windfall sites. This supply relates to the District with phasing relaxed. Therefore, it is considered that the Council's policies relating to the supply of housing remain relevant and carry significant weight in the determination of this application.

- 5.9 Assuming a build rate of 30 dwellings per annum with a start date early 2015/16, allowing for submission of reserved matters, the development would take around 7.5 years to build out. Around 120 dwellings could therefore be delivered within the five years 2013-2018. The District would have a surplus of 289 (169+120)2 over the five year requirement based on the Core Strategy. It is acknowledged that national policy within NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and it could be argued that the additional development would contribute to the overall objectives of boosting housing supply. However, the first of the NPPF's 12 core planning principles is that planning should be genuinely plan led. As the District has a demonstrable supply well in excess of five years (i.e. with 20% and historic under-provision added) there is no reason to release this unallocated site and to allow housing of this scale outside Development Limits and without the full engagement of communities in determining their housing needs and how to provide for them and the views of other stakeholders under the duty to co-operate that the plan-led system requires. Therefore, where such releases are necessary in the future they should be guided by the plan making process and in accordance with the agreed relaxation of phasing, there is no reason to depart from the strategy set out in the LDF. Further in line with the NPPF the Council has reviewed its stock of employment land and demand and this has revealed other opportunities for additional housing development within Development Limits.
- 5.10 LDF policies regarding distribution remain relevant. The implications for the Stokesley Sub Area ought to be considered, and afforded appropriate weight. To assist in the consideration of policies relating to distribution, sub area calculations have also been made. The five year plus 20% site supply plus dwelling backlog requirement for the Stokesley Sub Area is 217 (again this is with the adoption of the most cautious approach to calculation of supply). The survey indicated that with a relaxation of phasing the Stokesley Sub area would have a supply of 278, a surplus of 61 dwellings. In addition to the calculated supply, there is a possibility for more windfall development within Development Limits which could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.
- 5.11 NPPG advocates a proper assessment of land availability, including achievability, with a reasonable estimate of build-out rates. In this respect, in a written statement accompanying the publication of the National Planning Practice Guidance (NPPG) issued on 6 March 2014, the Planning Minister, Nick Boles MP said, "councils should also be able to consider the delivery record (or lack of) of developers or landowners, including a history of unimplemented permissions; this will also serve to encourage developers to deliver on their planning permissions". Notwithstanding the fact that the District has an adequate supply of deliverable sites, the applicant has been asked to demonstrate their track record on delivery because it would be wrong to overturn the plan-led system if there is little prospect of a boost in housing supply resulting. They have responded that as their company has been in existence for only a year, they have not yet built a track record.

Scale, Distribution and Timing of Development

- 5.12 The proposed scheme would provide 226 dwellings, within the Service Centre of Stokesley. Spatial Principle 2 of the adopted Core Strategy defines the Stokesley Sub Area as an Area of

Restraint. This approach is intended to reduce cross boundary commuting and promote more sustainable live work patterns. The LDF responds by reducing the scale of new housing development within Areas of Restraint. Paragraph 4.2.5 of the adopted Core Strategy, states that a proportionately lower scale of development is proposed in the “areas of restraint”.

- 5.13 Policies CP5 and CP5A identify the scale of new housing required for the Stokesley Sub Area for the period 2011 to 2016, as 29 dwellings (10% of 290) per annum are required and for the period 2016 onwards, 32 dwellings are required (11% of 290). At least two thirds of all new housing should be provided within Stokesley Service Centre (Policy CP6.1). Taking into account the revised requirement, which includes an additional 20% to the sub area requirement and accounts for the sub areas undersupply, the Stokesley Sub Area would have a five year requirement of 217. This equates to 42 dwellings per annum, around 28 of which should be within the Service Centre, leaving around 14 per annum to be delivered within the remainder of the sub area for the period 2013 to 2016, and for the period 2016 to 2018 around 45 dwellings per annum should be delivered within the sub area, of which around 30 should be in the Service Centre and around 15 should be in Stokesley’s hinterland.
- 5.14 Assuming a delivery rate of approximately 230 dwellings per annum the proposed scheme for 226 dwellings could be delivered over 7.54 years, 120 being delivered from 2015/2016 to 2018/19. On that basis the proposed development would deliver over 50% of the Sub Area’s 5 year requirement of 217. This would be in addition to Allocation SH1 (planning application 14/00714/OUT) and any other opportunities within development limits. This is a significant amount of additional development within an area of restraint, based on the current adopted targets and development coming forward as indicated within the Developer Survey 2013.

Development Limits

- 5.15 The site is a greenfield site outside the Development Limits for Stokesley. Policy CP4 and Development Policies DP 8 and DP 9 identify criteria for assessing development outside Development Limits. Notably DP8 states that the Development Limits are defined in order to achieve the following “ i)...to relate development opportunities to the **scale and appropriate distribution** of housing proposed to be met by the sustainable hierarchy of settlements during the LDF period; ii) to ensure that new development is **sympathetic in scale and location** to the form and character of settlements; ...” DP8 goes on to consider the location of the Development Limits and states that the location of the Development Limit will ensure that development will “c) not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF; d) **meet the needs of the area**, and can be accommodated within the capacity of the existing infrastructure”.
- 5.16 Scale and distribution have been discussed above and it is considered that development of the scale proposed does not accord with the Councils’ adopted policies. There remain other opportunities such as infill sites within development limits and rural exception sites to deliver housing within the Sub Area at an appropriate scale.
- 5.17 Policy DP 9 of the adopted Development Policies DPD is of particular relevance and states that permission will only be granted outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4. CP4 supports development within the Development Limits of the settlements in the hierarchy where that development is of a **scale and nature appropriate to secure the sustainability** of each settlement. In addition, Policy CP4 states that development in other locations will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, and where it provides affordable housing which meets an identified local need.
- 5.18 When considering the size of development against the requirements for the Sub Area, based on adopted policy, and the level of provision within the settlement, it is clear that the development is not of a scale and nature that is appropriate to secure the sustainability of Stokesley. It is considered that the Allocations DPD has made adequate provision for Stokesley Sub Area and

there are more than sufficient deliverable sites to meet the need for new housing over the coming five years. In this regard there is clear developer interest in White House Farm (Allocation SH1) demonstrated in a current planning application and pre-application advice has been sought in respect of the land north of Sowerby Crescent (Allocation SH2).

