

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 17 May 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 25 May 2017**
Time **1.30 pm**
Venue **Yorkshire Suite, Golden Lion Hotel, High Street, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am INCLUDING AN UPDATE ON NORTH NORTHALLERTON AND THE CASTLEGATE AND MOWBRAY PARK/EAST COAST MAINLINE

AGENDA

Page No

1. MINUTES

1 - 6

To confirm the minutes of the meetings held on 27 April (P.28 - P.31), attached and 23 May 2017 (P.1 – P.2), to follow.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. MATTERS OF URGENCY

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING
COMMITTEE held at 1.30 pm on Thursday,
27th April, 2017 at Yorkshire Suite, Golden
Lion Hotel, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	J Noone
	M A Barningham		C Patmore
	D M Blades		B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors

P.28 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 30 March 2017 (P.26 - P.27), previously circulated, be signed as a correct record.

P.29 PLANNING APPLICATIONS

The Committee considered reports of the Executive Director relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Executive Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred

consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Executive Director, unless shown otherwise:-

- (1) 17/00144/FUL - Demolition of barn and construction of two detached dwellings at Land North of Fold House, Main Street, Alne for Ms Suzanne Coning

PERMISSION GRANTED

- (2) 17/00268/OUT - Outline application for a detached dwelling with details of access for existing and proposed dwellings (all other matters reserved) and gates and porch extension to existing dwelling at Hilltop, Dalton for Mr & Mrs M Pollard

PERMISSION GRANTED subject to an additional condition limiting the development to a bungalow.

- (3) 16/02487/FUL - Alterations to dwellinghouse, alterations and change of use to the existing barn/outbuildings to form habitable accommodation with two storey link extension, and alterations to existing barn to form garage with associated alterations to the vehicle hardstanding at Manor Farm, Hill Road, Kirkby In Cleveland for Mr Mark Barratt

DEFER to seek a reduction in size of the link

(The applicant, Mark Barratt, spoke in support of the application.)

- (4) 16/02127/FUL - Construction of three dwellings and associated works (revision to planning application 16/01540/FUL) at Land to the south of Bravener Court, Newton-on-Ouse for Mrs Toni Johnston

PERMISSION GRANTED

(The applicant, Toni Johnston, spoke in support of the application.)

(Brian Young spoke objecting to the application.)

Disclosure of Interest

Councillor Rooke disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (5) 16/02803/OUT - Outline application (all matters reserved) for the construction of three dwellings at Land to West of Green Acres, The Green, Raskelf for Mr Paul Johnson

PERMISSION GRANTED

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (6) 17/00355/FUL - Proposed two bedroomed dwelling at East Villa, Main Street, Shipton by Beningbrough for Mrs Chris Shepherd

PERMISSION GRANTED

- (7) 17/00196/FUL - Demolition of dwelling and construction of 2 bedroom dwelling & 4 bedroom dwelling at White House Cottage, Sinderby for Mrs Sandra Brittain

PERMISSION GRANTED

- (8) 16/02722/REM - Reserved matters application for 5 bungalows, car ports, car parking and associated infrastructure at Land South of White Bear Farm, South Back Lane, Stillington for Mr & Mrs P & K Mandefield

PERMISSION GRANTED

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (9) 17/00570/FUL - Construction of a Pig Fattening House for Mr Brian Phillips at Hall Farm, Warlaby

PERMISSION GRANTED

Disclosure of Interest

Councillor B Phillips disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (10) 16/02254/OUT - Outline planning application for a detached dwelling with garage with all matters except access reserved at Colwell House, Welbury for Mr & Mrs T Johnson

PERMISSION GRANTED

- (11) 16/01573/FUL - Retrospective change of use of dwelling and domestic curtilage for weddings/private functions. Retrospective works include construction of a Riverside Pavilion and use of land for the siting of two temporary marquees and car parking for up to 100 cars at Tanfield House, West Tanfield for Mr Neil Bourne-Arton

PERMISSION GRANTED because the Committee was satisfied that with the imposition of the six conditions suggested by the Environmental Health Officer residential amenity would be adequately safeguarded.

The decision was contrary to the recommendation of the Executive Director.

(The applicant, Mr Bourne-Arton, spoke in support of the application.)

(David Garritt spoke objecting to the application.)

P.30 **EXCLUSION OF THE PUBLIC AND PRESS**

THE DECISION:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the items of business at minute nos P.31 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the Act as the Committee was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

P.31 **PLANNING CONDITIONS RELATING TO PUBLIC RIGHTS OF WAY - CASTLEGATE AND MOWBRAY PARK DEVELOPMENTS (FORMER YORK TRAILERS SITE), YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)**

Northallerton North and Brompton

The subject of the decision:

This report provided information on options available to the Council regarding compliance with two conditions imposed on the redevelopment of the former York Trailers site: (a) condition 15, which required a public footpath to be upgraded to allow cyclists to access Northallerton town centre; and (b) condition 16, which required safety mitigation of a pedestrian level crossing of the East Coast Main Line (ECML) on the same public footpath.

Alternative options considered:

The various options for consideration were set out in the report.

The reason for the decision:

The Committee was satisfied that the decision took into account concerns about safeguarding future residents and to ensure that appropriate measures are in place to mitigate any future risk.

THE DECISION:

That:

- (a) the developer is invited to vary condition 15 to refer to the upgrading of the public footpath between the site and Northallerton town centre in accordance with the details approved under 14/00846/DIS, insofar as those works relate to land that is not in third party ownership, accompanied by a Deed of Variation to secure a contribution of not less than £100,000 towards a full upgrade to footway and cycle path;
- (b) the developer is invited to amend their submission under condition 16 (13/01956/DIS16) to include warning measures and is brought before the Planning Committee for decision at the earliest opportunity; and

- (c) subject to prior implementation of all mitigation approved as part of the submission under 13/01956/DIS16, the developer is permitted to allow public access from the development to the footpath in the approved position.

The meeting closed at 4.25 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee in the Yorkshire Suite, Golden Lion Hotel, Northallerton on Thursday 25 May 2017. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services 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 Executive Director. 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 Executive Director 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
Executive Director

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 25th May 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/00382/FUL Miss L Chambers Alne Page No. 11	Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road For: Mr A Adamson & Mrs S Adamson At: The Old Station Yard, Station Road, Alne RECOMMENDATION: REFUSE
2	16/02214/MRC Mrs H Laws Crakehall Page No. 19	Variation of condition 2 to increase the number of units by 27 (to read 49 static caravans and 4 twin unit lodges) & condition 6 (approved plans) to previously approved application 15/01637/FUL (Change of use of agricultural land and siting of 22 static caravans and 4 twin unit lodges) For: Mr Jack Reynard At: Burtree Lakes Holiday Park, Little Crakehall RECOMMENDATION: GRANT
3	16/02487/FUL Mr K Ayrton Kirby Page No. 27	Alterations to dwellinghouse, alterations and change of use to the existing barn/outbuildings to form habitable accommodation with two storey link extension, and alterations to existing barn to form garage with associated alterations to the vehicle hardstanding For: Mr Mark Barratt At: Manor Farm, Hill Road, Kirkby In Cleveland RECOMMENDATION: REFUSE
4	17/00180/OUT Mr K Ayrton Kirkby Page No. 31	Outline application for residential development For: Mr & Mrs Timothy & Heather Bone At: Hill View, Hill Road, Kirkby in Cleveland RECOMMENDATION: GRANT
5	16/02674/FUL Mr K Ayrton Low Worsall Page No. 37	Five detached dwellings with garages, associated works and provision of open space For: Three Developments Ltd. At: Land south of Manor Close and east of Village Road, Low Worsall RECOMMENDATION: GRANT
6	17/00053/FUL Miss L Chambers Sessay Page No. 49	Conversion of agricultural building to form a dormer bungalow For: Ms Louise Broom At: Field House, Main Street, Sessay RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	17/00381/MRC Mrs H Laws Skutterskelfe Page No. 55	Application for removal of conditions 2 & 3 attached to Planning Permissions 2/134/6D/PA (outline) and 2/134/6G/PA (reserved matters) - agricultural occupancy condition For: Mr Stuart Bainbridge At: Leven Grove Farm, Stokesley Road, Hutton Rudby RECOMMENDATION: GRANT
8	16/02756/REM Mr P Jones Stokesley Page No. 59	Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings For: Kier Living At: Land to the north and west of Woodlands Walk, Tanton Road, Stokesley RECOMMENDATION: GRANT
9	17/00544/FUL Mrs H Laws Thrintoft Page No. 77	Retrospective application for the demolition of farm building and construction of a dwelling For: Mr Andrew Hutchinson At: Land to the west of Ivy House Farm, Thrintoft RECOMMENDATION: GRANT
10	16/02013/OUT Mrs C Strudwick Tollerton Page No. 85	Outline planning application with all matters reserved for a doctors surgery and residential development with associated infrastructure and landscaping For: Mr D Gath, Dr M Potrykus & Dr S Utting At: Land off Forge Lane, Tollerton RECOMMENDATION: GRANT
11	16/02054/FUL Mrs C Strudwick Tollerton Page No. 101	Change of use of doctors surgery to create a pair of semi-detached bungalows For: Tollerton Surgery At: 5 - 7 Hambleton View, Tollerton RECOMMENDATION: GRANT

Parish: Alne
Ward: Easingwold
1

Committee date: 25 May 2017
Officer dealing: Laura Chambers
Target date: 1 June 2017

17/00382/FUL

**Demolition of existing storage sheds and construction of five detached houses with associated garages and access road
At Old Station Yard, Station Road, Alne Station
For Mr A Adamson & Mrs S Adamson**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is the former station yard at Alne Station, to the south west of the railway line and east of Station Road, to the north east of the village of Alne itself. There are a small number of existing dwellings at Alne Station that appear as an ancillary hamlet to the main settlement.
- 1.2 The application site has a longstanding use for storage and distribution associated with a stonemasonry business. The eastern boundary with the adjacent dwelling is defined by an established hedge while the southwestern boundary is demarked by a post and rail fence of approximately 1m in height. There are a number of deciduous trees to the northern section of that boundary and shrubbery adjacent to the existing vehicle access but the remainder of the boundary is relatively open.
- 1.3 There are a number of buildings on the site of a commercial nature, including storage containers associated with the business currently operating from the site. These buildings are out of keeping with the neighbouring dwellings.
- 1.4 Permission is sought to remove some of the existing commercial buildings on the site, form a shared drive parallel to Station Road and erect five four-bedroom detached dwellings in a linear arrangement to the south of the drive. A storage building is to remain to the south east of the site.
- 1.5 Improvements have been secured as follows: the number of units proposed has been reduced following advice given at pre-application advice stage to ensure the development is small scale.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 83/1026/CAP – Certificate of Alternative Use Proposed – Use of land as a builder's yard and construction of an office building; Granted 8 December 1983.
- 2.2 84/0431/FUL – Building for the storage of timber; Granted 27 September 1984.
- 2.3 85/0846/OUT – Outline application for a dwelling with domestic garage; Refused 25 July 1985, appeal allowed 0 April 1986.
- 2.4 88/0187/FUL – Garage/workshop building for use in connection with haulage business; Granted 4 October 1988.
- 2.5 99/50046/P – Revised application for a storage and distribution building with associated office accommodation; Granted 27 September 1999.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 – Utilities and Infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP13 – Achieving and maintaining the right mix of housing
Development Policies DP15 – Promoting and maintaining affordable housing
Development Policies DP17 – Retention of employment sites
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, Type and Tenure of New Homes
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection but queries whether buildings on the site are listed and whether the County Archaeologist would record the site prior to works commencing.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environment Agency – No objection; recommends flood proofing measures and assessment of contamination.
- 4.4 Environmental Health Officer – No objection subject to conditions and additional land contamination investigative works being carried out.
- 4.5 Network Rail – No objection in principle but questions land ownership.
- 4.6 Yorkshire Water – Confirms a water supply can be provided.
- 4.7 Kyle & Upper Ouse Internal Drainage Board – The application relates to work near and discharging into a watercourse within the Internal Drainage Board drainage district and requires consent from the IDB in addition to landowner agreements for works, access, easements and planning permissions.
- 4.8 RAF Linton on Ouse – No objection.
- 4.9 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) flooding; (iii) contaminated land; (iv) noise; (v) ecology; (vi) housing mix, and (vii) design.

Principle of Development

- 5.2 Alne Station lies beyond the Development Limits of the settlements listed in Policy CP4, which states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Alne Station is defined as an Other Settlement. Alne is approximately 650m away by road and is defined as a Secondary Village and therefore is considered a sustainable location for development. There are footpath links between the two villages and access to bus services. Alne and Alne Station are identified as cluster villages within the IPG due their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site is currently in employment use as a stonemasonry business. Policy CP12 of the Council's Core Strategy seeks to support and sustain the economy of the District and policy DP17 seeks to achieve this by retaining employment sites unless material considerations indicate an exception can be made – such as the site is no longer viable or redevelopment would facilitate a new site to sustain an existing business.
- 5.6 The supporting documents submitted with the application identifies the owner of the site is a sole trader without other staff being employed at the site, it is also asserted that the nature of the business has changed such that the site is no longer required as the activities carried out there have become unviable – namely stonecutting and the business purchases pre-cut stone to be delivered to the location of its use. It is not therefore the case that an alternative premises are being pursued to accommodate the business to be funded by the redevelopment, rather that the operation has changed such that the site is now surplus to the operator's requirements.
- 5.7 The proposal identifies criteria iii of DP17 as applicable in this case, whereby planning benefit would be achieved by removing a use that could cause residential amenity problems, namely a reduction in vehicle movements and traffic. However, there is no evidence that the current use of the site has caused amenity problems or that an alternative employment use would cause significant harm.
- 5.8 It is understood that the site has not been marketed for continued employment use, so no evidence has been submitted to suggest that an alternative business could not be operated from the site. Furthermore, there has been no assessment of the current levels of alternative employment land to establish whether sufficient supply and variety is available elsewhere to justify loss in this instance.

- 5.9 Given the assessment above, insufficient justification has been provided to demonstrate an exception should be made under DP17 to allow for the loss of an employment site.

Flooding

- 5.10 The majority of the application site, in particular the land on which proposed houses themselves would be located, is within Flood Zone 1, an area considered of the lowest flood risk by the Environment Agency. However, parts of the site, including the access, are within Flood Zone 2, assessed to be an area of medium flood risk. As the housing would be within Flood Zone 1, a sequential test is not required, however an assessment of the impact of the proposal on flooding elsewhere or the potential for the access to flood is required.
- 5.11 The applicant identifies that the access is above the designed flood level for a 1 in 100 year flood event and therefore it is considered that adequate access to the site can be achieved.
- 5.12 A suitable means of surface water drainage must be introduced to the site. The requirement to submit drainage proposals, including details of their future management, can be required by the imposition of planning conditions and would ensure surface water flooding is not worsened by the proposal.

Contaminated Land

- 5.13 The application is accompanied by a desk based Phase 1 assessment of contamination, which recommends a Phase 2 investigation is required and this is supported by the Council's Scientific Officer. A suitable condition to require those works to be carried out and findings submitted to the Local Planning Authority for approval could be attached should the application be recommended for approval.

