

Item Number: 11
Application No: 18/01114/FUL
Parish: Allerston Parish Council
Appn. Type: Full Application
Applicant: Mr O Stead
Proposal: Erection of 3no. two bedroom detached timber framed holiday cabins with associated decks, access and parking
Location: Land West Of The Cayley Arms Weasdale To Partings Farm Allerston Pickering YO18 7PJ

Registration Date: 9 October 2018
8/13 Wk Expiry Date: 4 December 2018
Overall Expiry Date: 15 November 2018
Case Officer: Alan Goforth **Ext:** 332

CONSULTATIONS:

Allerston Parish Council	Objection
Highways North Yorkshire	Await amended documents

Re-consultations

Allerston Parish Council	Objections remain
Highways North Yorkshire	Recommend conditions

Neighbour responses: Mr And Mrs G Stockill, Mr Michael Pickering, Mrs DP Martin, Mr Michael Colyer, Mrs Susan Inglis,

SITE:

The proposed development site is located in Allerston to the north of the A170 and on land that rises south - north. The site is in open countryside beyond the village development limits and also within the Fringe of the Moors Area of High Landscape Value. The Cayley Arms public house is approximately 130m to the east of the site on lower ground and within Flood Zones 2 & 3. The proposed development site is within Flood Zone 1.

The wider site amounts to approximately 1.7 hectares of agricultural land (pasture) that is arranged as two fields separated by a boundary hedgerow. The proposed development relates to approximately 0.15 hectares of land in the south-west corner of the field. The residential properties and holiday cottages at Turgate Paddocks, the Granary and Turgate Farm are approximately 130-150m to the south east of the site.

The Applicant gained planning permission ref. 18/00004/FUL for the erection of an agricultural building for the housing of sheep and formation of new access track. Once constructed the building, which would have a footprint of 132m², would be situated approximately 40m to the east of the proposed holiday cabins and would share the recently formed access off the A170.

HISTORY:

18/00004/FUL- Erection of an agricultural building for the housing of sheep and formation of new access track. APPROVED 09.05.2018. The development has commenced and the access formed but the building work has not been completed.

PROPOSAL:

Planning permission is sought for the erection of 3no. two bedroom detached timber framed holiday cabins with associated decks, access and parking.

The proposed timber framed cabins would measure 8.5m by 6.5m with a footprint of approximately 55m² with a timber decked area (approx. 40m²) on the eastern side. Each cabin would stand 2.3m to the eaves and 5m to the ridge. The ground floor would comprise an open plan kitchen/dining/living area and a separate bathroom and bedroom. A second bedroom would be provided above as a mezzanine floor.

The external walls would comprise horizontal fibre cement cladding coloured 'Basalt Grey' and the pitched roof would have a box profile sheet covering in 'Anthracite Grey'. Each cabin would have two roof lights in the south facing roof pitch to provide natural light to the loft bedroom. The windows and doors would be uPVC (grey) and the east facing elevation of each cabin would be predominately glazed with three sets of sliding doors providing access to the decked area. A covered entrance door would be in the south facing elevation.

A 5m wide and 50m long access road would be laid within the site that would lead from the existing access off the A170 to a six bay car park on the eastern side of the cabins. The access road and parking area would have a gravel surface finish. A stepped and separate ramped access path would lead up to the cabins from the parking area.

The foul sewage would be disposed of via a septic tank installed on the southern side of the site adjacent to the boundary hedgerow. A bin store would be constructed on the northern side of the access road.

It is proposed that trees and high hedges are planted along the western side of the site and a low level hedgerow would enclose the cabins on the northern side. Additional planting would flank the parking area.

To address the LHA concerns in relation to visibility (discussed later in this report) the highway verge and part of the field to the east of the cabins is to be regraded and the existing hedge removed and replaced with a new native species hedgerow set back inside the field beyond the visibility line. In addition, due to the existing access being too steep for pedestrian use, a 1.2m wide gravel and timber edge boarded footpath (1:12 gradient) would be created across the applicant's land to link to the highway verge to the east and the crossing point at the front of the Cayley Arms public house.

The cabins would be used as short term holiday let accommodation and the residual land under the applicant's ownership would remain in agricultural use.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP8 Tourism

Local Plan Strategy - Policy SP9 The Land-Based and Rural Economy

Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

Revised National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are:

- i) Principle of the development;
- ii) Design and impact on the AHLV;
- iii) Impact on local amenity;
- iv) Highway impacts;
- v) Occupancy restrictions; and
- vi) Other matters.

Principle of development

The site is in the open countryside and Policy SP1 seeks to restrict development to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. At the national level paragraph 83 of the revised NPPF supports a prosperous rural economy and states that planning decisions should, *inter alia*, enable “(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and... (c) sustainable rural tourism and leisure developments which respect the character of the countryside”.