- 5.19 It is acknowledged that the proposal could make provision for affordable housing but it does not provide for 100% affordable housing, which is the normal policy position for development beyond Development Limits, where the development is otherwise acceptable, and therefore would not be considered an exceptional case under the provisions of CP4.

Housing Mix, Type & Tenure

- 5.20 Policy CP8 of the adopted Core Strategy states that 'Proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people...'
- 5.21 The Applicant's Planning Statement indicates that a mix of 2 - 5 bedroom dwellings (market housing) would be provided. The applicant has indicated that 12 bungalows, (6 for private sale and 6 affordable units) could be provided as part of this scheme. This equates to 5% of the total number of dwellings proposed and would help towards provision for the elderly in the community. The Council supports mixed communities and would seek to ensure this is secured through a Planning Obligation if planning permission is granted.

Affordable Housing

- 5.22 The Applicant has offered to provide 50% affordable housing on site, citing Policy CP9 as justification for this approach. This meets the Policy CP9's 50% target. However it is not necessary in terms of its contribution towards meeting the District's identified housing supply. As identified above, the District has a deliverable supply of sites to meet the 5 year requirement plus 20% plus the under-supply of units from previous years, thus making good past under-delivery and development of this particular site is not required. There are other opportunities to deliver affordable housing within the Sub Area, including the development of allocated sites, through the development of small scale exceptions sites under the provisions of Policy CP9A, small scale windfall sites, and possible alternative use of employment sites which would supplement the supply of affordable housing.
- 5.23 The Applicant, at the time of writing this report, is in the process of preparing a draft Section 106 Obligation which would include the provision of 50% affordable housing, (113 units), pepper potting throughout the development, with tenure mix and types in accordance with the Housing Manager's comments. Some bungalows are to be included as part of the scheme. An update on this will be made at the meeting.

Public Open Space

- 5.24 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.25 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 80 and 300 dwellings should make provision for amenity green space, public parks, play areas and facilities for teenagers on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 Standards are met, because the Council's evidence base indicates significant shortfalls in the amount of amenity space in all sub areas (see paragraph 4.12 of the Open Space SPD).

- 5.26 The illustrative layout plan shows amenity green space areas and a play area on-site but does not include a facility for teenagers, although this could be incorporated. The applicant has confirmed that they would wish to provide and equip the on-site public open space in accordance with our Open Space SPD and this could be dealt with by condition if permission was granted. They have also confirmed that it is the intention for all of the amenity open space areas to be transferred to a Management Company. The Management Company would maintain the site in accordance with a Management Plan which could be conditioned and agreed with the Planning Authority. The mechanism for transferring maintenance to the Management Company would be set out in the Planning Obligation which the applicant is currently working upon. A commuted sum for off-site outdoor sports facilities is required. At the time of writing this report discussions are currently taking place regarding the preparation of a Section 106 Obligation to cover this requirement. An update on this will be provided at the meeting.

Education

- 5.27 Policy DP2 of the adopted Development Policies DPD stipulates that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development. This includes, amongst other things, provision of additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are appropriately placed to serve a development, having regard to the need to minimise travel, consistent with Core Policy CP2.
- 5.28 In addition, Policy DP5 of the Development Policies DPD advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services
- 5.29 NYCC Children and Young Peoples Service has confirmed that in this instance a contribution towards schools in Stokesley would not be required, although this could change in the event of an increase in dwelling numbers.

Highways Issues

- 5.30 A Transport Assessment (TA) has been submitted with the application. The TA examines the transport related impacts of the proposed development. Access to the site by all modes of transport has been fully considered with both positive and negative impacts identified. The TA concludes that the additional generated traffic can be readily accommodated on the local road network such that no mitigation measures for capacity or safety reasons are required.
- 5.31 The Highway Authority has reviewed the documents submitted in support of the application and has raised no objections, subject to planning conditions, one of which would require additional lighting at the B1365/Tanton Road junction.

Flood Risk & Drainage

- 5.32 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.33 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.

- 5.34 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA states that the site can be classified as being within Flood Zone 1, an area with low flood risk. The study concludes that –
- Groundwater flooding is a distinct possibility in parts of the study area. Appropriate waterproofing may be necessary in below-ground structures and a dewatering strategy for the study area may need to be considered for deep excavations.
 - Pedestrian and vehicular safe access to and from the development will be achievable under all conditions via Tanton Road and 'The Acres'. A formal evacuation plan is not required.
 - Ground floor levels for the properties should be set above proposed surrounding levels across the development to provide a nominal freeboard to allow overland flow under exceptional conditions.
 - The clay content of the superficial deposits at the study area, along with the expected shallow groundwater indicates that the use of infiltration sustainable drainage systems (SuDS) will not be feasible for the development. The outline drainage strategy considers the use of attenuation and storage based solutions to be most appropriate.
 - Surface water flow from the development will either drain into surface water sewers that discharge into the tributary of the River Tame to the east or directly to the Tame to the west at a rate to be agreed with the Environment Agency and the Local Planning Authority. The outline drainage strategy presents attenuation and storage of surface water in balancing ponds, underground storage systems and swales as the most appropriate surface water drainage solution for the development. The exact location is to be confirmed.
 - Foul sewage will be discharged into the existing public foul sewers surrounding the development subject to the agreement of Northumbrian Water.
- 5.35 Standing water on the application site is a particular issue for residents who back onto the site and the Keep Stokesley Special group has submitted photographs of both standing water on the application site and the beck to the north overflowing onto the adjacent footpath. It thinks that the application site should be re-designated as Flood Zone 2. However the applicant is aware of ground water flooding issues and the Council's Senior Engineer has recommended that a condition be applied requiring further assessment and investigation of the hydrological and hydrogeological context, including 12 months ground water monitoring prior to commencement of any development, so that appropriate infrastructure can be designed to manage all surface water and flood risks. Furthermore the Environment Agency has raised no objections, subject to conditions controlling finished floor levels and requiring submission of a surface water drainage scheme to ensure that the development complies with the submitted Flood Risk Assessment. The Council's Senior Engineer is satisfied that an engineered solution can be designed to deal with flooding issues, subject to the further investigation and monitoring work outlined above.
- 5.36 With regard to foul sewage, this is intended to be discharged into the existing public foul sewers surrounding the development. Northumbrian Water has not objected to the proposals though it has indicated that the sewage pumping station is currently at capacity and that this will need to be resolved at detailed application stage. It has requested that a condition be applied preventing any new development taking place until such time as a detailed scheme for the disposal of foul and surface water has been submitted and agreed.