Noise

- 5.14 The location of the proposed development adjacent to the East Coast Main Line gives cause for concern regarding the potential impact of noise on the amenity of future occupiers. Submitted in support of the application is a noise assessment that concludes suitable attenuation measures could be introduced to achieve appropriate living conditions for occupants. The environmental health service has raised no objections on this basis but has requested a condition requiring specific details of the methods to be used to be submitted for approval as these are not fully specified in the application.
- 5.15 A commercial building used for storage and distribution would remain adjacent to the site. While the introduction of dwellings in this location could conflict with the commercial use, there is nothing to suggest the operation presently causes a noise nuisance to existing neighbours or that this is likely to change in the future and the environmental health service has raised no concerns in that regard.

Ecology

- 5.16 The application is accompanied by a bat and breeding bird scoping survey that assesses the buildings proposed to be demolished. The report finds there is a lack of evidence to suggest any use by bats and that the surrounding landscape offers only low to moderate quality bat foraging habitat. The survey found there were swallows nesting in one of the buildings and recommends that demolition is undertaken outside the breeding season. The proposal is not considered to detrimentally affect protected species and implementation can be suitably managed so as not to have a detrimental impact on biodiversity.

Housing mix

- 5.17 The proposed development consists of five detached dwellings each of four bedrooms, although the house types vary and there are different floor areas (plots 1 and 5 being larger than the others). However, these variations are not substantive and the scheme is for larger family homes.
- 5.18 Policy CP8 requires applications for housing to take account of local housing need in terms of the size, type and tenure proposed. Policy DP13 supports this and requires developers to work collaboratively with the Council in determining the appropriate housing mix. There is an identified need within the district for two and three-bedroom properties, which would not be addressed as part of this proposal. The supporting documentation submitted with the application asserts there is an existing supply of two and three-bedroom properties in the locality and the proposed four-bedroom houses would enhance that mix, allowing those with growing families to move to a larger property and therefore make smaller properties available. There is not, however, a robust assessment of housing need and availability in the local area to justify departing from the normal expectation that smaller homes are provided within developments.
- 5.19 While acknowledging policies within the Core Strategy were produced some time ago, this in itself does not mean they are out of date or not in conformity with the more recent requirements of the NPPF. The Council adopted a Supplementary Planning Document on Size, Type and Tenure of New Homes in September 2015 and has an up to date Strategic Housing Market Assessment (updated report published September 2016). Both identify the need for smaller housing units to address the shortfall across the district. It is therefore considered policies CP8 and DP13 remain relevant and have not been addressed as part of this application.

Design

- 5.20 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.21 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.22 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.23 The Council's Statement of Community Involvement, adopted in 2013, requires applications for proposals that depart from the Development Plan to explain how public comments have influenced the chosen design.

- 5.24 The Planning Statement, incorporating a Design and Access Statement, describes the character of the surrounding area as a small conglomeration of properties, principally two-storey brick built dwellings with a smaller number of bungalows and materials including a combination of brickwork, render, pantiles and concrete roof tiles, which is the case. The properties in the area vary in style and period with some being converted agricultural buildings and this reflects development over time rather than a specific architectural style defining the character.
- 5.25 The proposed dwellings would appear appropriate to the location. Features such as bay windows and chimneys have been included, as well as soldier courses and stone sills to windows that provide detailing to enhance the overall design. The proposed dwellings are to be detached, two-storey properties with moderate gardens, similar to those already in the area. The proposed development would therefore be in keeping with the character of the area and would not detract from it.
- 5.26 No site features worthy of retention are identified, reflecting the poor quality of some of the buildings on the site that vary in style, materials and appearance but are principally of a basic nature suited to their commercial purpose but not reflecting the character of the surrounding residential properties in the vicinity.
- 5.27 The layout of the proposal follows a private drive to be taken from the existing access to the highway, running parallel to Station Road. Four of the proposed properties would have their rear gardens adjacent to Station Road with their principal elevation fronting the railway line to the east. The fifth property would form the end of the cul-de-sac with its principal elevation fronting south and its rear elevation facing north.
- 5.28 The proposed layout allows for a density of development that reflects the surrounding area, providing suitable garden space for each property as well as in-curtilage parking, two visitor parking spaces and a communal refuse store. The layout does however give limited aspect to the main road with rear gardens being adjacent to the site boundary, in addition the submitted noise assessment recommends a 1.8m close boarded timber fence to the east of the site to protect from noise, which would also assist in securing to site to deter trespass to the railway. Due to its orientation the garden to plot 5 would be more exposed to noise from the railway line and therefore a more substantial height of fence potentially on a bund could provide suitable mitigation. Although this would not immediately front Station Road, however its height would have the potential to impact the wider street scene, albeit this could be softened with a suitable landscaping scheme as indicated in the supporting statement, details of which could be secured by condition.
- 5.29 The Design and Access Statement does not refer to community consultation having taken place or informing the proposed design. Nor does the statement refer to alternative development options; however a previous submission for pre-application advice proposed a much larger scale of development that has been revised following officer advice.

Heritage assets

- 5.30 In response to the question asked by the Parish Council, there are no listed buildings on the site, which is not within a Conservation Area, and while one building on the site relates to its former use as a station yard, this is not considered to be a heritage asset. As such, there would not be an adverse impact on heritage assets as a result of the proposed development.
- 5.31 The Parish Council also asked whether the County Archaeologist will be inspecting the site. There are no known archaeological records relating to the site; however at the time of writing advice from the County Archaeologist is awaited. Any update on this will be reported to the meeting.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The application site is currently in employment use. Redevelopment for housing would result in the loss of employment land and no justification has been established for that loss. The proposal is therefore in conflict with Hambleton Local Development Framework policies CP12 and DP17.
2. The proposal does not address housing need in the area, namely for smaller two and three-bedroom dwellings, as identified in the Council's Strategic Housing Market Assessment. The application therefore does not comply with Hambleton Local Development Framework policies CP8 and DP13 and guidance in the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes.

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Parish:Crakehall

Ward: Bedale

2

Committee date: 25 May 2017

Officer dealing: Mrs H Laws

Target date: 31 May 2017

16/02214/MRC

Variation of condition 2 to increase the number of units by 27 (to read 49 static caravans and 4 twin unit lodges) & condition 6 (approved plans) to previously approved application 15/01637/FUL (change of use of agricultural land and siting of 22 static caravans and 4 twin unit lodges)

At Burtree Lakes Holiday Park, Burtree House, Little Crakehall

For Mr Jack Reynard

This application is referred to Planning Committee at the request of Councillor Barningham

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the eastern side of the C-class road from Crakehall to Hackforth, 800m north of its junction with the A684. The application site lies immediately adjacent to the existing touring caravan site. The applicant, in addition to the touring site and fishing lake also has permission for the winter storage of touring caravans.
- 1.2 Planning permission was granted in September 2015 to change the use of a piece of land immediately adjacent to the caravan park (1.86 hectares in size), for the siting of caravans. The land was previously used for recreation purposes such as dog walking for guests.
- 1.3 Permission was granted for a layout that positioned 12 static caravans along the southern boundary and 10 static caravans along the eastern boundary. In addition 4 lodges were approved within the south eastern corner of the site (a total of 26 units). A new roadway was approved to serve the units, accessed from the existing caravan park access road.
- 1.4 It is now proposed to site a greater number of units within the same site. The position of the 26 units would remain unchanged but a further 27 static caravans (amended from 47) would be positioned centrally within the site and along the western boundary resulting in a total of 53 static units (amended from 73).
- 1.5 The amended details also propose to move the caravans away from the western boundary of the site and lower the ground level where the units would be positioned. The excavated soil would be used to create a landscaped mound along the western boundary. Vehicular access would be as existing but with a new passing place approximately halfway along the access road in order to reduce the impact of traffic movements on the occupiers of Burtree Cottage.
- 1.6 The caravan park currently has permission for a total of 56 touring caravans and 26 static caravans (including 4 lodges). There is also permission for the storage of caravans within the Burtree Caravan Park boundary with no limit on numbers, only on the areas within which storage can take place. The application includes a proposal to restrict the number of caravans stored within these designated areas to 30 units.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00115/FUL - Layout of land for the siting of 30 touring caravans; Granted 21 March 2006.
- 2.2 06/02516/FUL - Construction of an amenity block; Granted 4 January 2007.
- 2.3 09/01176/FUL - Use of land and building for the storage of touring caravans; Granted 29 July 2009.
- 2.4 10/02260/FUL - Change of use of agricultural land for the siting of 6 touring caravans; Granted 11 November 2010.
- 2.5 12/00132/FUL - Change of use of agricultural land and building for the storage of leisure vehicles (primarily touring caravans B8); Granted 13 March 2012.
- 2.6 12/00133/FUL - Change of use of agricultural land and building for the siting of touring caravans (20 touring caravans); Granted 13 March 2012.
- 2.7 12/02394/FUL - Siting of a static caravan for use by site warden; Granted 10 May 2013.
- 2.8 15/01637/FUL - Change of use of agricultural land and siting of 22 static caravans and 4 twin unit lodges; Granted 21 September 2015.
- 2.9 16/01645/FUL - Provision of portable toilet and shower facility for use of touring park customers; Granted 10 October 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Good Practice Guide on Planning for Tourism - May 2006
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Comments as follows:

- The development will have a large impact on the traffic along Hackforth Road for a large part of the year. Much of this road has no footpath so an increase in traffic and pedestrians would be unsafe as there are areas where the road has blind bends;
- Vehicles already have difficulty in exiting Coronation Road onto the Hackforth Road due to a bend in the road which hinders motorists view and an increase in the traffic would only make this more dangerous; and

- The original proposal for 22 caravans and 4 twin unit lodges has now been amended to be increased by an additional 47 caravans meaning an increase of over 200%. This vast increase on the original plan needs to be considered seriously.

Any further comments as a result of the reduction in numbers of units will be reported to the meeting.

4.2 Highway Authority – No objection.

4.3 Environmental Health Officer - No objection; recommends an informative regarding the need for a caravan site licence.

4.4 Public comments - Objections have been received from five residents of Crakehall and Langthorne, one of whom lives in Burtree Cottage at the end of the access road. The comments are summarised as follows:

- Concern regarding the potential trespass and other security concerns from the increase in the number of people visiting and walking in the area;
- Langthorne New Covert has been designated as a Site of Importance for Nature Conservation (SINC); this area needs to be left alone in order to allow the flora and fauna to flourish;
- The applicant has failed to offer any major concessions other than to improve the screening off of the static caravans etc.;
- Another corner of Crakehall would be lost to unnecessary, unsightly and overcrowded development. The number of caravans will equate to a sizeable housing estate together with all the problems and disadvantages that this will bring to a small village;
- Greatly increased noise, pollution and traffic affecting Crakehall;
- The proposal will offer no benefit to the inhabitants of Crakehall other than perhaps the owners of the pub and the shop;
- The site is not, and cannot be, adequately landscaped. It can be clearly seen when approaching from Hackforth and Patrick Brompton;
- The lane to Burtree Lakes and Burtree Caravan Park provides the only means of access to Burtree Cottage. Increased use of this will harm residential amenity;
- The site already has permission for the siting of 56 touring caravans and storage for 100 touring caravans;
- The increase in population will be to the detriment of this small, quiet village; and
- A large number of static caravans and mobile homes in a relatively small area will make the countryside less attractive.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of extending the caravan site; (ii) the scale of the use now proposed and its impact on the character and appearance of the rural area; (iii) the impact on residential amenity; and (iv) highway safety.

Principle

5.2 The application site lies well beyond the Development Limits of Crakehall or any other settlement. Local Development Framework Policy CP4 allows for development that is necessary to meet the needs of tourism and will help to support a sustainable rural economy outside Development Limits where an exceptional case can be made in terms of policies CP1 and CP2, and where there is no conflict with the LDF's environmental protection and nature conservation policies.

- 5.3 The NPPF emphasises the importance of sustainable tourism to rural economies and it is expected that most accommodation will be provided in or adjacent to existing settlements. Local Authorities are required to support schemes that comply with sustainable development objectives, taking into account the need to protect landscapes and environmentally sensitive sites.
- 5.4 The proposed expansion of tourism on the site would support local businesses, directly by providing employment and indirectly by providing custom to local pubs, shops and tourist attractions. The proposed use would therefore help to support a sustainable rural economy by meeting the needs of tourism in this location and would be acceptable in principle. Conformity with the LDF's environmental protection and nature conservation policies is considered below.

Scale and impact on the character and appearance of the surrounding area

- 5.5 The starting point for this proposal is that the proposed development is within the operational area of an existing caravan site. The character of the site is no longer one of open countryside. As such the impacts of the proposals are associated with the increase in the number of units and the increase in the associated activity in the area.
- 5.6 The existing caravan site, without the additional numbers proposed within this application, has planning permission for a total of 82 units, comprising a mix of touring and static caravans. An additional 27 units would result in a new total of 109 units and constitute an increase of almost 33%, which is significant, but it is important to assess whether any harm would arise as a result of this increase, in respect of the issues mentioned in paragraph 5.1 above, which are discussed within other sections of this report.
- 5.7 The additional units would markedly increase the built form across the site, although it must be recognised that the south and east edges of the site already have permission for development. Views into the main part of the site beyond its boundaries are limited due to the existing landform and planting with the caravans only being glimpsed from longer range public views at intervals along the nearby roads.
- 5.8 A total of 26 static units have previously been approved within the application site boundary, along the southern and eastern edges, the latter being adjacent to the fishing lake. The land falls from its highest point along the western boundary downwards towards the lake and therefore the 5 caravans that are now proposed to be sited along the western boundary would be in the most prominent location. The amended details illustrating the proposed mounding and landscaping would, once established, provide an effective screen from the Hackforth road direction. The additional landscaping proposed along the access road would also help to soften the visual impact of the development in longer range views.
- 5.9 A significant amount of additional landscaping is proposed to supplement the existing boundaries and provide a softening effect within the site itself. The original part of the caravan site, to the north, is already bounded by mature woodland and it is considered that the proposed landscaping scheme would reinforce the secluded nature of the development as a whole. It should be noted that the wider site is already characterised as being part of the leisure site and not the open farmland beyond.
- 5.10 An increase in the number of units would be accompanied by greater activity associated with the caravan park, not only in terms of vehicle movements but in respect of noise and activity generated within the site itself. The caravan park currently operates mainly as a touring caravan site and the provision of static units would alter its character. There is a significant level of activity associated with this

site already and the application site is within the current boundary of the caravan park and therefore the degree of change resulting from the proposed development would be limited, in contrast to the situation if an extension into the rural landscape were proposed. Effectively the proposed development is contained within the operational area of the existing leisure use.

- 5.11 The proposed increase in the number of static units must also be balanced against the proposed reduction in the number of caravan units stored at the site. Currently there is no restriction on the number of caravans that can be stored, the consent only being restricted by the area in which caravans can be stored. An estimate made by the case officer suggests that up to 90 caravans could be stored on the site at present. It is considered that this aspect of the business could therefore result in a significant number of vehicle movements and activity. It is now proposed to restrict the number of stored caravans to no more than 30 touring caravans thereby controlling the potential impact from the activities associated with the caravan storage area.
- 5.12 The proposed landscaping scheme would result in a positive benefit to the surrounding area by adding new features and supplementing existing features with new planting. This, it is suggested, would improve the setting of the existing and proposed developments and help mitigate the impact of the additional units whilst providing for a more attractive layout and landscaping within the site.