Tourism makes a significant contribution to the local economy and local planning policy (Policy SP8) seeks to develop tourism in a sustainable way which does not undermine some of the very special qualities that visitors come to enjoy and experience. Policy SP8 supports tourist accommodation in the wider open countryside that, *inter alia*, involves “New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact on the character of the locality”.

The site is in relatively close proximity to Dalby Forest and the scenic landscapes of northern Ryedale and the type of accommodation proposed would contribute to the range and choice of tourist accommodation available to visitors to the District. Furthermore the site is currently agricultural land and Policy SP9 relates to the land-based economy and supports appropriate farm and rural diversification.

Local policy provides support in principle for sustainable tourist accommodation where the scale, nature of activity and visual intrusion can be accommodated, for example, in terms of the character and sensitivities of the locality, wider landscape and the road network. The proposed development represents new tourist accommodation and is considered acceptable in principle subject to consideration of the design, landscape and visual impact, highways safety and local amenity.

Design and impact on the AHLV

The site is not considered to be isolated in an open countryside context but being situated on the northern side of the A170 is physically separate from the nearby settlement. The site is within the locally designated Area of High Landscape Value and elevated above the A170. Due to the hill side topography of the land the site is visually sensitive although there are no nearby public rights of way in the locality or residential receptors with direct views towards the site.

The cluster of three cabins would be situated in the south-west corner of the field and would take advantage of the lower land, the wide grass verge embankment and the dense stretch of planting along the southern side of the field parallel to the A170. The cabins would stand 5m to the ridge although the proposed tree and high hedge planting on the western side would form an 'L' shape of screening that would soften the appearance of the development and enclose the site and obscure views from the west and south. The applicant also proposes the 'gapping up' and strengthening of the existing hedge that runs north-south adjacent to the site access to screen views from the A170 south of the Cayley Arms.

If permission is granted conditions shall be imposed to secure the details of the additional screen planting, the new native hedgerow and also the retention and maintenance of the existing dense planting along the southern boundary.

The proposed development would introduce new buildings in a relatively undeveloped area but would not interrupt the skyline views or the scenic qualities of the hill side to an unacceptable degree. The siting of the cabins on lower land at the southern side of the field results in a development that is less prominent than if positioned further north in the field and higher up the hill side. The proposed planting would allow the site to visually integrate with the locally valued landscape. The external materials and dark non reflective colour finishes for the buildings would blend with the hillside backdrop and boundary planting and ensure the buildings are less conspicuous and to reduce visual intrusion. The final external materials and finishes shall be approved under condition if permission is granted. It is considered that the scale, design and appearance of the development would not conflict with Policies SP16 and SP20 and would not be detrimental to the locally valued landscape and complies with Policies SP8 and SP13.

Impact on local amenity

As required by Policy SP20 (Generic Development Management Issues) development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.

If permission is granted for the development of the three holiday cabins approximately 1.5 hectares of adjacent land (under the ownership of the applicant) would remain in agricultural use for the grazing of sheep associated with the building the subject of permission ref. 18/00004/FUL. It is not anticipated that the proposed land use would prejudice the continued operation of neighbouring agricultural activity and the holiday cabins would not be an incompatible land use adjacent to fields used for the grazing sheep.

The surrounding land is predominately in agricultural use with the exception of the public house to the east and the residential properties and holiday cottages 130-150m to south-east. There are no openings in these properties that directly face or overlook the application site. Due to the separation distance and established boundary planting there would be no views from the proposed outdoor decking areas towards any private amenity space associated the residential properties on lower ground to the south-east. It is not anticipated that the proposed development would give rise to unacceptable impacts upon neighbouring land uses in terms of overlooking or loss of privacy.

A noise disturbance concern has been raised by the occupant of Turgate Paddocks especially if all the cabins are let to large groups. The development is relatively small scale and the dominant noise source in the locality is the movement of traffic on the A170. It is not anticipated that the three cabins would generate a level of activity at the site that would give rise to material harm to existing levels of amenity experienced by the occupants of properties to the south-east.

In the interests of minimising light pollution a condition shall be included on any permission granted to secure the approval of any associated external lighting. It is considered that there would be no impact outside of the site in terms of pollution, disturbance, overlooking, loss of privacy or visual intrusion for other neighbouring land uses. It is considered that the proposed development would not conflict with the aims of Policy SP20 in relation to the protection of amenity.

Highway impacts

Policy SP8 states that tourist attractions should be accessible by a choice of means of transport. The proposed footpath from the site would lead to the existing pedestrian crossing point at the front of the Cayley Arms that is adjacent to the bus stops on both sides of the A170. The pub, the main street of the village and the nearby bus stops are within walking distance of the application site and it is considered that sustainable modes of transport are available to holiday makers in line with the aims of the policy.

Policy SP20 seeks to ensure that new development does not have a detrimental impact on road safety. The speed limit on the stretch of the A170 through the village is 40mph and eastbound traffic travels down the hill into the village and there is a bend in the road just before the access. The objections lodged by the Parish Council and the occupants of five properties in the village make reference to highway safety concerns arising from the location of the access, visibility and the associated increase in traffic travelling to and from the site.