Design & Layout

- 5.37 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.38 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design

of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” The NPPF also emphasises, in paragraph 66, the importance of public engagement in evolving good design. That is considered later in this report.

- 5.39 The application is submitted in outline form and therefore the detailed design (including the impact on neighbours) and density would be determined at a later date through the submission of reserved matters applications.
- 5.40 Notwithstanding the need for future reserved matters applications, an indicative master plan has been submitted with the application and shows how a development of approximately 226 dwellings could be designed.
- 5.41 The broad principles of the illustrative layout are considered to be acceptable. However, the principle of development must be settled first and the Council would expect further pre-application discussions to take place, concerning external appearance, design and layout, in advance of any reserved matters application being granted planning permission.

Sustainable Construction

- 5.42 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.43 A ‘Renewable Energy Statement’ has been submitted in support of the application. The proposed strategy is based on an improvement in energy efficiency which will encompass a ‘Fabric First’ approach.
- 5.44 In the event that the Council was minded to grant planning permission, a suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Landscape & Visual Impact

- 5.45 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.46 A Landscape & Visual Impact Assessment (LVIA) has been submitted with the application, produced by Consultants White Young Green. The LVIA considers the potential effects of the development upon: individual landscape features and elements; landscape character and visual amenity and the people who view the landscape.
- 5.47 The report describes the landscape features of the site as being hedgerow vegetation on the site boundary, vegetation within the site boundary, arable farm land, public rights of way, woodland plantations and a proposed balancing pond. Reference is also made to the National Landscape Character Assessment by Natural England (Tees Lowlands) and Hambleton’s Local Landscape Character Assessment (Intensively Farmed Lowland). It concludes that of these features, the public right of way is anticipated to experience a major adverse effect during construction which is considered to be significant in assessment terms although this would be limited to the duration of the construction phase. Once completed, no anticipated effects are considered to be significant in assessment terms.
- 5.48 The consultants note that whilst there would be a loss of agricultural land, as a result of the development, the applicant intends to keep most of the existing landscape features such as the

woodland plantations along the northern boundary and this would help to screen the development from the north and north-west. Existing vegetation along the western boundary would also provide some screening. The site is assessed from 7 different viewpoints taking into account views from residential properties, public rights of way and road users. The overall conclusions of the report are that the effects are considered to be not significant in landscape terms, apart from the effect on viewpoint 5, the footpath at the junction with The Acres, which would experience substantial adverse effects during construction and completion. The consultants note however, that at 10 years post completion, the embedded mitigation would assist in merging the proposed development with the adjacent residential area.

- 5.49 Views from houses looking onto the site would inevitably be adversely affected by the development, for those properties with open views. However, loss of a private view or outlook is not a material planning consideration.

Trees & Ecology

- 5.50 Policy DP31 of the adopted Development Policies DPD states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'. In response to the requirements of this policy, the applicant has submitted an Arboricultural Assessment, an Ecological Appraisal and a Bat Survey, all produced by FPCR Environment & Design Ltd. A survey and assessment of existing trees has been carried out in accordance with British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' (BS5837).
- 5.51 The applicant proposes the retention of the majority of boundary trees, integrating them into the landscape buffer margins at the edges of the site. Tanton Grove Southerly Plantation is also proposed to be retained and form part of the open space provision. The removal of two trees would be required to facilitate the access road from Tanton Road into the site but additional planting is proposed to mitigate for their loss. Some moderate quality trees would also need to be removed at the eastern end of the site to facilitate a proposed attenuation pond. New tree planting is proposed to be used to mitigate their removal and this could be achieved within the proposed areas of open space within the site. Some hedgerow trees are likely to need to be removed along the southern boundary of the site around vehicle and pedestrian access points, but overall, the Arboricultural report concludes that the proposed new development would retain the majority of trees on the site and that there is sufficient scope to carry out additional planting to mitigate the loss of those trees to be removed.
- 5.52 The Ecological Appraisal concludes that there are no statutory or non-statutory sites of importance or important hedgerows within the application site. It is recommended that mature trees and plantation woodland are retained for their intrinsic ecological value and that to further enhance the site for wildlife, a range of bird boxes should be provided within the development. No evidence was found of badgers, otters or water voles although the applicant has been asked to check this, given the presence of water courses adjacent to the site. An update on this issue will be given at the meeting.
- 5.53 The Bat Survey identifies a bat roost in an Ash tree within the site. The tree is to be retained and incorporated within a green corridor following the line of the field edge towards Tanton Grove Plantation. The trees proposed to be removed at the eastern edge of the site near the site entrance have also been surveyed for bats. The results found no evidence of roosting bats but the consultant recommends a single nocturnal survey be taken at dawn ahead of tree removal to confirm the absence of transient bats. The results indicate that small numbers of bats in low densities frequent most of the field boundaries for foraging or roosting purposes. Where access roads are cut through hedgerows, removal of the hedgerows should be kept to a minimum. It is also recommended that lighting around the site be designed with care as some species are deterred by artificial lighting. The report recommends the provision of roosting opportunities on the external walls of new buildings, close to existing tree cover, or boxes to be placed upon trees.