Residential Amenity

- 5.13 The nearest dwelling, Burtree Cottage, is approximately 230m to the west of the caravan site, adjacent to the entrance from the Crakehall road. The land dips downwards from the Crakehall road and, beyond the western boundary; the site is not prominent when viewed from this direction. The units proposed along the boundary would be visible from the west but mounding and landscaping is proposed and, due to the distance of more than 200m, would not affect the residents due to loss of outlook, overlooking or an increased sense of enclosure.
- 5.14 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. It would be the proposed use of the access road by the additional visitors, either driving or on foot, which is most likely to have an impact on the residential amenity of the occupants. This could affect privacy, security and noise and disturbance but as the principal elevations of the dwelling face to the front and rear and the greater part of the garden lies on the southern side of the dwelling, which is the opposite side to the access road, the impact is considered to be limited. The dwelling is not in an isolated location and, although it is felt that the increase in traffic would be noticeable, it would not be of a scale that would have an unacceptable impact on the amenity of the occupiers. A passing place is proposed along the access road with the aim of preventing vehicles from waiting close to the main road and preventing vehicles from having to reverse. This is not required for highway safety reasons but would reduce the impact on residential amenity.
- 5.15 Illumination at the site could be controlled by condition and would be important in order to assess the visual impact on the rural landscape in addition to the impact on residential amenity. Due to the distance between the site and the neighbouring dwelling it is not anticipated that there would be a significant impact.

Highway Safety

- 5.16 The Highway Authority has no objection to the proposed increase in the number of units and considers the road network to be adequate to cope with the traffic that would be generated by the development.

6.0 RECOMMENDATION

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

1. The development hereby approved shall be commenced within 3 years of 21 September 2015, i.e. the development shall commence before 21 September 2018.
2. No more than 53 static units shall be accommodated on the land at any one time.
3. The development must comply with the following requirements that: (i) the caravans are occupied for holiday purposes only; (ii) the caravans shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
4. 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.
5. No external lighting shall be installed other than in complete accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.
6. Prior to the siting of the five caravan units along the western boundary of the application site, the earthworks detailed within the agent's letter dated 21 April 2017 and illustrated on drawings numbered 1 and 2 received by Hambleton District Council on 24 April 2017 shall be implemented. Thereafter the approved works shall be retained.
7. No more than 30 caravan units shall be stored within the areas illustrated on drawing number 1 received by Hambleton District Council on 24 April 2017 as caravan storage areas, at any one time. No other storage shall take place within the boundaries of the caravan park unless with the prior written approval of the Local Planning Authority.
8. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 1 and 2 received by Hambleton District Council on 27 July 2016 and 24 April 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons 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 Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Development Framework Policies noted above.
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc., and in accordance with the objectives of the Hambleton Local Development Framework Policies CP4, CP15 and DP25.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with LDF Policies.
6. To protect the visual appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.
7. To protect the amenity of the locality in accordance with LDF Policies CP1 and DP1.
8. 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.

Informative

1. An amended Caravan Site Licence will be required. Please contact Environmental Health Technical Support for more information on 01609 767138.

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Parish: Kirkby
Ward: Stokesley
3

Committee date: 25 May 2017
Officer dealing: Mr K Ayrton
Target date: 28 April 2017

16/02487/FUL

Alterations to dwellinghouse, alterations and change of use to the existing barn/outbuildings to form habitable accommodation with part single, part two storey link extension, and alterations to existing barn to form garage with associated alterations to the vehicle hardstanding as amended by plans received by Hambleton District Council on 16/05/2017

**At Manor Farm, Kirkby in Cleveland
For Mr Mark Barratt**

This application was originally referred to Planning Committee on 27 April 2017 at the request of Councillor Wake. Consideration of the application was deferred in order to seek a reduction in size of the link structure.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located approximately 700 metres to the south of Kirkby in Cleveland, sitting close to the foot of the North York Moors National Park. It is served by a private drive, which comes off a relatively narrow public highway leading back to Kirkby to the north, and Toft Hill Caravan Park to the south. The road also serves several other isolated dwellings.
- 1.2 The existing dwelling is of simple local vernacular design using traditional materials. The dwelling and outbuildings contribute positively to the character and appearance of the countryside. Their scale, design and relationship are typical of farm buildings in this area, and are visible from viewpoints beyond the site boundary, most notably the road linking the site with the village of Kirkby and the public footpath, which passes through the site and along the access road. However, there is landscaping around the site that also limits some viewpoints, most notably from the east.
- 1.3 The proposal as originally submitted was for the following works:
- Construction of a large two story link building between the front elevation of the dwelling and the outbuilding;
 - Construction of sun lounge attached to north elevation of outbuilding;
 - Conversion of outbuilding to form double garage and dog drying area;
 - Creation of single storey link between sun lounge and garage; and
 - Introduction of additional doors into southern elevation of main dwelling.
- 1.4 Concerns were raised with the applicant and agent during the consideration of the application. These mainly related to the potential impact of the proposed two-storey link building on the character, form and appearance of the dwelling and outbuildings. In response, some amendments were made, including the removal of the sun lounge and link to the garage, but the main two-storey link building was retained.
- 1.5 The scheme as described above was presented at Planning Committee on 27 April 2017. Members were in agreement that the application as presented was not acceptable. The decision was made to defer the application to allow the applicant the opportunity to consider amendments to the design.

- 1.6 The applicant has since amended the scheme, which has removed the main entrance gable feature and dropped down part of the link building, which connects to the outbuilding. The alterations to the outbuilding have also been amended (e.g. removal of external chimney) to better reflect the existing agricultural character and appearance. However, in order to compensate for the loss of floor space arising from this, the width of the link building has been significantly increased. The agent has submitted the following statement setting out how they consider that the amendments have addressed the concerns raised at the April meeting:

“It seems to me your main reason for wanting to refuse the application was the grandness and over dominance of the front elevation (as you come down the drive). I have removed the main entrance gable feature and the link between has been reduced in height. The applicant still requires an additional first floor bedroom so I have a narrow two storey extension adjoining the existing dwelling (with subservient eaves and ridge heights) which then steps down to one and a half storey to form a transition to a long, single storey link to the proposed barn conversion section. The single storey section has a lot more 'agricultural' appearance and the other sections are also a lot simpler.”

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 86/0952/FUL - Alterations and extensions to dwellinghouse; Granted 11 March 1986.
- 2.2 92/1075/FUL - Extension to dwelling; Granted 7 April 1992.

3.0 RELEVANT PLANNING POLICIES

CP1 – Sustainable Development
CP16 - Protecting and enhancing natural and man-made assets
CP17 – Promote High Quality Design
DP1 – Protecting Amenity
DP30 – Protecting the character and appearance of the countryside
DP32 – General Design
Supplementary Planning Document – Domestic Extensions
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection but asks whether Hambleton District Council is happy with the changes to the traditional range of farm outbuildings and notes that although the application states that work has not yet commenced, some outbuildings have been demolished.
- 4.2 Environmental Health Officer – No objection.
- 4.3 Northumbrian Water – No comments.
- 4.4 Ramblers' Association – No objection.
- 4.5 Public comments – One letter of support received making the following comments:
- I have no objection as it does not affect the nearby houses;
 - The works would not be visible to any house owners or the National Park; and
 - It might be possible to object had it been made into more properties.

5.0 OBSERVATIONS

- 5.1 The main issue to consider is the impact of the development on the form, character and appearance of the host dwelling and surrounding area. The likely impact on neighbour amenity also requires consideration.

Character and Appearance

- 5.2 Development Policy DP30 states that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.3 Development Policy DP32 requires the design of all development to be of the highest quality. In respect of form, it specifically requires that proposals respect local character and distinctiveness, relate to and respect any historic context of the site, and pay regard to traditional design and forms of construction.
- 5.4 The Domestic Extensions Supplementary Planning Document (SPD) provides further guidance in respect of the design of domestic extensions and alterations. It includes five important design principles. These require that extensions maintain character; are subservient; maintain spaces; maintain privacy; and maintain daylight.
- 5.5 The SPD also provides guidance on front extensions. It states that "single or two storey front extensions would only be supported where they: harmonise with the surrounding street scene, are modestly sized and sympathetically proportioned, do not affect the amenity of neighbouring properties, and do not harm the character of the host building. Generally the opportunity for front extensions is likely to exist where there is sufficient space to the front of a property or where the housing is of low density and is detached."
- 5.6 The form of the existing property and outbuildings are typical of a farm house of its era in this location and the existing development sits comfortably in its landscape. The overall form and layout of this site along with others along the National Park boundary typify the built character and form of the area. The buildings are visible and are clearly legible in terms of their use and historical development.
- 5.7 Whilst it is accepted that the buildings are no longer in agricultural use, it is still important to retain their character and positive relationship with their setting. Indeed this is a clear requirement of the planning policy summarised above.
- 5.8 In the earlier iteration of the proposal presented to the last meeting the two-storey link building sat between the simple front elevation of the dwelling and the converted outbuilding to the north. It was considered that this would introduce a large and dominant feature that would significantly detract from both the simple linear form of the dwelling and its historic relationship with the outbuildings. Whilst the creation of additional floor space is not in itself unacceptable, there was no evidence in the proposed plans or the supporting documents of any consideration being given to the existing character of development or the site's relationship with the surrounding landscape nor consideration of the vernacular form and character of the site.
- 5.9 There is no objection in principle in respect to the conversion of the outbuildings and the design treatment of those buildings is now considered largely acceptable.
- 5.10 When viewed in the context of the previously proposed two storey domestic link, the character of the outbuilding was considered to be lost, with the appearance more akin to a wing of a very large dwelling.

- 5.11 For these reasons it was considered that the existing character of development and the site's relationship with its setting would be lost as a result of the alterations presented to the Committee at the last meeting. It was concluded that the proposal would be harmful to the character and appearance of the host dwelling and the surrounding countryside, in conflict with Development Policies DP30, DP32, CP17 and the Domestic Extensions SPD.
- 5.12 The main changes to the scheme made since the last meeting involve the removal of the main entrance gable feature; the stepping down of part of the link building (which connects to the outbuilding) such that the upper floor windows in that section are roof lights; and alterations to the appearance of the outbuilding. However, the siting and relationship with the house remains as previously proposed. The width of the link building has also been increased significantly and fails to respond to the form of the existing dwelling, being almost half the width of the frontage. No detailed assessment has been submitted in support of the application to set out how the site and surrounding context has been assessed in order to inform the design approach.
- 5.13 It is considered that whilst the amended design has not achieved an acceptable solution and the proposed design fails to accord with Development Policies DP30, DP32 and the Domestic Extensions Supplementary Planning Document.

Residential amenity

- 5.14 Considering the site's isolated position, there would be no adverse impact on neighbours.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development would be harmful to the character and appearance of the host dwelling and the site's relationship with its countryside setting, thereby contrary to Development Policies CP17, DP30 and DP32 and the Supplementary Planning Document – Domestic Extensions.

Parish: Kirkby
Ward: Stokesley
4

Committee date: 25 May 2017
Officer dealing: Mr K Ayrton
Target date: 26 May 2017

17/00180/OUT

**Outline application for residential development
At Hill View, Hill Road, Kirkby in Cleveland
For Mr & Mrs Timothy and Heather Bone**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the southern edge of Kirkby in Cleveland. It forms part of a field with hedged boundaries and a field gate at the north east corner, accessed off a road which narrows and extends south, serving several isolated residential properties and a caravan park, leading to the North York Moors National Park.
- 1.2 The development plot forms part of a wider holding, which includes an attractive stone farmhouse (Hill View) to the north of the application site. The building has been assessed against the Council's Non-Designated Heritage Asset criteria. Due to its age, aesthetic value/appeal and townscape value, the farmhouse is considered to be a Non-Designated Heritage Asset.
- 1.3 The farmhouse is currently unoccupied and has its main elevation facing south onto the site rather than fronting the road. The other properties along the road are generally detached and front onto the road. One new dwelling is currently under construction to the north of Hill View, having received planning permission in 2016.
- 1.4 The character of the village is mixed, with a historic core based on a cruciform layout, with the site situated at the southern edge.
- 1.5 The application is in outline for the construction of two dwellings with all matters (i.e. appearance, landscaping, layout, scale and access) reserved for a later application should outline permission be granted.
- 1.6 Illustrative plans submitted in support of the application show two relatively large detached properties sited to front the road, with car parking to the rear. However, as all matters are reserved, these plans are for illustrative purposes only and have been given limited weight in considering the merits of the proposed development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no planning history relating to the application site.
- 2.2 The following application was approved under the Interim Policy Guidance Note (IPG): 16/02525/MRC – Redevelopment of farm buildings to create five dwellings on land to the rear of Kirby House Farm; Granted 31 March 2017.
- 2.3 The dwelling mentioned in paragraph 1.2, adjacent to Cranimoor, was approved on 8 April 2016 (15/02775/FUL). However, this site is within Development Limits and therefore did not need to benefit from the IPG.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Kirkby-in-Cleveland Village Design Statement
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Objects for several reasons, including:

- The site is outside Development Limits;
- The setting, below the North York Moors National Park, is especially sensitive.
- Hill Road is the only footpath for pedestrians to access the moors from the village. The development would cause a road safety hazard;
- The field is proposed as a Green Space in the new Local Plan;
- No plans are proposed for the empty farmhouse on site;
- The historic aspect of the village and its setting in the landscape would be damaged;
- The field immediately opposite was not considered suitable for affordable housing;
- Since the Interim Guidance was issued, approval has been given for six new dwellings; the approval of this application would be cumulatively harmful; and
- The other examples of approved development referred to in the planning application do not compare to the application site.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health Officer – No objection.

4.4 Public comments - 22 letters of objection received making the following comments:

- There is already a large amount of development approved along the road;
- The development will be visible from the Moors;
- The site is beyond Development Limits;
- Increase in the volume of traffic;
- The site has been nominated as a green space for the new Local Plan;
- Loss of good agricultural land;
- Cumulatively a large number of dwellings in the location is out of scale with the village;
- The design is out of keeping;

- Precedent for further expansion outside Development Limits;
- The development runs counter to the Village Design Statement;
- The Council has previously resisted developments in the locality due to impact on the character of fields, hedgerows and verges;
- The cruciform layout of Kirkby, with no tandem development, is an important character of the village. To extend south of the village towards the National Park would be detrimental to this character;
- The road is regularly used by walkers, horse riders and cyclists;
- Surface water and drainage has always been a problem in the village; and
- There is no need for additional expensive housing in the village.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Kirkby in Cleveland. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.

- 5.5 In the Settlement Hierarchy reproduced in the IPG Kirby in Cleveland is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. In this instance, Kirkby is located approximately 1km from the Service Village of Great Broughton, which is readily accessible via a paved footway. Great Broughton and Kirkby can be viewed as an example of cluster villages, indeed they are identified as such in the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. The site is in close proximity to the recently approved five dwelling scheme to the rear of Kirkby House Farm to the north. However, that site is located behind the main frontage development and is therefore not viewed in the same context as the proposed development site. The dwelling under construction to the north is located within Development Limits. Even given the small scale of the village the cumulative impact would not change its character or form and is not considered to be harmful.
- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline form only with all matters reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses solely on the principle of development. It is noted that several of the representations received have focused on the reserved matters that do not form part of this current application. Therefore at this stage, little weight can be given to representations on this basis.
- 5.8 It is recognised that the site would present some design challenges at reserved matters stage. This includes the orientation of Hill View (Non-Designated Heritage Asset) and the need for development to introduce a successful transition to the wider countryside beyond the site. Any new development would also need to reflect the built form of the village and be of a high quality design. However it is considered that development that would reflect the strong linear form of the village could be achieved on the site.
- 5.9 Concerns have been raised that this development would set a precedent for additional development in the village. However, other parts of Kirkby have notable constraints to development, including the beck to the west edge of the cruciform of development; and the potential for coalescence with Great Broughton to the east. Ultimately, each application has to be treated on its own merits.

