

Mr & Mrs Rowland Holmes-Smith

Westwood Farm
Ingleby Greenhow
Great Ayton
Middlesbrough
North Yorkshire
TS9 6RF

NOTICE OF DECISION

Application No. 15/02246/FUL

Date: 19th August 2016

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

- PROPOSAL:** Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building as per amended plans received by Hambleton District Council on 18th December 2015 and 9th February 2016
- LOCATION:** Land And Buildings At Rear Of Kirkby House Farm Hill Road Kirkby In Cleveland
- APPLICANT:** Mr & Mrs Rowland Holmes-Smith

Hambleton District Council, being the Planning Authority for the purposes of the above application which was received on 5 October 2015, having considered the following policies:

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Development Policies DP15 - Promoting and maintaining affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP39 - Recreational links
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

and taken into account the following reasons:

Due to its location and design the proposed development is an appropriate exception to the principles of sustainable development and will not have an unacceptable harmful effect on the amenities of nearby occupiers or the rural surroundings and is able to comply with the above policies.

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.

have resolved that it should be **APPROVED**; 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 01Rev F; 04 Rev E; 05 Rev D; 06 Rev A Farmhouse floor plans; 07 Rev A; 06 Rev A Barn 1 floor plans; 09 Rev A; 10 Rev A; 11 Rev B; 12 Rev B; 13 Rev A; 14 Rev B; 15 Rev B; 16 Rev A; 17 Rev A; 18 Rev B; 20 Rev A; 21Rev D; received by Hambleton District Council on 2 March 2016 and 1 July 2016 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.
6. 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
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 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.
8. 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.

9. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
10. No development shall take place until the Public Right of Way diversion has been confirmed.
11. Unless otherwise approved in writing by the Local Planning Authority, the allotment gardens hereby approved shall be used solely for recreational gardening ancillary to the domestic occupation of Kirkby House Farm and/or residents of the dwellings hereby approved and not for any other public or private use.
12. The stable hereby approved shall be used only for stabling and equestrian related storage in association with the domestic occupation of a single dwelling and not for any other business or recreational activity.
13. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' there shall be no structures or fencing of any sort erected on the land without the consent in writing of the Local Planning Authority.
14. There shall be no burning of manure on site and no storage of manure except in accordance with a scheme previously approved in writing by the Local Planning Authority.
15. No bins shall be stored on the collection point hereby approved except on the relevant collection day and the day preceding.
16. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. Build out and alterations to the give way line and other lining in the vicinity of the Hill Road/Kirkby Lane junction; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

18. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 05 Rev D. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
19. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
20. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. wheel washing facilities; e. measures to control the emission of dust and dirt during construction; and f construction access to the site.
21. The houses hereby approved shall not be occupied unless there has been implemented compensatory measures to ensure the conservation status of the local bat population in accordance with the scheme set out in Reasoned risk assessment for bats and barn owls dated September 2015 by Barrett Environmental Ltd received by Hambleton District Council 7 October 2015.
22. Before the last house hereby approved is brought into use, the temporary haul road and access hereby approved shall be removed and permanently closed-off, the hedge re-instated, the grass verge made good and the highway made good in accordance with details that shall first have been approved in writing by the Local Planning Authority. After such closure, no new access shall be created without the prior approval of the Local Planning Authority.
23. 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 temporary access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The temporary construction access shall be located on Hill Road with its centre 18 metres to the south of the boundary with the property known as Meadowfields. It shall be constructed as shown on the submitted drawing reference "Proposed Temporary Construction Access from Hill Road- Revision D" and in accordance with Standard Detail number E7 (concrete or tarmac).
 - b. Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
24. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. 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 DP32.
9. To ensure that the development is appropriate to the amenities of the surroundings in accordance with Local Development Framework Policy CP1 and DP1.
10. To ensure that the reasonable enjoyment of the use of the public right of way which crosses the land of the application site is not harmed by commencement of development in accordance with the Local Development Framework Policies CP19 and DP39.
11. To enable the local planning authority to assess the impact of any alternative use, in accordance with the policies of the local plan.
12. In order that the Council can assess the impact of any alternative use, in accordance with the policies of the Local Plan.
13. In the interests of the open character of the countryside, and the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP16, DP 30, CP1 and DP1.
14. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
15. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
16. In accordance with policy CP2 and DP4 and in the interests of highway safety.

17. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
18. In accordance with policy CP2 and DP4 and 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.
19. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
20. In the interest of safety and the general amenity of the development.
21. In the interests of nature conservation, in accordance with Local Development Framework policy CP16 and DP31.
22. In the interests of highway safety.
23. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
24. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton District Wide Local Plan Policy PH1.

Attention is drawn to the following Informatives:-

1. It is expected that details submitted in connection with conditions 7 and 8 will include provision for hedging on outer boundaries.
2. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
 1 x 240 litre black wheeled bin for general waste 1 x 240 litre green wheeled bin for garden waste
 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
 1 x 55 litre blue recycling box for glass bottles and jars. In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services. If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977 or 0845 1211555.

COMMUNITY INFRASTRUCTURE LEVY

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk

Mark Harbottle
Head of Planning and Housing