- 5.54 All three surveys recommend specific mitigation measures to protect wildlife during and after construction. In the event that the Council is minded to grant planning permission, suitably worded conditions could be imposed to secure the implementation of these mitigation measures.

Archaeology

- 5.55 Paragraph 128 of the NPPF states that “Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate Desk-Based Assessment and, where necessary, a field evaluation.”
- 5.56 The Desk Based Assessment prepared by the consultants has considered the potential for designated heritage assets and non-designated heritage assets to survive within the site. The report has concluded that the site has low/nil potential for non-designated archaeological evidence from all periods and states that the Historic Environment Record (HER) does not record anything of archaeological interest on the site.
- 5.57 Nonetheless, NYCC’s Archaeologist has identified the site as being of archaeological interest on the basis of information not currently recorded in the HER and has recommended that a geophysical survey be undertaken in advance of planning permission being granted. The survey would assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains.
- 5.58 The application is an outline with layout as a reserved matter. Consequently, it would be feasible to require submission of the geophysical survey by condition if outline permission were granted and to subsequently identify any mitigation or layout changes in response to its findings and recommendations. However, the NPPF does not suggest that the survey should be carried out before permission is granted.

Ground Conditions

- 5.59 The Applicant has submitted a detailed Ground Investigation Report which has shown that a number of possible contaminants exist at the site which require further consideration in due course. Environmental Health Officers recommend conditions for assessment of the risks posed by contamination and a requirement for remediation works to be carried out, should permission be granted.

Impact on Residential Amenity

- 5.60 There are a number of residential properties which back onto the application site. Issues in respect of overlooking and loss of privacy would be considered at reserved matters stage if outline permission were granted. The applicant has submitted sufficient information in the illustrative layout to show that a scheme could be designed such that impacts could be minimized. Environmental Health Officers have recommended the imposition of a Construction Management Plan so that matters such as dust, vibration and noise and disturbance can be effectively managed, through the construction period, should permission be granted.

Other Developer Contribution Requirements

- 5.61 During the development of the Allocations DPD a need was identified for footpath and cycle-way links between Stokesley and Great Ayton. Therefore contributions towards the cycle-way would be required from the development, in line with policies DP2 and CP2. Details of the scheme can be found in the Stokesley and Villages Regeneration Group Cycle-ways Report (August 2010). The applicant is reluctant to pay a contribution towards this on the basis that the Council does not yet have an adopted Supplementary Planning Guidance document which sets out the level of

contributions required and they argue that this is not compliant with the CIL regulations. A further update on this issue will be reported to the meeting.

Infrastructure & Services

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

Air Quality and Noise

- 5.65 The applicant has concluded that road traffic on Tanton Road and the B1365 is the main contributing source of noise affecting the proposed development, but this would not have an unacceptable impact. Additional road traffic generated by the development would result in a small but imperceptible increase in noise levels. With regard to air quality they conclude that existing background pollutant concentrations are well below the annual mean air quality objective and that any slight increase in pollutant concentrations due to additional traffic would not cause any quality objectives to be approached or exceeded.

Community Engagement

- 5.66 Public consultation at the pre-application stage should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.
- 5.67 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 5.68 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicant's agent did consult with the Council on the content and nature of the pre-application consultation. They acknowledge that most people who responded to the scheme are against the development, but nevertheless have analysed the comments submitted and responded to them. All of the comments made are listed as an appendix to the Statement of Community Involvement.

6.0 CONCLUSION

- 6.1 The surveys and consultations carried out by the applicant show that the site is capable of development and no objections have been raised by statutory consultees to the development of the site. Notwithstanding this, for the reasons given below and having had regard to all other matters raised, it is recommended that planning permission be refused.
- 6.2 Following relaxation of phasing, the District has an adequate supply of deliverable housing sites, even based on the most cautious of approaches to the calculation of supply. Development approved in this location would lead to an oversupply beyond the NPPF's additional buffers of 20% where house building has persistently under-delivered in previous years. The Council has a clear strategy for the scale and distribution of development, with development restraint in this area, which this proposal does not comply with. The proposal would result in a substantial over supply in the Stokesley Sub Area, against current LDF Policies.
- 6.3 The development is outside development limits and no exceptional case has been made in line with policies DP9, CP4 CP1 and CP2, against a context where the Council can demonstrate adequate housing supply and therefore policies relating to supply and distribution should be afforded appropriate weight. Allowing development of this scale, where the District has a supply of deliverable sites that meets the NPPF's requirement of five year supply plus 20%, and which can also address the backlog of units from previous years, and an Adopted Development Plan including Allocations, undermines the core principle that planning should be 'genuinely plan led' (paragraph 17, NPPF).
- 6.4 At the time of writing the applicant is in the process of preparing a Section 106 Obligation which will include 50% affordable housing to be of tenure and mix agreed with the Housing Manager, together with a contribution towards off-site outdoor sports facilities. A contribution to the Stokesley/Great Ayton cycleway would also be required. On the understanding that the Obligation will be satisfactorily completed in advance of the meeting, it is not proposed to add it as a further reason for refusal.
- 6.8 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

7.0 RECOMMENDATION

REFUSED for the following reasons:

1. The proposal represents unsustainable development on a greenfield site outside of the Development Limits of Stokesley without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4, CP6 and DP9 of the adopted Hambleton Local Development Framework.
2. The proposed development would lead to an oversupply of housing within the District contrary to Policy CP6 of the adopted Core Strategy, which provides a clear strategy for the scale and distribution of new housing and a substantial oversupply of housing within the Stokesley Sub Area, contrary to Spatial Principle 2 of the adopted Core Strategy which identifies Stokesley Sub Area as an 'Area of Restraint'.
3. The development would be contrary to the first core planning principle set out in the NPPF that planning should be "genuinely plan-led, empowering local people to shape their surroundings" in line with the principles of localism. No exceptional circumstances have been demonstrated to justify this departure from national planning policy, not least that the applicant has failed to demonstrate a shortage of deliverable sites within Hambleton District

and has not demonstrated a delivery record for meeting housing need on unallocated sites outside of development limits.