Residential Amenity

- 5.10 The main impact to consider is in relation to the occupiers of Hill View, which is in the ownership of the applicant. It is considered that there is clear scope for a design to be achieved that would not result in an adverse level of harm to residential amenity.

Highway safety

- 5.11 Access is a reserved matter. However, the Highway Authority has raised no objection to the principle of development and it is considered that a suitable access to the site can be achieved.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.
 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 in consultation with the Highway 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 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: vehicular turning and parking arrangements.
 5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 6. 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
 7. 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.

8. 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 7 above.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with policy DP3 and in the interests of highway safety.
4. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
8. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

Informative

1. 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 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 Hambleton District Council - Waste and Streetscene.

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.

Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
5

Committee date: 25 May 2017
Officer dealing: Mr Kevin Ayrton
Target date: 28 April 2017

16/02674/FUL

Five detached dwellings with garages, associated works and provision of public open space

**At land south of Manor Close and east of Village Road, Low Worsall
For Mr A Hamilton, Three Developments Ltd.**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located in the village of Low Worsall, at the northern edge of the District, close to the boundary of the Borough of Stockton-on-Tees. Low Worsall is relatively close to the market town of Yarm. The centre of Yarm is approximately 4.5 km away and can be accessed via a roadside (B1264) footway, which also links to a cluster of services and facilities located approximately 3 km away.
- 1.2 The site is located on the southern edge of the main built up area of the village, to the south of Manor Close, which is a relatively modern cul-de-sac of low density, one and two storey detached dwellings. There is an existing un-made access off Manor Drive that serves the application site. It consists of a small field of unmanaged land.
- 1.3 To the west of the application site are the rear gardens of properties along Village Road, with a large mature hedgerow along the boundary. The southern boundary runs parallel with a line of trees and a mature hedge, which adjoins the B1264. Located to the east of the site is the Ship Inn public house and associated car park to the rear. The public house forms a small cluster of buildings with a dis-used car garage (with associated accommodation) and All Saints Church.
- 1.4 The application site is 0.74 hectares in size and forms part of a wider field that is in the ownership of the applicant. It is rectangular in shape extending along the rear gardens of properties along Manor Close. The application site also includes the access off Manor Close.
- 1.5 The proposal is for five, one and a half storey detached dwellings, comprising a mix of three, four and five-bedroom dwellings. The scheme includes a play area set in a landscaped area of open space. The applicant has confirmed that the play area and communal areas would be maintained through a management company. They have also confirmed that the play area would be available for the use of the general public and as such would provide public open space for the wider use of the community. A link is proposed to the existing footpath to the east of the site, which runs parallel with the boundary.
- 1.6 The existing access from Manor Close would be upgraded to provide a 4.5 metre wide road, with a 2 metre wide footway. Additional works are also proposed as part of a minor realignment to the Manor Close carriageway in order to provide the required visibility splays.
- 1.7 During the consideration of the application amended plans were submitted, which included the following changes:
 - Drainage basin removed following revisions to the proposed drainage details;

- Public open space and play area relocated, with re-siting of three of the dwellings; and
- Amendment of one dwelling from five to three bedrooms.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning history for the application site. However, a recent appeal decision relating to the Ship Service Station is of relevance. This related to application 16/00556/FUL (extensions and alterations to garage buildings to form a dwelling); Refused 24 June 2016, Appeal allowed 18 November 2016. In determining the appeal, the inspector considered the sustainability of Low Worsall and concluded:

“Given that the proposal is for a single dwelling and the availability of services and facilities in Low Worsall and Yarm and the options for more sustainable travel modes to be used, I do not consider that the proposal would give rise to significant harm in respect of additional travel by private car. I have considered that the distances to the nearest shop and school exceeds the distance set out in the IPG, but on the balance of evidence before me, I consider that the appeal site has convenient access to them and is sufficiently close to the services and facilities in Low Worsall and those in Yarm. Consequently, I consider that the appeal site to be in a sustainable location in terms of the IPG and paragraph 55 of the Framework.”

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
 Core Policy CP2 - Access
 Core Policy CP4 - Settlement hierarchy
 Core Policy CP8 – Type, size and tenure of housing
 Core Policy CP16 – Protecting and enhancing natural and man-made assets
 Core Policy CP17 – Promote high quality design
 Core Policy CP19 – Recreation Facilities and Amenity Open Space
 Core Policy CP21 – Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 – Site Accessibility
 Development Policy DP4 - Access for all
 Development Policy DP10 – Form and character of settlements
 Development Policy DP13 – Achieving and maintaining the right mix of housing
 Development Policy DP30 – Protecting the character and appearance of the countryside
 Development Policy DP31 – Protecting natural resources: biodiversity/nature conservation
 Development Policy DP32 – General Design
 Development Policy DP37 – Open Space, sport and recreation
 Supplementary Planning Document – Size, type and tenure of new homes
 Interim Policy Guidance Note – adopted by Council on 7th April 2015
 National Planning Policy Framework - published 27 March 2012
 National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer - No objection subject to a condition.
- 4.2 NYCC Archaeology - The proposed development lies within an area of archaeological interest and potential. 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. Requests that this evaluation is undertaken before the application is determined.

- 4.3 Ramblers Association - No objection.
- 4.4 Northumbrian Water - Requests a condition to secure a detailed scheme for the disposal of foul and surface water.
- 4.5 Highway Authority - Works will be required in Manor Close to provide the required visibility at the access point. These will involve widening the footway either side of the proposed driveway and altering the kerb line on the opposite side of the road and a reduction in the verge width on the northern side of Manor Close. A condition is requested to achieve this.
- 4.6 Parish Council - Concern was initially raised as to the accuracy of the planning statement. The applicant/agent subsequently attended a Parish Meeting where the scheme was discussed and provided additional information in an attempt to address the Parish Council's initial comments. As a consequence several of the Parish Council's concerns were addressed, other than the following:
- A request for a temporary construction access to the site directly from the B1264;
 - The school bus is not available to the public (i.e. students only);
 - CIL money should be spent on improving the footpath link to Yarm; and
 - It is essential that the road and footpath within the development are adopted.

Whilst the above comments have been made, the Parish Council does not consider it is in a position (due to Councillor resignations and a Councillor being overseas) to take a decision to support or oppose the application.

- 4.7 Public Comments - 31 objections have been received, summarised as follows:
- Local infrastructure cannot support the development;
 - Increase in traffic in the vicinity of the application site;
 - Road safety implications;
 - The development will set a precedent for further development in the area;
 - Building work will cause a lot of noise and disturbance;
 - Drainage issues on the site;
 - Detrimental impact on population of Great Crested Newts and proposed mitigation is not suitable;
 - The only bus available is the School Bus to Northallerton - a bus service from Yarm should be provided;
 - Sewerage capacity is not available;
 - No need for new housing in the village;
 - Occupiers of the new development will not pay for the play area in perpetuity;
 - Use of the Village Hall has been overstated in the supporting information;
 - Proposal fails to meet Hambleton District Council's policy requirements including the IPG and Policy CP4;
 - Loss of open fields;
 - Safety issues;
 - Poor broadband in the area; and
 - The scheme makes no provision for renewable energy.

Four letters of support have also been received, summarised as follows:

- The field is too small for agriculture and would be better used for housing;

- Access is adequate for this number of homes;
- Yarm is nearby and has all the necessary local amenities;
- Development of new housing in Low Worsall is sustainable;
- The development will support local services; and
- The proposed development is of a high quality.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the impact on ecology; (v) the impact on flood risk and drainage; (vi) highway safety; (vii) archaeology; (viii) size, type and tenure of housing; and (ix) the proposed play area.

Principle

- 5.2 Low Worsall does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Low Worsall is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a

Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.6 The nearest settlement is Yarm, which is located within Stockton Borough. This would be the equivalent of a Service Centre in terms of the range of services provided. Yarm's main centre is located over 4km away from the application site. However, there is a local shopping centre at the southern edge of Yarm, which is located just over 3km away. There are also other services and facilities including a railway station and school, located a similar distance away. These are all accessible by a surfaced footway from Low Worsall.
- 5.7 The IPG notes that in order to form a sustainable community, a village must be clustered with one or more other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Yarm is not a Service Village or Secondary Village, its (equivalent) status as a Service Centre indicated that it is more preferable in terms of its provision of services available to Low Worsall. However, the distances between Low Worsall and many of the services in Yarm exceed the 2km distance in the IPG.
- 5.8 Whilst the requirements of the guidance distance are not met, the recent appeal decision relating to the Ship Service Station is an important consideration. The inspector recognised that the distances set out in the IPG were exceeded, but was still content that the appeal site (which is close to the application site) had convenient access to the services and facilities in Yarm allowing it to be considered a sustainable location in the terms of the IPG and paragraph 55 of the NPPF.
- 5.9 As the appeal decision was recently made, it is considered unlikely that a second inspector would reach a different conclusion on this matter. Therefore it is concluded, for the purposes of consistent decision-making, that Low Worsall should be viewed as a sustainable location in conjunction with Yarm.

Character and appearance

- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement or on every site. In this instance five dwellings are proposed in a village of some 80 dwellings, an approximate 6% growth. The site relates well to the built form and character of this part of the village, with existing residential development on two sides. Whilst set to the rear of dwellings, the site has its own access and the proposed layout is not considered to constitute backland or tandem development.
- 5.11 To date the only dwelling approved under the IPG was that allowed at appeal at the Ship Service Station, which involved the conversion and extension of an existing building, thereby limiting its physical impact. As such, there is limited cumulative impact on the character of the village and the scale is considered to be acceptable.
- 5.12 With regard to the impact on the rural landscape, the site relates well to the existing village and is viewed in the same context. Whilst the site is currently a small field of unmanaged land, it is not viewed in the same context as the wider countryside to the south, due largely to the existing landscape and physical separation by the B1264. Therefore the impact on the rural landscape will not be significant. This view is formed on the basis that a large proportion of the wider site would remain undeveloped, retaining a substantial buffer between the site and the B1264.
- 5.13 The proposed dwellings are similar in design to those already on Manor Close, albeit slightly more contemporary. Their scale and form is largely traditional with the use of accommodation in the roof space to reduce ridge heights. When combined with the

proposed landscaping and spacing between the buildings, the proposed design is considered to be respectful of its context and is in accordance with design policy requirements.

Neighbour amenity

- 5.14 Whilst there are residential properties to the north and west of the site, these all have large back gardens, which adjoin the site. The proposed low density of development allows for generous separation distances. When combined with the scale of development, with the dwellings having their upper floor within the roof, the proposed development would not unacceptably affect the amenity of neighbours and so accords with Policy DP1

Ecology

- 5.15 Public comments have raised concern that the proposed development would have an adverse impact on Great Crested Newts, which are a protected species. The NPPF and Development Policy DP31 relate to the conservation and enhancement of the natural environment. Planning permission should not be granted for development which would cause significant harm to sites and habitat for nature conservation, together with species that are protected or under threat.
- 5.16 The application has been supported by an Ecological Appraisal and Great Crested Newt Survey. The level of information submitted is considered to be proportionate to the nature and scale of development in accordance with the advice of the national Planning Practice Guidance. The surveys identified that whilst there are no ponds within the application site, there are two ponds present within a private garden approximately 20m from the site. Surveys of both ponds recorded a moderate population of Great Crested Newts.
- 5.17 It is recognised that the proposed development would result in an impact to an area of habitat; and harm and/or disturbance to Great Crested Newts during their terrestrial phase. In order to address the above impacts, the report identifies the following mitigation and compensation:
- Development on site would require a licence from Natural England prior to commencement;
 - This licensing would include fencing of the development with amphibian proof fencing and then the movement of newts from the construction area over a 30 day period; and
 - A new habitat area would be created within the landholding of the owner to provide compensation for the scheme, and encourage newts to colonise a new area of land.
- 5.18 Full details are set out in the Great Crested Newt Survey and the habitat area can be dealt with in an Ecological Management Plan, which could be secured by condition. The report concludes that the proposed development, as well as the associated mitigation and compensation proposals, would result in a net benefit to Great Crested Newts in the local area. Therefore the proposed development is considered to accord with the requirements of Development Policy 31 and the NPPF.

Flood risk and drainage

- 5.19 The site is located in Flood Zone 1 (lowest probability of flooding). The supporting flood risk assessment and drainage strategy confirms that there are no significant sources of flood risk at the site, and provides confidence that a suitable drainage strategy can be achieved. This can be secured by condition.

Highway safety

- 5.20 The Highway Authority has not raised any objection, on the basis that a condition is attached to secure the works required to Manor Close in order to achieve the necessary visibility splays.

Archaeology

- 5.21 The application has been supported by a desk-based heritage assessment, which focuses on archaeology at the site. The report and its findings have been further informed by a geophysical survey, and undertaken in accordance with requirements of the NPPF and the national Planning Practice Guidance.
- 5.22 The assessment has identified the potential for sub-surface archaeological remains of later prehistoric or Romano-British date to be present within this development area. In order to make an informed planning decision and understand whether the development is likely to impact on such remains, the report confirms that field trenching will be required, and recommends that this can be secured by condition. The report concludes that the proposed development would not have any construction or operational impact on the designated heritage assets (including archaeology) within the study area.
- 5.23 North Yorkshire County Council Heritage Services has expressed a preference for trial trenching prior to determination of the application, as without it there is a risk that the applicant could be exposed to unexpected and unquantified archaeological and related costs. The applicant is aware of this risk and is content for the matter to be controlled through condition. The applicant has already commissioned a significant amount of work to gain a better understanding of the archaeological potential of the site and whilst that has not removed all risk, the use of a condition to secure trial trenching and archaeological investigation prior to development is considered proportionate.

Size, type and tenure of housing

- 5.24 The proposal is for a mix of three, four and five-bedroom dwellings. Core Policy CP8 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure and Development Policy DP13 requires housebuilders to work collaboratively with the Council to determine the appropriate mix and type of housing on each site. This is expanded upon in the Council's Size, Type and Tenure of New Homes Supplementary Planning Document, which identifies an aim to deliver more two and three-bedroom market homes. To help deliver this, the document sets out a target mix of dwelling sizes on open market sites of 25 or more dwellings. However, for smaller sites, there is no specific target mix but policies CP8 and DP13 still require a mix that addresses local need.
- 5.25 The proposal has been amended to provide a more varied mix and to better reflect local housing need by replacing a five-bedroom dwelling with a three-bedroom dwelling. The applicant has also submitted justification for the mix against the policy requirements of policy DP13. This highlights the requirement of the Hambleton Strategic Housing Market Assessment (SHMA – Jan 2016), which identifies a need for two and three-bedroom units, but also “a notable level of continued need for larger family properties arising from existing growing households and those migrating into the District”.
- 5.26 The wording of SHMA requires the provision of two and three-bedroom properties. The provision of one three-bedroom dwelling does not necessarily address this and no clear evidence has been submitted to suggest that two-bedroom properties are not needed locally. However, the requirements of this policy need to be balanced

against all other considerations. The inclusion of the play area as public open space (discussed further below) which is not a direct policy requirement for the proposed development is a significant consideration and in this instance is considered to outweigh the degree of conflict with CP8 and DP13.