The LHA initially recommended refusal of the application on the basis that the access was unsatisfactory for an intensification of use because the required visibility could not be achieved. In addition the LHA response highlighted that the existing access was too steep for pedestrian use.

Following a site meeting that included the highways engineer the applicant amended the application to propose the re-profiling of the highway verge and the removal and replanting of the boundary hedge further north to achieve the required visibility splays. In addition a footpath (1:12 gradient) would be created across the applicant's land to link to the highway verge to the east and the crossing point at the front of the Cayley Arms public house.

The LHA has not objected to the amended details and recommends the inclusion of conditions relating to visibility splays, provision of a footway through the site and highway verge, provision of on-site parking, precautions to prevent mud on the highway and on-site parking and material storage during construction.

Paragraph 109 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.

The local concern is acknowledged however the highways impact has been the subject of technical examination by engineers of the LHA and the amended details reflect the requirements in terms of visibility and accessibility and the access can accommodate the intensification of use. It is not anticipated that the proposed development of three holiday cabins would create additional traffic movements that would give rise to a materially significant adverse impact on highway safety either individually or cumulatively and there would be no conflict with Policy SP20 in relation to highway safety.

Occupancy restrictions

Local Policy SP21(e) relates to Time-Limited Occupation and states *"New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions: □ The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and □ It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and □ The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request"*. A condition shall be imposed restricting the occupation of the holiday accommodation to ensure compliance with Policy SP21.

Other matters

The objections raised in relation to the following are not material to the consideration of this application:

- Retention of the existing agricultural land use
- The land is not allocated/designated for building
- Motives or intentions of the applicant
- Any previously alleged breach of planning control

It is acknowledged that some local residents have raised concerns that the proposed development would set a precedent for future development at the site and on the residual land under the Applicant's ownership. Whilst the LPA is entitled to consider any cumulative effects the possibility of precedent is not a valid reason for refusal. The planning decision is reached on the merits of the application lodged with the LPA and is made without prejudice to the formal consideration of any future planning applications.

Conclusion

The principle of the development is in line with national and local planning policy relating to the sustainable development of tourism and the rural economy. Taking account of the location of the development in terms of topography and existing and proposed screen planting it is considered that the three holiday cabins can be accommodated without giving rise to unacceptable visual intrusion or impact on the character of the locality.

The proposed development would not have an unacceptable impact on local amenity or highway safety and any adverse impacts can be controlled by condition. In light of the above assessment, it is considered, on balance, that the proposal is acceptable and complies with Policies SP1, SP8, SP9, SP13, SP16, SP19, SP20 and SP21 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework. The recommendation to Members is one of conditional approval.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Plan, Elevation & 3D View ref. 522 001 Rev D, dated Dec 2018

Proposed Plan, Elevation & 3D View ref. 522 002 Rev B, dated Dec 2018

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the commencement of construction work, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 4 The holiday accommodation shall be occupied for holiday purposes only; and not as a person's sole, or main place of residence. It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and the owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: It is not considered that the accommodation is suitable for permanent residential use and to satisfy Policy SP21 of the Local Plan Strategy.

- 5 The existing hedge and trees along the southern boundary of the site adjacent to the proposed cabins and access road shall be retained and maintained, and details of proposed maintenance measures shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development. In the event of the existing hedge dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. Any new hedgerow plants shall be maintained for a period of five years from being planted and replaced if they die or become diseased by plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: It is considered that the existing hedge is an important visual amenity which should be retained.

- 6 Prior to the commencement of construction work, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved.

- 7 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 109 metres measured along the centre-line of the carriageway of the A170 in an easterly direction from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres and that area of highway verge and field within the visibility splay line shall be re-graded where necessary to ensure clear visibility throughout. Once created, these visibility areas shall be maintained clear of any obstruction (including regular grass cutting) and retained for their intended purpose at all times.

Reason: In the interests of road safety.

- 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 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. Provision of tactile paving

b. Provision of a 1.2 metre wide footway through the application site as described and shown on the Site Location Plan (Drawing No. 522 001 Rev. D).

c. Provision of a 1.2 metre wide footway within the highway verge, of 1:12 maximum gradient, including dropped crossings at the verge edge and pedestrian crossing point/bus stop

outside The Cayley Arms PH in accordance with the Specification of the local highway authority (150mm compacted Type 1 sub-base; 70mm basecourse (20mm sized aggregate); 20mm wearing course (6mm sized aggregate) and timber edgings to either side) as shown on the Site Location Plan (Drawing No. 522 001 Rev. D).

(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.

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

- 9 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 8 (above)

Footway works as described in that condition.

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

- 10 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 522 001 Rev. D for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 11 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.

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

- 12 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:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

- 13 Before the development hereby permitted commences, details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance.

- 14 Full details of any new or additional external lighting at the site, including lighting for site security purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution.

INFORMATIVE(S)

- 1 (Condition 9) 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.