INFORMATIVE – REASON 2

Based upon the most cautious of approaches to calculating supply (i.e. 20% buffer and use of the Sedgefield Method to compensate for the undersupply of dwellings in previous years), Hambleton District has a demonstrable land supply in excess of five years as required by the National Planning Policy Framework.

Parish: Stokesley

Ward: Stokesley

6

Officer dealing : Mrs B Robinson

Target Date: 11 April 2014

14/00319/FUL

**Change of use from vacant Class A1 (shop) to Class A2 (Financial & Professional Services) or Class A3 (Restaurants and cafes).
at Spar 8 High Street Stokesley North Yorkshire
for Mr Keith Reynolds.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a 3 storey Listed building with a rendered finish, and stone quoining to upper floors. The upper floors have vertical sash windows. The ground floor has shop windows extending across two thirds of the frontage. On the remaining ground floor frontage there is a doorway. The shop is currently empty. The upper floors have previously been used in association with the ground floor shop, and are also currently empty.

1.2 The location is on High Street, close to the corner with College Square and within the Primary Retail Area of Stokesley town centre. The neighbouring premises to the eastwards are a chip shop, restaurant, podiatrist and travel agent. Westward the neighbouring premises are shops (chemist, baker greengrocer). Number 10 High Street (chemist) has flats at first and second floors. Number 6 (chip shop) has a restaurant. The site is within the Stokesley Conservation Area.

1.3 The proposal is to use the existing shop as either A2 (financial or professional services) or A3 (restaurant and cafe) use. No alterations are proposed. The application form states that the proposal relates to 104 square metres floor space, which confines the change of use to the ground floor. The purpose of the proposal is to give flexibility with regard to potential occupiers of the property. The application includes a marketing report setting out the efforts to let the property for retail, which began in earnest when the property became vacant in August 2013.

1.4 In support of the application the applicant's agent has submitted a full Planning Statement considering all relevant national and local planning policies and guidance together with a number of appendices. With regard to the marketing of the property it is stated "The agents were initially instructed by the freehold owners in January 2013 when it became apparent that the Spar shop was running into serious trading difficulties and informal approaches were made direct to a number of retailers. A full marketing campaign was undertaken after the shop became empty in July 2013. However, the level of retail demand remains very thin and no Class A1 retailers have wished to take the premises, despite its location within the primary frontages."

1.5 The agent's case is that in May 2013, the Government introduced new permitted development rights which allow the change of use of a Class A1 shop for a single period of 2 years to either A2, A3 or B1 uses. However, those permitted development rights do not apply to listed buildings and therefore this planning application is necessary. Additionally, last December, the Government announced an intention to consult on proposals to liberalise planning legislation to make it easier to change the use of shops to either restaurants or assembly and leisure uses. It is argued that the proposal complies with the overall objectives of both local and national policies but the agent takes issue with that part of Policy DP21 that seeks to maintain some 67% of Stokesley's Primary Shopping frontage in retail use, stating that this is no longer consistent with the NPPF and more recent Government advice regarding town centres. It is argued that "this type of rigid percentage approach is now out of step with a host of recent government exhortations for local authorities to take a more holistic and flexible approach to their high streets, specifically seeking to widen the range of uses within town centres."

1.6 Since receipt of the application, the agent has pointed out that by additional changes to the

General Permitted Development Order (SI 2014 no 564) the Government has extended permitted development rights to allow change of use from an A1 (shop) to a use as a deposit taker falling within class A2 (financial and professional services). This would include a bank, building society, credit union or friendly society, but not other uses falling within A2, such as estate agent or betting office, and Listed Buildings are not excluded from this provision.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant.

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 CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP14 - Retail and town centre development
Development Policies DP21 - Support for town centre shopping
National Planning Policy Framework – paragraph 23

4.0 CONSULTATIONS

4.1 Stokesley Parish Council - note that the applicant has not explored alternative options to let the property, for instance reduced rent. Shopping survey (by a local action group) shows Stokesley has a higher than GB average of A2 and A3 uses, and the Parish Council objects on this basis.

4.2 Environmental Health officer – conditions requested.

4.3 Neighbours and Site Notice - last expiry 31.3.2014. No comments received.

4.4 Stokesley Conservation Area Advisory Group - Change of use widens the scope for a potential tenant, which is a cause of concern suggest that future applications are monitored very closely and do not wish to see the character of this part of the High Street changed.

5.0 OBSERVATIONS

5.1 As noted earlier, the proposal would be permitted development, for a single 2 year period, if the building was not listed. In view of the arguments presented by the agent it is reasonable to first consider whether the listed status of the building presents a reason for withholding permission. If it does not, it would then be reasonable to consider the wider impact of the proposal on the Primary Retail Area with regard to the position that would apply in terms of permitted development for a non-listed building.

5.2 No alteration is proposed to the shop front or the internal structure of the building and the change of use would not result in change to features of historic importance of the building. It is considered that any extraction equipment required in connection with the proposed A3 use could be located to the rear of the building away from the public frontage and adequately controlled by planning condition and listed building consent as necessary. Whilst care would need to be taken with this to ensure no detriment to the building the available safeguards of a planning condition and the need for listed building consent indicate that there is no reason to withhold permission on grounds of impact on the listed building.

5.3 The location is in a primary shopping frontage and the main issue is the principle of the proposed non-retail uses in this location, in relation to LDF policies CP14, DP21 and the National Planning Policy Framework (NPPF). Other issues include whether the alternative uses would have a harmful effect on

the amenities of nearby occupiers, and whether it would maintain the features of historic importance of the Listed Building and the character of the Conservation Area (policies CP16 and DP28).