Play Area

- 5.27 The scheme includes a play area, which would be maintained through a management company funded by the occupants of the proposed dwellings. This also covers the management of the communal areas within the site. The applicant has advised that the approximate cost per dwelling would not be onerous and the evidence submitted supports this view.
- 5.28 The applicant states that the open space within the centre of the village is private land and neither the landowner nor the community is willing to fund the necessary public liability insurance for a play area in this existing area. This leads them to conclude that the provision of this facility for the benefit of the community is an important material consideration.
- 5.29 There is no specific policy requirement for the provision of the play area. However there has been no local objection to its provision. The applicant has confirmed that he is happy to accept a condition requiring its retention in perpetuity. This is therefore viewed as a community benefit in the overall planning balance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. 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, has been submitted to and approved by the Local Planning Authority. The dwellings 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 application site 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered SD/10/01/C, SD/10/02/C, SD/40/01/B received by Hambleton District Council on 17/02/2017, drawing(s) numbered SD/30/01, SD/30/03, SD/30/04, SD/30/05 received by Hambleton District Council on 09/12/17, and drawing numbered SD/30/02 received by Hambleton District Council on 10/04/2017 unless otherwise approved in writing by the Local Planning Authority.
 5. (A) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance

and research questions; and: (a) The programme and methodology of site investigation and recording including: (i) The proper identification and evaluation of the extent, character and significance of archaeological remains within the application area; and (ii) an assessment of the impact of the proposed development on the archaeological significance of the remains; (b) Community involvement and/or outreach proposals; (c) The programme for post investigation assessment; (d) Provision to be made for analysis of the site investigation and recording; (e) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (f) Provision to be made for archive deposition of the analysis and records of the site investigation; and (g) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

6. 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.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; and (ii) The crossing of the footway shall be constructed in accordance with the approved details. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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) A scheme to provide visibility splays from the access onto Manor Close in accordance with the recommendations within the Transport Statement (2.4m by 25m to the west and 2.4m by 18m to the east); (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 writing by the Local Planning Authority in consultation with the Local Highway Authority.

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: A scheme to provide visibility splays from the access onto Manor Close in accordance with the recommendations within the Transport Statement (2.4m by 25m to the west and 2.4m by 18m to the east).
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HGVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority. Details shall be submitted to the Local Planning Authority in consultation with the Highway Authority to ensure that any damage that is caused by the vehicles associated with the project is rectified at the expense of the developer within a reasonable timescale prescribed by the Highway Authority. Once the details are agreed they shall be adhered to during the construction phase of the development.
11. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no SD-10.01 Rev C. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. 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.
13. 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; and (b) 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.
14. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
15. The development shall not be commenced until an Ecological Management Plan (EMP) has been submitted to, and approved in writing, by the local planning authority. The EMP shall include the recommendations (including the compensation strategy) set out in section H of the Great Crested Newt Survey, November 2016, prepared by E3 Ecology Ltd, and received by Hambleton District Council on 31 January 2017.

16. The Avoidance and Mitigation Strategy detailed in Section G on pages 28-29 of the Ecological Appraisal, November 2016, prepared by E3 Ecology Ltd, shall be adhered to.
17. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
18. The development shall not be commenced until full details of the proposed public open space and associated play area, including the arrangements for public access and future maintenance, have been submitted to and approved in writing by the Local Planning Authority. The public open space and associated play area shall be provided in accordance with the approved details prior to the occupation of the dwellings and thereafter retained in perpetuity in accordance with the approved details.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and preserve the character and appearance of the Conservation Area in accordance with LDF Policies CP16, DP28 and DP30.
4. 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.
5. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
6. In accordance with policy DP3 and in the interests of highway safety.
7. In accordance with policy DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
9. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
10. In accordance with policy DP3 and in the interests of highway safety and the general amenity of the area.

11. In accordance with policy DP3 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.
12. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
15. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.
16. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.
17. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
18. To ensure that the proposed facilities are provided and retained for the benefit of the public in accordance with Local Development Framework Policies DP32 and DP37.

Informative

1. 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 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 Hambleton District Council - Waste and Streetscene.

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.

Parish: Sessay
Ward: Sowerby & Topcliffe
6

Committee date: 25 May 2017
Officer dealing: Laura Chambers
Target date: 1 June 2017

17/00053/FUL

**Conversion of stable and office to form dormer bungalow
At Field House, Main Street, Sessay
For Ms Louise Broom**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Sessay is a linear settlement with properties principally arranged to the east and west of Sessay Garth with a small number of properties set back from the road. The application site is located in the northern section of the village, set to the rear of properties fronting Sessay Garth, with open countryside to the north, west and south.
- 1.2 To the north of the application site is the existing dwelling, Field House. The proposal relates to the former workshop building associated with the property, which has previously been converted for use as a stable with associated office.
- 1.3 Permission is sought to convert the stable and office to a dwelling including raising of the roof height, a first floor extension to side, the introduction of two dormer windows and a canopy to the east elevation, three dormer windows, a roof light and a first floor terrace to the west elevation, as well as alterations to window and door arrangements. The existing access would be retained and existing hardstanding used for car parking for Field House and the proposed dwelling.
- 1.4 Improvements have been secured as follows: the proposed dormer windows to the east elevation have been reduced in scale to improve the overall design and limit the bulk of the proposal.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/04773/FUL – Change of use of land from agricultural to equestrian and the formation of a manege; Granted 2 February 2009.
- 2.2 11/00038/FUL – Alterations to former joinery workshop to form stable/store and physiotherapy practice; Granted 4 April 2011.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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 DP3 – Site accessibility
Development Policies DP4 – Access for all

Development Policies DP6 – Utilities and Infrastructure
Development Policies DP8 – Development Limits
Development Policies DP9 – Development outside Development Limits
Development Policies DP10 – Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP30 – Landscape Character
Development Policies DP32 – General design
Development Policies DP33 – Landscaping
Interim Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No comments received.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) residential amenity; and (iii) design.

Principle of Development

- 5.2 The site falls outside of Development Limits of Sessay. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the Settlement Hierarchy contained within the IPG, Sessay is defined as a Secondary Village and therefore is considered a sustainable location for development. It is therefore considered the proposal satisfies criterion 1 of the IPG that development must provide support to local services including services in a village or villages nearby.

Residential Amenity

- 5.5 The dwellings immediately to the east of the application site are two storeys, the introduction of dormer windows and habitable accommodation to the rear of these

properties raises the potential for overlooking or a loss of privacy. The building it is proposed to convert is set back from the shared boundary of the closest neighbouring property by 24m; this achieves a separation distance between principal habitable room windows of more than 21m and would not therefore adversely impact privacy.

- 5.6 The proposed terrace to the rear of the property would not overlook any neighbouring property but would instead allow views of the open countryside beyond. This element of the proposal would not affect residential amenity.
- 5.7 The existing access point is to be used to serve the proposed dwelling, given it is currently used for the stables and office it is not considered vehicle movements would significantly increase or cause disturbance to residential amenity. The existing arrangement for off-street parking is to be retained and is unlikely therefore to cause overspill parking on the main road to the detriment of other highway users. The Highway Authority has not raised an objection.

Design

- 5.8 One of Hambleton's strategic planning objectives, set out in the Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.11 The Council's Statement of Community Involvement, adopted in 2013, requires applications for proposals that depart from the Development Plan to explain how public comments have influenced the chosen design.
- 5.12 The submitted Design and Access Statement does not outline how or why the proposed design was arrived at, nor does it provide any evidence of community engagement. Notwithstanding this, the proposal is not likely to have any significant impact due to its location, set behind dwellings that front on to the main road.
- 5.13 Despite limited detail in the supporting statement, it is apparent that materials to match the existing building would be incorporated, enhancing the appearance of the building, while the extensions would be of a subservient scale, particularly to the east elevation where they would be most visible from the access and neighbouring properties.
- 5.14 The existing building is single storey, the majority of it having a dual pitched roof over, gabled to the sides, a small section of the building on its north side is flat roofed

and therefore sits below the height of the main building. As part of raising the roof height, it is proposed to form a single roof over the whole of the building and introduce a canopy to the front. These works would unify the appearance of the property and improve the overall design. These works are to the side of the existing dwelling and would not impact upon principal room windows.

- 5.15 Three small dormer windows are proposed to the front of the property, within the east elevation; these would serve a bedroom, bathroom and dressing room while a roof light would illuminate the proposed staircase. These works are small in scale and well balanced; their design would not be detrimental to the appearance of the property or the amenity of neighbours, as outlined previously.
- 5.16 Two larger dormer windows are proposed to the rear (west elevation). Despite the increase in size, the dormers would sit comfortably within the roof plane and would not overtake the full elevation but would sit below the main ridge height. The two dormer windows positioned to either side of the property would be balanced in appearance and would not detract from the design of the property.
- 5.17 A raised platform is proposed to the rear but would not be visible from neighbouring properties or the main road and access point due to its position at the rear; its overall impact on design quality is therefore limited.
- 5.18 The use of matching materials and unified roof would enhance the appearance of the building, ensuring it is more in keeping with existing dwellings in the vicinity. Overall the proposed design is considered appropriate in this location in order to achieve the intended use as a dwelling.
- 5.19 The detailing of the scheme for the formation of a single dwelling, making only appropriate changes to the building without harm to the built form or character of the village, without detriment to the natural, built or historic environment or the open character of the countryside allows the scheme to meet the criteria 2, 3, and 4 of the IPG. There is no evidence to suggest that the use of the building as a dwelling will exceed the capacity of the infrastructure or that the scheme is in conflict with any other LDF policies.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
 - 1. The development hereby permitted shall be begun within three years of the date of this permission.
 - 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P01, PO2 RevA, PO3 RevB, PO4 RevA received by Hambleton District Council on 03/04/17 and 09/05/17 unless otherwise approved in writing by the Local Planning Authority.
 - 3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 - 4. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing P02 RevA. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

5. 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.

The reasons 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 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 accordance with Policy DP3 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.
5. In accordance with Policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015
2. 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 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 Hambleton District Council - Waste and Streetscene.

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.

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Parish: Skutterskelfe
Ward: Hutton Rudby
7

Committee date: 25 May 2017
Officer dealing: Mrs H Laws
Target date: 31 May 2017

17/00381/MRC

Application for removal of conditions 2 & 3 attached to Planning Permissions 2/134/6D/PA (outline) and 2/134/6G/PA (reserved matters) – relating to agricultural occupancy conditions

At Leven Grove Farm, Stokesley Road, Hutton Rudby

For Mr Stuart Bainbridge

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The dwelling lies at the north eastern edge of Rudby, positioned on the corner of the main Stokesley Road and the cul-de-sac of Rudby Lea.
- 1.2 The dwelling was originally constructed as an agricultural workers dwelling following the granting of outline and detailed planning permission in 1976 and 1978. The requirement for a dwelling at that time was for a farmworker on the holding immediately adjacent to the dwelling.
- 1.3 The application seeks planning permission for the removal of conditions 3 and 2 respectively of planning permissions 2/134/6D/PA and 2/134/6G/PA, relating to agricultural occupancy at Leven Grove. The conditions are identical and state:

The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the locality in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971, or in forestry (including dependants of such a person residing with him) or a widow or widower of such a person.

- 1.4 The farm buildings associated with the dwelling were demolished in the 1990s when the farm unit was relocated to Middleton on Leven. The dwelling is currently unoccupied.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/134/6D/PA – Outline application for the construction of an agricultural workers bungalow; Granted 28 October 1976.
- 2.2 2/134/6G/PA - Details of the construction of an agricultural workers dwelling; Granted 30 March 1978.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – recommends approval as the dwelling is within the village
- 4.2 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The only issue to be considered in this case is whether removal of the conditions is justified having regard to (i) whether planning permission would be granted for an unrestricted dwelling in this location, based on current planning policies; and (ii) whether there is still a need for an agricultural worker's dwelling in this location.

Whether planning permission would be granted for an unrestricted dwelling

- 5.2 One of the issues to consider in this instance is a decision made in the Courts. The case of Hambleton DC vs. Secretary of State and Barker (1994) concluded that it is necessary to consider the likelihood of granting planning permission for an unrestricted dwelling, taking into account contemporary planning policy, as a material planning consideration in an application to remove a rural occupancy restriction. In this case it is considered that the weight given to this case law would outweigh the issue of need for an agricultural dwelling on the holding or in the locality.

- 5.3 The application also includes details of an historic appeal decision relating to another site in another part of the country where the Inspector stated that:

“The fact that a present day application to build a dwelling on the appeal site would be unlikely to have an agricultural occupancy condition imposed is, in my view, a factor of considerable weight. ... Therefore notwithstanding ... that there is a continuing need on the locality to retain a dwelling for a person employed or last employed in agriculture or forestry, it is my conclusion ... that an agricultural occupancy condition would be unlikely to be imposed on a contemporary application for planning permission that I consider to be the determining issue in this appeal.”

- 5.4 The site lies beyond Development Limits and, as such, a new unrestricted dwelling would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.5 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.6 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.

2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.7 Rudby is defined as an Other Settlement in the IPG settlement hierarchy. The IPG states that small scale development adjacent to the main built form of such settlements "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. Rudby is immediately adjacent to Hutton Rudby with good, well-lit footway links to all the facilities within that Service Village and the two are identified as a cluster in the IPG. Rudby is therefore considered to be a sustainable location for new residential development and a new unrestricted dwelling in this location would therefore comply with IPG criterion 1.
- 5.8 The other IPG criteria are concerned with the physical impact of development and do not need to be considered in connection with the occupancy conditions.
- 5.9 It is therefore considered that permission would be granted for an unrestricted dwelling in this location.

Agricultural need

- 5.10 The applicant has demonstrated that there is no longer a need on the holding for a dwelling in this location as the farm unit lies elsewhere. The property has not been advertised for sale as an agricultural worker's dwelling so there is no evidence to suggest there is no demand in the locality but, based on the case law detailed above, this issue carries less weight than the conclusion on the first point.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

The reasons 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.

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Parish: Stokesley

Ward: Stokesley

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16/02756/REM

Committee Date: 25 May 2017

Officer dealing: Mr Peter Jones

Target Date: 31 May 2017

**Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 225 dwellings
At land to the north and west of Woodlands Walk, Tanton Road, Stokesley
For Kier Living**

The application is referred to Planning Committee as it is a major application with high levels of public interest.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Outline planning permission for up to 226 dwellings was granted on appeal in September 2015. Reserved matters approval is now being sought. All matters were reserved for subsequent approval at the outline stage, with the exception of access. An indicative master plan showing plot positions, landscaping, roads and footpaths was submitted with the original outline application (14/00337/OUT) as part of the Design & Access Statement.
- 1.2 The application site comprises an area of 9.31ha with a developable area of 6.88 ha. The reserved matters application includes 225 units resulting in an average net density of 32.8dph within the developable area. The applicant has committed to a minimum of 50% affordable dwellings on site (which was a condition of the outline approval).
- 1.3 Existing landscaping features would be retained and serve as focal points within the layout. The landscape features of merit within the site include hedgerows and trees of which the majority are proposed to be retained and would include some additional planting enhancement and reinforcement.
- 1.4 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).
- 1.5 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. These details were approved at the outline stage. 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 proposal provides 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 three 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.

- 1.6 The applicant has incorporated a total of nine unit types within the scheme, including both market and affordable units:

Total number of units proposed	225
Number of affordable units	113
Percentage of affordable units	50.2%
Percentage of two and three bedroom units	67.56%

- 1.7 The affordable units comprise eight one-bedroom units, 59 two-bedroom units and 45 three-bedroom units. The market units comprise eight two-bedroom units, 40 three-bedroom units, 51 four-bedroom units and 14 five-bedroom units.

- 1.8 The application site is not allocated for any purpose within the Hambleton Local Development Framework and lies beyond Development Limits. The site has been put forward in the recent call for sites and has been carried forward as a preferred option. However, the planning history referred to above and below is also of relevance.

- 1.9 The application is supported by documents including:

- Planning Supporting Statement
- Design and Access Statement
- Drainage Strategy
- CIL and Housing Pro-forma
- Travel Plan
- Ground Gas Assessment
- Renewable Energy Report
- Archaeological Assessment
- Geo-Environmental Survey

- 1.10 Improvements have been secured to the scheme including amendments to the layout to meet the requirements of the Highway Authority, an increase in the affordable housing provision to accord with the relevant condition of the outline permission, improvements to the mix of affordable and market units, amendments to the layout to create more of a sense of place, alterations to the attenuation basin in the main area of public open space in order to allow it to be accessed at all times.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00337/OUT - Outline application for a residential development of up to 226 dwellings with associated access (with all other matters reserved); Refused 30 May 2014, appeal allowed 7 September 2015 following a Public Inquiry.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 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 DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP28 - Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 Hambleton Biodiversity Action Plan

4.0 CONSULTATIONS

4.1 Town Council - Comments as follows:

- The overall appearance of the estate lacks a character that would fit in with Stokesley as North Yorkshire market town. Other recent housing developments have significantly reflected the character of Stokesley e.g. The Stripe;
- The landscaping needs to allow for bat corridors as agreed at the planning appeal. It is requested that trees that are to be planted should be of a semi-mature standard, rather than whips, to ensure landscaping is effective from an early stage. This will also encourage wildlife to settle;
- The overall layout is generally satisfactory, but requires enhancement to avoid a rectangular block type approach;
- The proposed mix of 113 Market Housing and 112 Affordable Housing, which almost meets the 50 percent LDF requirement, is acceptable;
- This proposed development is on land which the developer acknowledges is subject to surface water flooding. It is proposed to raise the ground level significantly above that of the adjacent housing in Woodlands Walk. This is to

avoid surface water flooding and fluvial flooding from the overtopping of the adjacent watercourses due to blockage or exceedance event;

- Raising the ground level will lead to water run-off and seepage into properties and gardens in Woodlands Walk; the Town Council objects to this aspect;
- No details are provided of the ownership or management requirements of the company that would manage on-site drainage or the insurance guarantees support this drainage management solution. The Town Council object to this part of the proposal until a satisfactory scheme is agreed with the relevant authorities.
- Although the colour of the proposed houses is varied in the development, the houses lack a variation in character which would be expected to fit into a typical Yorkshire town such as Stokesley. Examples of development of this expectation can be seen in The Stripe, a modern development which reflects the shape and form of housing in the High Street in a modern context. The form of housing proposed is typical of a more urban development which can be seen in the swathes of new estates to the south of Middlesbrough;
- Varying roof lines, building style and brick work enhance existing housing estates in Stokesley. This proposal does not have these characteristics and is not in keeping with the general housing form in Stokesley;
- The proposed road layout shows a series of straight roads with a number of predominantly right angle bends and a few speed humps, again little market town character. Roads with curves and form not only improve the character and sight lines, but also slow traffic; and
- The green space including the settling pond and leap is clearly envisaged as a play area and requires additional fencing and gating to ROSPA standards, to provide safety for children and avoidance of entry by dogs. (It should be noted that this point has largely been addressed by a redesign of the SUDs scheme which now incorporated underground storage)

4.2 Environment Agency - No further comments to those made at the outline stage. Advice on surface water proposals is now provided by the Lead Local Flood Authority (NYCC).

4.3 Northumbrian Water - No objection provided the application is approved and carried out within strict accordance with the submitted document entitled "Drainage Strategy". Requests that a condition be attached to ensure the development is implemented in accordance with this document:

4.4 NYCC Flood Risk Management – The NYCC SUDs officer has confirmed that the principles of the drainage strategy contained within the proposals are acceptable subject to the submission of pertinent details pursuant to the discharge of Condition 13 attached to the outline planning permission.

4.5 Natural England - No comments.

4.6 NYCC Archaeology - A geophysical survey of the site has identified a very distinct enclosure containing circular features consistent with an Iron Age or Romano-British agricultural settlement. Further mitigation in the form of an archaeological strip, map and record excavation will be necessary to investigate this in accordance with a condition of the outline planning permission. The exact extent and level of preservation of the archaeological features is not fully known from the geophysics alone.

The developer proposes trial trenching, which will be useful to assess the complexity of the enclosure and its internal features and will also help to define the physical extent of the archaeological interest. The proposed technical specification is acceptable but the scope of the works is far too limited to draw any reasonable conclusions about the significance of the archaeology.

A greater number of trial trenches, at least double the amount proposed, is recommended to give a reasonable sample of the wider development area. This would allow archaeologically 'blank' areas to be excluded from the mitigation phase.

- 4.7 Highway Authority – No objection following submission of the latest revision to the layout, subject to conditions relating to standard road construction details.
- 4.8 NYCC Rights of Way - No objection.
- 4.9 Ramblers Association - No objection.
- 4.10 Environmental Health Officer - No objection.
- 4.11 Public comment - 19 Representations had been received at the time of writing the report, summarised below.

- Impact on Local Wildlife;
- Poor drainage of site and flood risk;
- Impact on visual amenity;
- Site is within the Greenbelt; (it is noted that this area is not Greenbelt)
- Concern about the maintenance responsibility of the ditch to the north of the site;
- Pure folly to build new houses 0.5m higher than the surrounding properties;
- The proposed ponds and tanks will be run by a private operator who will be entirely profit driven and unlikely to have the welfare of existing residents as their main priority;
- Impact on privacy from raised bungalows;
- Loss of natural daylight;
- Potential impact on local hedgerows;
- Increased traffic in the area impacting on congestion in town;
- Building site in close proximity will be harmful to amenity;
- Need time restrictions on building;
- Need to be a bond requirement to ensure the protection of local homes from flooding;
- A query whether the required 12 months monitoring of the site has taken place;
- The Tame is not capable of taking the runoff proposed;
- Proposed renewable energy provision is not sufficient to meet the requirements of the outline condition;
- Long, straight roads should be avoided;
- The area alongside plot 49 appears to be a fairly large turfed area which could become a noisy play area for ball games;
- The affordable homes should be positioned differently within the development to maintain the exclusivity of existing private homes;
- Bungalows would be best suited to the perimeter of the site, particularly blocks 101-109 as they would benefit from greater privacy, with a quieter feel, which would be better suited to bungalow occupiers;
- Hedgerows should not be touched;
- The site layout plans and landscaping plans fail to recognise approved changes to boundaries and property positions since 2008;
- The actual position of 12 Peacocks Close has not been taken into account and new proposed properties are therefore closer than the anticipated separation distance;
- Development of this site will skew the development form of the Town;
- Existing planted land to the east of the proposed development (i.e. between plots 102-105 and the rear of Woodlands Walk) some existing trees are to be removed, and two selected standard trees planted, together with new hedging. No new trees should be planted in this area as the existing species of Ash,

Sycamore and Oak have proved unsuitable, growing too large in terms of the crown and root system, and causing shading and poor soil conditions in the gardens of Woodlands Walk;

- The travel plan lacks an understanding of the local situation;
- A better mix of architecture is required; and
- A larger proportion of smaller dwellings and bungalows is required

5.0 OBSERVATIONS

- 5.1 The principles behind the development of this site are set out in the Inspector's decision in relation to the outline approval for development (14/00337/OUT), the conditions for which are set out in **Appendix 1** attached to this report.
- 5.2 The Inspector's decision has confirmed a number of matters relating to the development of the site. This includes the percentage of affordable housing at not less than 50%, the principles and detailed arrangement of the two vehicular access points into the site, the survey requirements in relation to ground contamination, the acceptability of the impact of vehicular movements associated with the development, on local air quality, the principle of the development in terms of ecological, archaeological and landscape impacts (subject to conditions) and the principle of the development in relation to matters such as flooding. A number of these matters are the subject of conditions attached to the outline planning permission. It should be noted that the matter of drainage of the site, whilst covered by condition, is considered to require more detailed examination at this stage due to the potential for the drainage strategy to impact on site levels and the layout, this is dealt with in greater detail in this report.
- 5.3 The main issues to consider in the determination of the reserved matters are: (i) the housing mix, type and tenure, including affordable housing provision; (ii) public open space provision; (iii) highway safety; (iv) drainage and flood risk; (v) design and layout, including impact on residential amenity; and (vi) community engagement;

Housing mix, type & tenure and affordable housing

- 5.4 In this instance, the proposed housing mix was established through the outline application approved under reference 14/00337/OUT. The following housing mix for the maximum number of 226 dwellings given outline approval was agreed:

Open Market Units: 50 x three-bedroom units
63 four-bedroom units

Affordable Housing: 55 two-bedroom units
54 three-bedroom units
4 four-bedroom units

- 5.5 Condition 11 of the outline planning permission states: "At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows". This is met in the reserved matters submission through the provision of 12 two bedroom bungalows, comprising four affordable units and eight open market units. Therefore having regard to the above, it is considered the proposal would provide an appropriate quantity of two-bedroom bungalows.
- 5.6 The application has been amended to ensure that the proposal would deliver 50.2% affordable housing and now provides 113 affordable homes. Both the market and affordable housing mix are set out below.

Market housing mix: 8 two-bedroom units

	39 three-bedroom units
	51 four-bedroom units
	14 five-bedroom units
Total:	112 Units
Affordable housing mix:	59 two-bedroom units
	46 three-bedroom units
	8 one-bedroom units
Total:	113 Units

As well as providing 50.2 % affordable housing, this mix would deliver 67% two and three-bedroom units across the entire site and 42% two and three-bedroom units in the market mix

Public open space

- 5.7 The proposed development includes a central public open space containing a play area to required standards, beech hedge planting, avenue style tree planting and existing woodland trees. The open space would be kept primarily open. Planting around the boundary of the open space would provide slight separations and screening for the adjacent housing. New low native species shrubs would be planted along the edges of the existing plantation trees, with a native wildflower strip along the edge. This is to create a graduated edge to the existing woodland and improve biodiversity.
- 5.8 A retention basin would be located within the open space as part of the drainage strategy. During the course of the application this basin has been amended in order that it can be used as a permanent part of the public open space provision by incorporating an underground attenuation solution as opposed to an open basin.
- 5.9 The Open Space, Sport and Recreation SPD reinforces the requirements of Development Policy DP37 which requires the provision of 1.38ha of amenity green space for every 1,000 people. This relates to a requirement of just over 1ha of public open space in this case. The application proposes two main areas of public open space, an informal area which is currently and will be maintained as woodland to the north of the site, along with a more formal area centrally within the site which includes the children's play area. In total provision is made for approximately 1.5ha of useable public open space. This is considered to comply with the requirements of adopted policy in this case.

Highway safety

- 5.10 The highway layout has been partially dictated by issues around drainage and site levels and this has resulted in a more linear network than is ideal for a development of this scale and form. Much of the water attenuation is achieved through oversized pipes, located under the road network. In order to allow this to be achieved and to limit a proliferation of manholes, elements of the network would be relatively long and straight in form.
- 5.11 All new private dwellings would have car parking in curtilage, or designated within a parking court. Detached dwellings would either have a drive to the side, leading to a garage, or have a drive to the front with an integral garage. Semi-detached dwellings would have either frontage car parking or parking down the side of the house. Mews housing generally would have car parking to the front.

- 5.12 Various issues have been raised by the Highway Authority through the course of the application and the applicant has sought to address these concerns through amendments to the layout.
- 5.13 The Highway Authority is now satisfied that the proposed layout and landscaping can be achieved without detriment to road safety and is now satisfactory subject to conditions covering the finer details of the highway implementation.

Drainage & flood risk

- 5.14 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.
- 5.15 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.
- 5.16 Whilst drainage is covered by conditions attached to the grant of outline planning permission, the principles of drainage need to be considered at this time owing to the potential to impact on the site levels and the layout of the scheme, due to the difficulties in facilitating the drainage of this site alluded to earlier and considered in greater detail below. At the time of the outline application it was established that there would be a requirement for finished floor levels to be a minimum of 67.5 metres above ordnance datum. The proposal allows for this requirement to be met.
- 5.17 The drainage of the site and associated flood risks have been highlighted through a number of representations from the local community. Local people have raised concerns about the surface water drainage of the site and the potential for the development to impact on the gardens of neighbouring properties, which are often waterlogged. Particular concern has been expressed by residents on Woodlands, whose gardens back onto the area of the site which is proposed to be raised in height as part of the scheme. Their concern is that the garden grounds to the rear of the new properties, which would be at the same level as the existing gardens, would not be positively drained to the north and as such would drain toward the existing garden grounds.
- 5.18 The site is understood to be poorly drained at present and frequently holds standing water. The applicant has put forward a detailed drainage strategy in order to address this issue, which has been subject to consultation with the Sustainable Urban Drainage System (SUDS) Authority (NYCC) and this Council's drainage engineer.
- 5.19 The strategy put forward is to raise the level of a significant proportion of the land and positively drain the site to the existing network of surface water drains on its periphery. This would bring the average level of the site up above the water table and prevent the waterlogging of gardens and public areas.
- 5.20 The proposal includes the management of the existing network of ditches around the site and it is considered that there would be no net detrimental impact on surface water run-off to neighbouring properties. As a result of the development, much of the site would be positively drained and as such surface water on the site would become managed. It is considered that in overall terms the proposed development would have a beneficial impact on surface water management and the development would have no detrimental impact on neighbouring occupiers in these terms.

- 5.21 The attenuation of water on the site, designed to prevent downstream flooding, would be catered for using two main methods. Firstly, significant attenuation capacity would be provided through the use of large diameter pipes located under the road network and secondly underground attenuation features would be incorporated under the areas of public open space. These features would allow access to the public open space whilst facilitating the necessary levels of attenuation by effectively creating underground storage areas. This option was chosen in preference to a pond solution, which, due to the high water table, would be a wet area at all times, reducing the availability and usability of public open space and creating safety issues associated with the management of open water.
- 5.22 Both the NYCC SUDS officer and this Council's drainage engineer have been involved with the development of the drainage scheme, the principles of which are now agreed.
- 5.23 NYCC's SUDS officer has provided a commentary on the drainage strategy for the site and is satisfied that the scheme is compliant with SUDS requirements, subject to submission of further details pursuant to the discharge of drainage conditions and the SUDS consent itself.

Design and layout and residential amenity

- 5.24 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.25 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.26 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.27 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.28 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.
- 5.29 The applicant's design and access statement builds on the outline planning

permission which sets out the concept of a number of character areas across the site. The design concept seeks to retain as much in the way of the mature tree planting on the edges of the site as possible, as they create a landscape buffer between the existing and proposed housing and anchor the development in the landscape.