5.4 The NPPF paragraph 23 identifies a requirement to ensure the vitality of town centres, and encourages the definition of primary and secondary frontages, which the LDF does. Since the publication of the NPPF, the Government has recognised commercial difficulties in the High Street, particularly in the face of growing internet shopping trends and has amended permitted development rights to allow change of use of shops to a flexible range of uses, including A3 and A2, for temporary periods of up to two years. The application property is a listed building however and is therefore excluded from being permitted development under the amended legislation. Thus if it was not a listed building, then planning permission would not be required for the proposed new uses for a single 2 year period.

5.5 LDF policy DP21 as adopted in 2008 aims to limit non-retail uses in the key shopping frontages to a maximum of 33%. 2013 figures show that that figure for non- retail uses is currently 45%. Clearly this exceeds the percentage that is considered acceptable under the current policy. However in the light of the Government's recent changes, which aim to allow more flexibility in the range of uses within town centres, a re-evaluation of Policy DP21 can be carried out as part of the selective review of the Local Development Framework.

5.6 Taking into consideration that the shop is currently empty, and has been for 8 months, and the Government's express encouragement of flexibility in the medium term, a refusal of the present proposal for alternative uses appropriate to a town centre could be difficult to justify. It would however be appropriate for any approval to reflect the temporary nature of the Government's permitted change to flexible uses by granting a temporary consent for two years. It was not the Government's intention in extending permitted development rights to allow a permanent change in the balance of retail and non-retail uses in town centres, which should properly be regulated by local policy, but to create the conditions for short-term flexibility. Limiting permission to two years in line with the permitted development restriction would also enable any relevant changes arising from the selective review of the Local Development Framework to be taken into account when considering any further application.

5.7 Whilst the development would adversely affect the balance of retail and non-retail uses within the Primary Retail Area in the short to medium term, approval of the proposed scheme would potentially help remove a currently empty shop from a key shopping frontage in the High Street. To this extent there would be a positive effect on the character of the High Street which would help maintain an overall commercial vitality in the town centre.

5.8 The Stokesley Conservation Area Advisory Group and Parish Council have expressed the view that the change of use from a shop would be harmful to the surroundings. However it should be noted that the appearance of the building itself would remain the same. Whilst the loss of the previous small supermarket may be regretted by local residents, and incremental changes may change the overall character of the High Street in the longer term, for the reasons given above it would be difficult to sustain an enforced retention of the shop when no retail demand has been identified. The information accompanying the application indicates that it was offered for a rent lower than that which had previously been achieved but it has still not generated sufficient interest for a retail user to come forward.

5.9 In terms of impact upon the amenity of nearby occupiers, there is scope to ensure that any occupiers of flats at number 10 High Street can be protected from loss of amenity, particularly as the rear wings of number 8 and number 10 run back to back. Environmental Health Officers have been consulted and have raised no objections, subject to suitable conditions.

6.0 SUMMARY

6.1 The proposed alternative uses would be consistent with current legislation regarding appropriate temporary uses in town centres and would not be harmful to the character of the listed building, the amenities of the surroundings or the character and appearance of the Stokesley Conservation Area. The proposed uses would generally comply with the objectives of national and local planning policies towards

both the vitality and viability of town centres and the conservation and viable use of heritage assets, apart from Policy DP21, which requires an appropriate balance of retail and non-retail uses in the primary shopping area. However, taking the lead from the Government's extension of permitted development rights, it would be reasonable to grant permission for a single two year period.

7.0 RECOMMENDATION:

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

1. The permission hereby granted is valid until 2 years from the date of this permission and the use shall be discontinued, and the land restored to its former condition on or before that date.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 19 February 2014 unless otherwise agreed in writing by the Local Planning Authority.
3. There shall be no operation as an A3 (cafe or restaurant) use except in full accordance with a scheme, previously approved in writing by the Local Planning Authority, giving details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person. The scheme should specify the position of ventilation, fume or flue outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated.
4. There shall be no operation as an A3 (cafe or restaurant) use, unless there is in place a suitable and fully operational grease trap to prevent discharge of grease into the public sewer.
5. There shall be no operation as an A3 (cafe or restaurant) use, unless any party walls between the A3 use and any domestic residence associated with no 10 High Street are insulated against the transmission of airborne and impact sound to a standard equivalent to that contained in Section E of the Building Regulations 2003/2004. The applicant shall satisfy the Local Planning Authority that all party walls meet the required standard prior to any part of the premises being occupied through the submission of a validation report carried out by a competent person.
6. There shall be no operation as an A3 (cafe or restaurant) use except in accordance with a scheme for the provision of refuse storage facilities which has been previously approved in writing by the Local Planning Authority.
7. There shall be no operation as an A3 (cafe or restaurant) use outside the hours of 8am and 11pm.

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.
3. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
4. In the interests of good drainage in accordance with Local Development Framework Policies CP21 and DP43.
5. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policies CP1 and DP1.

6. In the interests of public amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. In the interests of public amenity in accordance with Local Development Framework Policies CP1 and DP1.

Informative

1. In addition to the need to secure approval for any extraction equipment or flues under the terms of condition 3, you are advised that listed building consent may be required.

Parish: Thirsk
Ward: Thirsk
7

Committee Date : 29 May 2014
Officer dealing : Mr A J Cunningham

Target Date: 30 May 2014

14/00755/FUL

**Change of use from a nursing home to 7 one bedroom and 1 two bedroom apartments.
at Abbeyfield Society Mitchell House Gillings Court Thirsk
for Joplings Property Consultants.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of a nursing home at Mitchell House, Gillings Court, Thirsk to eight apartments. The site is within the Thirsk Conservation Area, to the north of the Market Place and within Flood Zone 3.