- 5.30 The proposed layout is in part dictated by the drainage strategy for the site, which is dependent upon large scale water attenuation within a pipe network under the road layout. In order to achieve this several long sections of straight road have been required rather than a more serpentine road form.
- 5.31 From the entrance onto the site from Tanton Road there would be a curved element of roadway adjacent to an area of public open space incorporating a SUDS feature. There would then be a long straight run down to the main area of public open space. This straight run of road would offer an opportunity to open up the vista to the trees associated with the public open space and provide for a more open, landscaped feel to the development.
- 5.32 The layout has been altered in order to provide for a form more sympathetic to the character of Stokesley, although the Town Council and others have raised concerns that the proposal is not sufficiently locally distinctive. The proposed development includes a mix of mews, semi-detached and detached dwellings. The majority of proposed dwellings are two-storey with bungalows utilised and occasional larger buildings with an upper floor in the roof space in key locations.
- 5.33 The proposed use of nine house types through the development would result in a variety of built forms within the development, adding architectural interest in vistas.
- 5.34 In this case officers consider the proposed layout and the relationship of private and public spaces is acceptable and would provide a positive townscape form within the development, taking account of the constraints imposed by the drainage strategy.
- 5.35 The landscape and visual impacts of the proposal were largely taken into consideration through the assessment and determination of the outline planning application. The site is not readily visible in the wider landscape thanks in part to the existing tree belts and landscape forms nearby. As a result the proposed development would have a limited impact on the visual amenity of the wider area surrounding the site.
- 5.36 The raising of ground levels across the eastern portion of the site would facilitate a gravity solution for the drainage of the site. The developer has discounted the alternative pumped solution, which would have allowed for only minimal alterations to levels, on the grounds of cost and maintenance, and it is reasonable to consider the consequences of a pumping failure in determining whether such an approach is appropriate. The gravity solution has a lower risk of failure and the developer has endeavoured to minimise the increase in levels and to mitigate the impact of the level change through the incorporation of house types which would minimise the impact on the neighbouring residential properties. Whilst this situation is less than ideal the chosen solution is considered to be acceptable in this instance.

Community engagement

- 5.37 It is noted that a detailed level of public consultation was undertaken prior to the submission of the outline application 14/0337/OUT, which included:
- A consultation leaflet to local residents;
 - Contact with Stokesley Parish Council;

- An advert placed in the Darlington & Stockton Times newspaper;
- Display of plans and material on a web site; and
- A public exhibition at the Stokesley and District Community Care Association.

5.38 It was therefore determined by the applicant that an informative letter would be sent to neighbouring properties together with a copy of the site layout plan, inviting any comments to be submitted. A leaflet drop was arranged to local residents to inform them of Kier Livings' intention to submit a reserved matters application in the coming weeks. The letter informed residents of the development proposal and invited residents to provide their comments by email or through a dedicated webpage set up for the application. In addition to the above, large paper copies of the layout plan were left at Stokesley Library for residents to view from 29 October 2016.

5.39 In addition to letters which were distributed to local residents, correspondence was sent by way of email to both Stokesley Parish Council and Councillors for the Stokesley Ward, together with an electronic copy of the layout plan. However, the consultation did not contain significant details of house types or give any indication of the landscaping strategy beyond identifying existing trees that would be retained.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application is **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below received by Hambleton District Council on 15 May 2017 unless otherwise approved in writing by the Local Planning Authority:

1641.06revA Location plan; 1641.01.N - Planning layout; 1641.FP - Footpath locations; Boundary treatments 1641.05revB; Materials Layout RevG; R-1939-1F Landscape Masterplan 500@A0; Street Scene Rev C; TYPICAL SECTIONS Rev B; 1641-G01 single; 1641-G02 double; 1641-G03 double pyramid roof; 1641-G04 triple; 1641-G05 quad; HOLMEWOOD_Rev B-1; HOLMEWOOD_Rev B-2; HORSHAM_Rev B-1; HORSHAM_Rev B-2; HORSHAM_Rev B-3; HORSHAM_Rev B-4; KENILWORTH_Rev A-1; KENILWORTH_Rev A-2; MAPLEFORD_Rev A-1; MAPLEFORD_Rev A-2; NORTHWOOD_Rev A-1; NORTHWOOD_Rev A-2; OAKFORD_Rev A-1; OAKFORD_Rev A-2; OAKWOOD_Rev A-1; OAKWOOD_Rev A-2; STEN U_Rev A; STEN Y_Rev A-1; STEN Y_Rev A-2; and THORNTON_Rev A.

3. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Strategy" dated "December 2016". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 4303, and ensure that surface water discharges to the 825mm surface water sewer crossing the site at a maximum restricted rate of 10 l/sec.
4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be

no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) dimensions of any carriageway, cycleway, footway, and verges; (ii) drainage and sewerage system; (iii) lining and signing; (iv) traffic calming measures; and (v) all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; (h) Details of proposed landscaping; and (i) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 DP32.
3. To prevent the increased risk of flooding from any sources in accordance with the NPPF and Development Policy 43 of the adopted Hambleton Local Development Framework.
4. In order to ensure that the external materials are appropriate in this case and in order to comply with the requirements of policy DP32 of the adopted Local Development Framework.
5. In accordance with Local Development Framework policy DP3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. 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 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 Hambleton District Council - Waste and Streetscene.

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.

Appendix 1

Conditions of the outline planning permission (14/00337/OUT)

Approval of details

1. Details of the appearance, landscaping, layout and scale of the dwellings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Details of the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. The development hereby permitted shall comprise no more than 226 dwellings.
4. The development shall be carried out in general accordance with the details shown on the Development Framework Plan, drawing number 2013-033-100-02 Rev D and the Design and Access Statement – February 2013.
5. Access to and within the development shall be carried out in full accordance with the details shown on the Access Plans – 3065/SK001/001 and 3065/SK001/002 before the occupation of the first dwelling on the site.

Timing of implementation

6. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission.
7. The development shall be begun either before the expiration of:
 - (a) 18 months from the date of this permission; or
 - (b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Phasing

8. Prior to commencement of development a scheme outlining the phasing of development (the 'phasing scheme'), including a site layout plan identifying land uses such as formal and informal open space, hard and soft landscaping, pedestrian and cyclist access routes and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Landscaping

9. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy (in substantial accordance with the Framework Plan 2013-033-100-02 Rev D) to demonstrate that the landscaping proposals have taken account of, and been informed by, the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The Landscape Masterplan and Strategy, following its approval by the Local Planning Authority, shall be implemented in accordance with the phasing details approved under condition 8 above.

Affordable housing

10. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'affordable housing scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved affordable housing scheme and shall meet the definition of affordable housing in Annex 2 of the National

Planning Policy Framework or any future guidance that replaces it. The affordable housing scheme shall include:

- (a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 50% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council);
- (b) a timetable for the delivery of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before the occupation of the 100th open market dwelling on site;
- (c) the arrangements for the transfer of the affordable housing to an affordable housing provider and these arrangements shall be in accordance with the provisions of the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council). The arrangements shall ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Housing mix

11. At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows.

Construction method statement

12. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority; and the approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - (a) the hours of work;
 - (b) the parking of vehicles of site operatives and visitors;
 - (c) loading and unloading of plant and materials;
 - (d) storage of plant and materials used in constructing the development;
 - (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (f) wheel washing facilities;
 - (g) measures to control the emission of dust and dirt during construction;
 - (h) a scheme for recycling/disposing of waste resulting from construction works;
 - (i) means of protection of trees and hedgerows during site preparation and construction; and
 - (j) access arrangements for emergency vehicles during the construction phase.

Sustainable drainage

13. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. This sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details of the scheme shall include:
 - (a) a timetable for its implementation; and
 - (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory

undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Foul drainage

14. No development shall take place until details of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works required for that building have been implemented in accordance with the approved details. The approved foul water drainage works shall be retained and managed thereafter in accordance with the approved details.

Archaeology

15. No development shall take place within the application site until a written scheme of archaeological investigation, including the methodology of further investigation works and a programme for the works to be undertaken (the 'archaeological scheme'), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed archaeological scheme.

Ground contamination

16. No part of the development shall be commenced on site unless and until:
 - (a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Preliminary Risk Assessment (Phase 1 Desk Study) LKC 13 1131 – February 2014. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on site;
 - (b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
 - (c) a method statement and remediation strategy, based on the information obtained from (b) above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

Biodiversity

17. Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and protected species including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.
18. Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be approved, implemented (and if necessary maintained in consultation with Natural England) and confirmed in writing by the Local Planning Authority.
19. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, in any year, unless the site has been surveyed within that period for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a breeding bird protection

scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.

Boundary treatments

20. No part of the existing boundary hedges of the site shall be uprooted or removed or reduced in height to a height below 1.5 metres (except for access) other than in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

Sustainable energy

21. At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources or otherwise through design measures. Details of a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submissions. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

Provision of on-site amenity space, children's play and young people's facilities

22. The development hereby approved shall not begin until arrangements (including a timetable for implementation and management plan) for the provision of on-site amenity space, children's play and young people's facilities have been submitted to and approved in writing by the Local Planning Authority. The on-site amenity space, children's play and young people's facilities shall be provided in accordance with the approved arrangements and the future management transferred to a management company to be managed in perpetuity.

Travel plan

23. No dwelling in the development hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan ('the Travel Plan') accompanying the application has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan coordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the written approval of the Local Planning Authority at intervals no greater than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

Street lighting

24. No dwelling shall be occupied until a scheme, previously submitted to and approved in writing by the Local Planning Authority, for the extension of the street lighting system between the site access on to Tanton Road and the junction of Tanton Road with B1365 has been implemented in accordance with the approved details.

Stokesley footpath 10.140/2/2

25. Development shall not commence until a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the first dwelling on the site.

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Parish: Thrintoft
Ward: Morton on Swale
9

Committee date: 25 May 2017
Officer dealing: Mrs H Laws
Target date: 31 May 2017

17/00544/FUL

Retrospective application for the demolition of redundant farm building and construction of a dwelling
At Land to the west of Ivy House Farm, Thrintoft Moor Lane, Thrintoft
For Mr A Hutchinson

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the north eastern edge of Thrintoft on the northern side of the village street. The site is agricultural in nature with fencing, hedging and a timber gate fronting onto the road.
- 1.2 The site was previously occupied by a disused agricultural building, which was the subject of a prior notification for a permitted development change of use to a dwelling. Approval was granted in 2015. However, the building was not converted but demolished and a replacement building begun. Permitted development rights for conversion therefore no longer apply and planning permission is required.
- 1.3 It is proposed to construct a two bedroomed dwelling on the footprint of the previous building and in a similar style. The proposal would have a footprint of approximately 11m x 4.75m with a ridge height of 5.5m. The height of the building recently demolished was approximately 4.8m. A lean-to single storey section is included and first floor accommodation provided within the roof space, served by four rooflights on the north east elevation.
- 1.4 The walls of the dwelling would be finished in brickwork on 30% of the building with vertical timber cladding on 70% of the building and with a clay pantile roof.
- 1.5 The agent for the application states "The proposal that is now before the Council is identical to the prior approved scheme in all respects"; however, that is not correct in terms of the residential curtilage, which would be approximately double that of the conversion scheme.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/02539/MBN - Prior notification of change of use of agricultural building to dwellinghouse and for associated operational development; Prior approval not required - determined 9 February 2015.
- 2.2 16/00357/CAT3 – Enforcement investigation into rebuilding; Awaiting determination of this application.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access

Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – There is a concern in relation to the visibility splay that is available to the right (to the south west of the existing access) as normally a visibility splay of 2.4m by 43m would be required for a new access within in a 30mph speed limit. However given the nature of the road it is considered that 85th percentile of vehicle speeds are likely to be shown to be less than 30 mph. Driven speeds along this stretch of road were approximately 25mph and as such Manual for Streets recommends a visibility splay of 33m based on the Stopping Sight Distance. This visibility is achievable in this instance from a setback of 2.0m. Therefore given the above and also considering that the proposed development is served from an existing access with an existing use a highway refusal would be difficult to sustain. Conditions are recommended.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the design of the proposal and the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

Principle

- 5.2 The site is outside Development Limits as Thrintoft does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in locations such as this "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to

Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the 2014 Settlement Hierarchy reproduced within the IPG, Thrintoft is defined as an Other Settlement.
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Thrintoft which is identified in the Interim Policy Guidance as part of a cluster of villages with Ainderby Steeple and Morton on Swale. These three villages have long been linked economically and socially, which continues to the present day. Collectively the three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. However, it is clear that Morton on Swale accommodates the majority of the services and facilities. This is recognised in its status as a Service Village. On that basis, the IPG indicates that Thrintoft is a sustainable location for appropriate small-scale development and criterion 1 would be satisfied. Accordingly, there is support for the principle of a dwelling in this location.

Design, character and landscape

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance a single dwelling is proposed, which must be considered cumulatively with the planning permissions recently granted for four dwellings at Thrintoft Grange (16/01391/FUL); a dwelling on land adjacent to West House (16/02590/REM) and a dwelling at Oxmoor Barn in June 2015 (15/00869/OUT). This would result in a total of 7 additional dwellings within the village, which is not considered to be disproportionate.
- 5.8 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development, particularly to the west, and the construction of a dwelling on the footprint of a now demolished building would reflect the established character.
- 5.9 The pattern of development in this part of the village is fragmented and the building is the last on the northern side of the road until a terrace of four houses approximately 150m to the north east. A farm lies opposite. The setting of the site is therefore rural in character but it appears as part of the built form of the village rather than as part of

the open countryside. Notwithstanding this, the creation of a new residential curtilage twice the size of the previous proposal has the potential to dilute the rural character of the setting, so landscaping, means of enclosure and the erection of outbuildings should be carefully controlled if permission is granted and conditions are recommended to this effect.

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The NPPF supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The supporting statement submitted with the planning application explains that the previously permitted change of use of the building would have retained the agricultural character of the building, therefore having a neutral effect on the form and character of the village. It is suggested that as the proposed scheme replaces the black felt and tin sheeting of the original building with traditional building materials, the effect would be a positive improvement. It is considered that the resultant dwelling is of a simple form and design and would not detract from the character and appearance of the village or the surrounding landscape.

Residential amenity

- 5.14 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The closest property lies to the south west, with approximately 22m between elevations. This is an adequate separation distance between the existing and proposed dwellings for there to be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is therefore in accordance with LDF Policy DP1.

Highway Safety

- 5.15 The Highway Authority has expressed concern regarding the visibility at the access, which is considered to be substandard but as the vehicle speeds along the road are likely to be less than the 30mph speed limit, the Authority advises that a reduced visibility would not pose a highway safety risk and it does not recommend refusal. It is also worth noting that the assessment of the previous barn conversion proposal did not identify any highway concerns.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
 - 1. The development hereby permitted shall be begun within three years of the date of this permission.

2. 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. 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.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority; and (ii) Any gates or barriers shall be erected and shall not be able to swing over the highway.
6. Within 3 months of the permission hereby granted, full details of the vehicular parking and turning arrangements shall be submitted to the Local Planning Authority. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no further construction activities on 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; and (b) 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.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings: Location Plan received on 24 March 2017; Block Plan received on 24 March 2017; and 7075/F1 received on 9 May 2017.

10. Prior to the occupation of the development a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall be implemented prior to the end of the first planting and seeding seasons following the approval of the landscaping scheme. 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.
11. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved.
12. Prior to the construction of any boundary fence, full details of the fence including, height, form and materials shall be provided in writing to and approved by the Local Planning Authority. The boundary fence shall then be completed in accordance with the approved details, unless otherwise agreed in writing.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
5. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. 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.
10. In order that the landscaping scheme is appropriate in this countryside location and in order to comply with the requirements of Development Policies DP28 and DP32 of the adopted Local Development Framework.