1.2 The agent advises that the use as a nursing home has recently ceased due to lack of demand and financial viability.

1.3 The building is formed of red clay facing brickwork with a pantile roof. The large proportion of works proposed to the property are internal. Externally the works to the building's fabric would be minor, comprise the siting of extract vents to serve additional en-suite and kitchen facilities, and the altering of an opening mechanism for an external door.

1.4 Parking and turning facilities are provided to the south of the building in a block paved area. There are currently 6 spaces available. The applicant is proposing to increase the total number of spaces to 8. A revised layout to increase the turning area and to include a visitor parking space is awaited.

1.5 A planning obligation to secure a contribution towards off site open space, sport and recreation facilities in line with policy DP37 of the Hambleton Local Development Framework is also awaited. On the basis that the scheme relates to the net increase of 8 dwelling units, the required contribution would be £8,910.16.

1.6 The application is reported to Committee for reasons of transparency because the building is owned by a charity with Members of the Council on its board.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 11/00066/FUL - Proposed replacement windows; Granted 2011.

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 CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- 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 DP13 - Achieving and maintaining the right mix of housing
Development Policies DP28 - Conservation
Development Policies DP32 - General design
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 Thirsk Town Council wishes to see the application approved.
- 4.2 NYCC Highways recommend a condition regarding provision of approved turning and parking areas.
- 4.3 Environmental Health Officer: no objections or recommendations to make.
- 4.4 Yorkshire Water has no comments based on the information submitted (existing drainage system still in use).
- 4.5 Environment Agency: In the absence of a flood risk assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted. A FRA has been requested from the applicant.
- 4.6 Neighbours notified and site notice posted; expired 14.05.2014 - no responses received.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed residential use 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, issues relating to flood risk and the required contribution towards off site open space, sport and recreation provision.
- 5.2 The site is within the development limits of Thirsk which is a preferred location for development within the settlement hierarchy set out in policy CP4 of the Hambleton Local Development Framework. The site is surrounded by predominantly residential property with some commercial property. The proposed use is compatible with the use of surrounding property and would not erode the amenities of neighbours. The principle of the proposed residential use is therefore acceptable.
- 5.3 The external alterations to the building are minimal and would not impact the visual amenity of the locality.
- 5.4 The site is in Flood Zone 3. A Flood Risk Assessment was not submitted with the application but has been requested from the agent. Subject to a satisfactory FRA and considering this in the context of the previous and proposed uses of the building the proposal would not raise any new concerns in regard to flood risk. The proposed use is no more sensitive in terms of flood risk than the nursing home and would not increase the number of people at risk.
- 5.5 Amendments have been requested in the form of improvements to the proposed turning area and the inclusion of a visitor space. There is sufficient space to accommodate this request and revised drawings are awaited. There is adequate parking provision in the locality and the comments of the Highway Authority are noted. The scheme would not have an adverse impact on highway safety subject to the revisions to the on-site layout.

5.6 The development is required to contribute to local infrastructure in the form of open space, sport and recreation in line with policy. A satisfactory planning obligation to secure this is awaited and subject to its receipt the scheme would comply with the Open Space Sport and Recreation Supplementary Planning Document and policy DP37 of the Hambleton Local Development Framework

6.0 SUMMARY

6.1 The principle of the proposed residential units is acceptable in this location, as is the impact of the scheme on visual and neighbour amenity. Subject to the amended parking and turning layout the proposal would not harm highway safety. Subject to a satisfactory Flood Risk Assessment the scheme would not raise any adverse issues in regard to flood risk. The scheme would make the required contribution towards off site open space, sport and recreation provision subject to the submission and completion of the Unilateral Undertaking. Subject to the outstanding details the scheme is in accordance with the policies of the Hambleton Local Development Framework.

7.0 RECOMMENDATION

Subject to (a) satisfactory completion of a planning obligation to secure a contribution towards local open space, sport and recreation provision; (b) receipt of a satisfactory Flood Risk Assessment; and (c) receipt of a satisfactory revised parking and turning plan, 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 10 April 2014 and [date to be added] unless otherwise approved in writing by the Local Planning Authority.
3. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 1190-11). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Parish: West Rounton

Ward: Rudby

8

Committee Date: 29 May 2014

Officer dealing: Mr A J Cunningham

Target Date: 30 May 2014

14/00680/FUL

Construction of ancillary manager's accommodation as amended by plan received by Hambleton District Council on 14 May 2014 at Horseshoe Inn, West Rounton for Mr S Taylor

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the construction of a building to be used as ancillary manager's accommodation in association with the adjacent pub at the Horseshoe Inn, West Rounton. The building would be located within the curtilage and to the south-west of the Horseshoe Inn, a Grade II Listed building.

1.2 This application is brought before Members of the Planning Committee following the approval of application 13/00717/FUL for alterations to existing outbuildings to form ancillary manager's accommodation, and the unauthorised demolition of the outbuilding (a curtilage building to the Listed Horseshoe Inn and therefore a secondary Listed Building). The applicant now wishes to replicate the design and location of the previous structure. This application is required because the previous permission was for conversion and cannot be implemented as the building has been demolished. A concurrent Listed Building Consent application is no longer required as the works do not result in the alteration to the fabric of the Listed Horseshoe Inn.

1.3 The proposed accommodation would provide for a lounge, kitchen, bathroom and two bedrooms. Amended plans have been received on 14 May 2014 in response to concerns regarding the materials proposed. The materials as amended comprise reclaimed and new pantiles, reclaimed and new handmade facing brickwork and reclaimed sandstone with lime mortar.

1.4 The first floor of the public house used to house manager's accommodation but now provides for a storage area, dining room, function room and staff room. The submitted design and access statement sets out that the ancillary accommodation is required to safeguard the viability of the business.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/80/169/0024 - Application for Listed Building Consent for re-rendering and colouring of the front elevation of the existing public house; Granted 1980.

2.2 2/82/169/0024A - Application for Listed Building Consent for an extension to existing public house to provide increased living accommodation; Granted 1982.

2.3 2/82/169/0024B - Extension to existing public house to provide increased living accommodation; Granted 1982.

2.4 2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house; Granted 1989.

2.5 2/90/169/0024D - Display of an externally illuminated sign; Granted 1990.

2.6 2/90/169/0024E - Application for Listed Building Consent for the display of an externally illuminated sign and a non-illuminated sign; Granted 1990.

- 2.7 2/92/169/0024F - Extension to existing public house and living accommodation; Granted 1992.
- 2.8 2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation; Granted 1992.
- 2.9 10/00747/FUL- Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 11th June 2010.
- 2.10 10/00748/LBC - Application for listed building consent for a single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 11th June 2010.
- 2.11 11/02305/FUL - Demolition of existing outbuilding and construction of a dwelling; Refused 2nd March 2012; Appeal Dismissed 20th September 2012.
- 2.12 11/02716/LBC - Application for listed building consent for demolition of existing outbuilding and construction of a dwelling; Refused 2nd March 2012; Appeal Dismissed 20th September 2012.
- 2.13 13/00718/LBC - Application for listed building consent for alterations to existing outbuildings to form manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013; Granted 25th September 2013.
- 2.14 13/00717/FUL - Alterations to existing outbuildings to form ancillary manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013; Granted 25 September 2013.
- 2.15 14/00001/CAT2 - Unauthorised Demolition of Outbuilding within curtilage of Grade II Listed Building; Pending Consideration.

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP5 - Community facilities
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council; expired 01.05.2014 - No responses received as at 15.05.14.
- 4.2 NYCC Highways - Concern must be expressed with regard to the lack of parking space associated with the development however given the Planning Inspectors comments in the last decision notice at the site with regard to on street parking near to the development a highway objection would be difficult to sustain.

4.3 Conservation Officer - This application proposes the reconstruction of a curtilage building to the Grade II Horseshoe Inn, which was demolished without Listed Building Consent. The proposal is similar to the recently approved plans for alteration of the former building 13/00717/FUL and 13/00718/LBC. However, there are some differences which require attention.

- (a) The notes to the plan refer to concrete interlocking tiles. This is unacceptable; the roofing material should be handmade clay pantile, not of interlocking type to match those of the demolished building and the Horseshoe Inn.
- (b) The notes to the plan refer to pvc double glazed windows. This is unacceptable in this location and windows should be of timber to mirror those of the listed Horseshoe Inn.
- (c) The rear elevation does not show the proposed roof lights as indicated on the floor plan.
- (d) Rainwater goods and pipes are proposed pvc. Can these be altered to the cast iron effect pvc which would aesthetically have an improved appearance.
- (e) Whilst the notes to the plans refer to conservation type roof lights, please can a specific type be considered.

4.4 Environmental Health Officer - No objections.

4.5 Northumbrian Water; expired 01.05.2014 - No responses received as at 15.05.14.

4.6 Neighbours notified and site notice posted; expires 15.05.2014 - Response awaited.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed ancillary residential accommodation, the likely impact on the visual amenity of the surrounding area, any impact on the setting of the adjacent Listed Building, any impact on neighbour amenity and any highway safety issues that may arise.

5.2 This scheme would replicate the provision of ancillary accommodation which was supported in application 13/00717/FUL which would be closely related to the adjacent public house. In application 13/00717/FUL the applicant demonstrated that the previous manager's accommodation at the first floor of the Horseshoe Inn was no longer available as a result of its conversion to a store room, staff rest room and function room. The relatively minimal nature of the ancillary accommodation is also noted. It was noted at the time of the previous application that the accommodation would support the viability of the Public House and this is considered still to be true. Subject to a planning condition linking the proposed accommodation to the functioning of the public house, such that if the Horseshoe Inn House ceased to operate as a Public House the ancillary residential accommodation must be vacated, the principle of the proposed ancillary accommodation is acceptable. This planning condition would also ensure that the scheme would not approve a dwelling and there would be no increase in residential units and therefore there would be no obligation to provide funding towards essential infrastructure (such as Public Open Space). The scheme would only allow for ancillary accommodation to the public house and would therefore comply with the policy requirements of the settlement hierarchy set out at CP4 of the Core Strategy.

5.3 The amendments received on 14 May 2014 propose traditional materials which together with the overall scheme design reflect the character and appearance of the previous outbuilding, and does not harm local visual amenity, and does not harm the setting of the adjacent Grade II Listed Building. The proposal would re-introduce a building into the street scene which previously made a positive contribution to the locality.

5.4 The works, as amended would overlook the land associated with the outbuildings and the frontage of the public house. The overall design and the proposed use of the building would not harm neighbour amenity.

5.5 The local highway authority has commented on the scheme and the lack of parking. However taking account of the comments the Inspector made on the previous appeal decision and the scale of accommodation proposed it is not considered that the proposal would have an adverse impact on highway safety.

5.6 The proposed ancillary accommodation is in accordance with the policies of the Hambleton Local Development Framework and is recommended for approval.

6.0 SUMMARY

6.1 The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and would not have an adverse impact on highway safety. The scheme would not have a harmful impact on the setting of the adjacent Grade II Listed Building and provides a basis to support the viability of the public house and for the public house to be an asset to the local community. The proposal is in accordance with the policies set out in the Local Development Framework and is therefore considered acceptable.

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

7.0 RECOMMENDATION

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 02B received by Hambleton District Council on 14 May 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. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The method of coursing of stonework, the mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be implemented and retained in accordance with the approved details.
4. The accommodation hereby approved shall not be occupied other than as living accommodation by a manager (and those residing with the manager) of the Horseshoe Inn Public House and shall form and remain part of the curtilage of the Horseshoe Inn Public House as a single planning unit.
5. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.

6. The ancillary accommodation hereby approved shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 5 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 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 policies CP1, CP16, CP17, DP1, DP28 and DP32.
4. In order to ensure that the accommodation remains as ancillary manager's accommodation to accord with policy CP4 of the Hambleton Local Development Framework.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.