11. In order for the Local Planning Authority to protect the character and appearance of the countryside and to comply with the requirements of Development Policies DP28 and DP32.
12. In order that the boundary fencing is appropriate in this countryside location and in order to comply with the requirements of Development Policies DP28 and DP32 of the adopted Local Development Framework.

Informative

1. 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 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 Hambleton District Council - Waste and Streetscene.

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.

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Parish: Tollerton
Ward: Easingwold
10

Committee date: 25 May 2017
Officer dealing: Caroline Strudwick
Target date: 31 May 2017

16/02013/OUT

**Outline planning application with all matters reserved for a doctors surgery and residential development (20 units) with associated infrastructure and landscaping
At Land Off Forge Lane Tollerton North Yorkshire
For Mr & Drs D, M & S Gath, Potrykus & Utting**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This site is located to the west of Tollerton village, outside Development Limits, with the rear of the houses on Forge Lane and Alne Road to its north and north eastern boundary, Tennis Court Lane to the south eastern boundary and open countryside to the west.
- 1.2 The site is a 1.27ha flat undeveloped piece of agricultural land with a pond in the middle. It is well screened with trees and hedge on the boundaries which run from Alne Road to Tennis Court Lane. The boundary of the Tollerton Conservation Area is on the south eastern side of Tennis Court Lane, with the boundary opposite, outside the Conservation Area. There are no listed buildings nearby.
- 1.3 This outline application with all matters reserved has been made by one of the current Tollerton GP Surgery practice partners and the prospective housing developer. The application form and indicative plan show 20 dwellings and the indicative plan shows 23 parking spaces for the surgery. The surgery would replace the current one in Tollerton at 5-7 Hambleton View and would provide 450 sq.m of accommodation with provision made for future expansion and would provide access to many areas of service not currently available within the village such as an optician, a dentist and a midwife. The surgery and associated parking would occupy 0.17ha of the land, and the remaining 1.1ha would accommodate the proposed 20 dwellings. A separate application (16/02054/FUL) has been lodged to convert the existing surgery at Hambleton View into a pair of semi-detached bungalows. The profit raised from that development would be invested into the proposed surgery.
- 1.4 The indicative layout shows a mix of ten different house types, which would provide a mix of two, three, four and five bedroom homes. It is anticipated that four of these will be bungalows with the other 16 being traditional two storey dwellings. An area of 0.19 ha located around the existing pond is identified for public open space.
- 1.5 The Development Plan policy objective is that 50% of the units, i.e. 10, should be affordable housing. A Financial Viability Assessment accompanies the submission and sets out the applicants' justification for proposing the provision of 30% affordable housing, against the Council's policy objective of 50% affordable housing on sites within the Easingwold area. The developer's offer equates to the provision of six affordable units within the scheme.
- 1.6 The application seeks an in-principle decision so improvements have not been sought.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 78/0002/OUT - Outline application for residential development at part OS 9326, Tennis Court Lane, Tollerton; Granted 25 January 1979.
- 2.2 16/02054/FUL - Change of use of doctors' surgery to create a pair of semi-detached bungalows; Pending decision. This application relates to the current surgery at 5 - 7 Hambleton View and appears elsewhere on the agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP9 - Affordable housing
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP15 - Promoting and maintaining affordable housing
Core Policy CP3 – Community Assets
Development Policies DP5 - Community Facilities
Affordable Housing Supplementary Planning Document
Interim Policy Guidance Note – adopted 7 April 2015

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – A questionnaire regarding future development in Tollerton was distributed within the Village and made available online. As a result of this survey the Parish Council wishes to see planning permission refused, as it believes that is the wish of the majority of the village.
- 4.2 Tollerton Surgery Patient Participation Group – Expresses a strong desire to see planning permission granted for a development which it believes will allow the re-provision of the surgery in decent, sustainable premises.

The Group also criticises the conclusions the Parish Council drew from its survey, stating that at the time of the 2011 census, Tollerton had a population of voting age and above of 829. The total response of 232 to the Parish Council's survey was therefore 28% of the adult population, and excludes younger and residents of surrounding villages served by the surgery. The Group states that those who opposed the development in their responses therefore represent 15% of the adult residents of the village.

- 4.3 Highway Authority – No objection; conditions recommended.
- 4.4 Ministry of Defence - No safeguarding objections.

- 4.5 Environmental Health Officer – No objection; conditions relating to contaminated land are recommended.
- 4.6 Yorkshire Water – No objection; recommends conditions.
- 4.7 Public comment – 27 objections were received during the notification period, summarised as below:
- Tollerton is simply not suitable for additional housing or the additional traffic from them and the surgery;
 - Limited capacity of local facilities, utilities and schools;
 - Poor access into the site;
 - The main road adjacent to this development is over-used and dangerous; additional traffic will add to the danger;
 - 25% of current patients are from Tollerton so the majority travel to the surgery by car;
 - Support a new surgery but in a better location with safer access and parking;
 - Parking at the surgery will spill onto nearby roads, increasing risks;
 - Problems of high water levels and flooding in the area will be exacerbated;
 - Surface water drainage concerns - the current drains overflow during heavy rain;
 - Insufficient capacity for drainage, water and electricity supplies for existing residents;
 - Loss of privacy for existing residents;
 - Loss of wildlife habitats;
 - There is no need for a new surgery;
 - Precedent for developing on green field sites in rural areas;
 - Additional houses in the village will lower existing house prices; and
 - Creation of new access is unnecessary, will cause the destruction of trees and hedges, cause disruption to residents and (potentially) provide opportunity for extension of the development site to neighbouring fields.
- 4.8 94 comments have been received in support of the doctor's surgery.

5.0 OBSERVATIONS

- 5.1 The issues for consideration when determining this application are (i) the desirability of a new doctors surgery in this location; (ii) the desirability of development of dwellings in this location, including enabling the surgery and the delivery of affordable housing, (iii) the size, type and tenure of the proposed dwellings; (iv) impact on highway safety; (v) impact on residential amenity; and (vi) impact on the adjacent Conservation Area. It will then be necessary to consider the balance of these planning issues and form an overall conclusion.

The desirability of a new surgery in this location

- 5.2 Local Development Framework Policies CP3 and DP5 commit the Council to supporting proposals that would provide and enhance community facilities (the doctor's surgery in this case), recognising their importance to the sustainability and well-being of communities. The provision of an improved surgery would be a clear benefit to the local community and can therefore be supported in principle. Policy DP5 states "The involvement of the local community will be sought in identifying the importance of local facilities and in developing appropriate solutions for their retention and enhancement". However, the application gives no indication that community views were sought before submission and the application will need to be considered in the context of the differing local views summarised in section 4 of this report.

- 5.3 The National Planning Policy Framework (NPPF) provides broad support for the approach taken by policies CP3 and DP5 in paragraph 187, which states that “Local planning authorities should look for solutions rather than problems, and decision makers at every level should seek to approve applications for sustainable development where possible. Local Planning Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”
- 5.4 The current surgery in Tollerton is in a pair of converted semi-detached dwellings. The physical condition of the surgery was surveyed by North Yorkshire and York Primary Care Trust in 2008. The surgery was given an overall quality code of C - a less than acceptable facility requiring capital investment. One area investigated was the space utilisation of the facility which looked at how the surgery is laid out and the development capacity, which is the ability the surgery has to expand physically to accept more patients. Both of these fell short of what is acceptable, with the constraints of conversion having created a poor layout with a lack of privacy. It was identified that there is no scope to extend the surgery further.
- 5.5 A later report was carried out for the Care Quality Commission in December 2014. It rated the overall service of the surgery as good, however the safety of the service was considered to require improvement. This related to providing safe services, the running of the practice, safeguarding protocols and pre-employment checks of staff, not the physical safety of staff and patients due to the condition of the building. There were some issues identified with potential infection sources due to loose tiling and damaged work surfaces, an excerpt from the report states:
- “We looked in the clinical areas at the practice. We noted unsuitable flooring in the treatment and nurse’s room, and noted loose tiling on window sills, masking tape to repair a damaged work surface and no sealant around sink and draining areas. There was no action plan available to show when these issues would be addressed. The practice business plan showed the practice was in the initial stages of exploring the possibility of new premises.”
- Whilst these later findings are not questioned, they do not, of themselves suggest that a new surgery is needed; the evidence in support of that arises from the 2008 survey and it is considered that the problems identified then still exist.
- 5.6 Whilst policies CP3 and DP5 provide support for the surgery in principle, it is also necessary to consider it in the context of policy CP4 because the chosen location is outside Development Limits. CP4 states that development in locations such as this will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, and where (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy.
- 5.7 The agent advises that other sites have been investigated for the purposes of construction a new doctor’s surgery in Tollerton. They advise that the partners have been looking for alternative premises for a considerable number of years. In September 2012 their search only identified a piece of land off South Back Lane, which was also outside Development Limits. They were advised that the landowner would only sell the land at residential value. There was insufficient funding to progress the purchase at residential value so this option was not progressed.
- 5.8 The agent advises that the partners also explored the option of purchasing an existing building within Development Limits and either demolish it or seek to convert it. However, this was again beyond the finances of the doctors and the NHS, as full market value would have to be paid for the property, in addition to the demolition and

new build costs. In addition it was felt that converting a dwelling into a surgery would raise issues similar to those experienced in the current surgery. Having regard to all these points it is considered that there are no available and viable alternative sites within Development Limits and the case for an exception under policy CP4 should therefore be considered.

- 5.9 It is regarded by the applicants that there is a requirement for a purpose built doctor's surgery in Tollerton to meet the needs of a growing population. The current patient numbers at the surgery are 3,500 and the proposed surgery would be able to accommodate 5,000 patients. Supporting information advises that there is an average increase in patient numbers of 100 per annum. It is therefore estimated that it would be 15 years before the expansion of the surgery anticipated in the proposal would be required. The applicants consider that an extension could then accommodate a further 10 years of patient growth.
- 5.10 Criterion (iii) of Policy CP1 supports proposals where they promote and encourage or protect and enhance the health, economic and social well-being, amenity and safety of the population. Policy CP2 supports proposals which minimise the need to travel. It is considered that the proposed surgery would achieve both of those aims. A purpose built surgery, offering a range of health-related services would protect and enhance the health and social well-being of the population of Tollerton and villages within the surgery's catchment. It would also protect the economic well-being of the population by maintaining jobs at the surgery and in time, potentially, offering more employment.
- 5.11 Relocating the surgery within Tollerton, a Secondary Village, would maintain the ease of access that patients already have, meeting the requirements of policy CP2. The majority of people who have submitted comments live in Tollerton; however comments have been received from residents of Alne, Linton-on-Ouse, Newton-on-Ouse, Aldwark and Shipton by Beningbrough, all stating that they are patients at the surgery. Linton-on-Ouse is a Service Village and Alne and Shipton are Secondary Villages, so all would be sustainable alternative locations. However it is considered pragmatic to keep the doctors surgery within the same settlement that it always has been, maintaining the catchment area and means of access currently used by those in Tollerton and the other villages the surgery serves.
- 5.12 The practice partners at Tollerton Surgery applied to the NHS England General Practice Infrastructure Fund for finance for the new doctors' surgery in January 2015. An integral part of the successful bid was that a landowner and developer who would provide the land upon which the surgery would be built and provide essential infrastructure such as the highway and services, along with site management costs, had been found. The funding secured means that Tollerton Surgery only has to find a third of the new surgery's development cost. The residential element of the proposal would therefore subsidise the provision of the essential infrastructure to serve the new doctors surgery and enable the provision of the land for the new surgery at no cost. This approach makes the provision of a new doctors' surgery more viable as the doctors would only have to find the build and fitting out costs. Funding for this could be provided by sale of the current surgery.
- 5.13 Securing funding from the NHS is dependent on securing planning permission for the surgery. Correspondence has been received in support of the application from the Deputy Director, Estates and Capital Programmes (NHS Scarborough and Ryedale Clinical Commissioning Group (CCG)) that the Tollerton practice replacement is named within the CCG estates strategy as a priority and has been supported by the CCG, which was a pre requisite before being approved by NHS England. It is explained that the Tollerton Scheme has been sifted and prioritised and that NHS

England is expected to confirm the funds early next year to be spent in total no later than March 2019.

- 5.14 There are tight time scales to ensure the delivery of the surgery to satisfy the funding criteria of NHS England. The funds provided must be spent no later than March 2019 and so it is anticipated that the surgery would be delivered on or before this date to ensure funding by the NHS. If permission is granted, the phasing of the delivery of the surgery relative to the housing can be secured through the use of an appropriate planning condition.
- 5.15 Considering all of the foregoing, and having regard to the public views expressed, it is reasonable to conclude that a new surgery in this location would provide an effective way of improving local health services in accordance with policies CP3 and DP5. Of itself, the surgery would be a relatively small-scale enlargement of the village allowed for by an exception in policy CP4 and its impact on the character of the village and the adjacent countryside would be limited. The character impact of the proposal is considered below.

The desirability of residential development in this location (including enabling the surgery and the delivery of affordable housing)

- 5.16 Tollerton is a Secondary Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.17 The NPPF states, in paragraph 55, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.18 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.19 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on a piece of land where two of the site boundaries abut Development Limits. Development adjacent to the Limits would provide a logical option for growth of the village. The proposal would support local services and would be in accordance with the aims of sustainable development.

- 5.20 Development here, at an appropriate scale, would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. However, a development of 20 dwellings is considered too large to be termed “small in scale” as intended by the IPG. It therefore remains to be considered whether an exceptional justification can be made for the housing element within the context of LDF Policy CP4.
- 5.21 Policy CP4, criterion iii, allows for housing beyond Development Limits where an exceptional case can be made in terms of policies CP1 and CP2 and where “it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy”. It has already been concluded that the new surgery would meet a local need that cannot realistically be met in a settlement within the hierarchy. However, given the scale of the residential element, it is necessary to consider its likely impact on the character of Tollerton and the adjacent countryside and whether the proposed scale, 20 dwellings, is necessary in order to enable provision of the new surgery.
- 5.22 The site is screened by housing on Forge Lane, and Alne Road, however there would be extensive views of the site from dwellings on those roads and some views from dwellings on Tennis Court lane. There is a public right of way from Tennis Court Lane North West to Alne Road which allows views north into the site. The visibility of the site is not a matter of principle but any reserved matters submission would need to take into consideration the need for appropriately designed soft landscaping.
- 5.23 Any reserved matters application seeking approval of the access, appearance, landscaping, layout and scale of development should recognise and respect that this is an area of mature trees and extensive hedgerows. There is also a pond of approximately 300 sq. m, and 800mm deep which is surrounded by a variety of different trees and shrubs. The indicative plan shows that the pond and areas to the north east and south west would be reserved as a publically accessible open space. This area is an important feature in the field, and to avoid any detrimental impact on the open character and appearance of the surrounding countryside the dwellings should be positioned so that they do not encroach, as well as protecting the health of the pond and associated biodiversity in the water and in the trees and shrubs.
- 5.24 It is considered that the dwellings can be accommodated within the capacity of the existing village infrastructure, taking account of the advice of statutory consultees and the expansion of surgery facilities that would accompany the housing.
- 5.25 To allow the surgery to be funded, the 0.17ha required for it would be gifted by the current owners. Factoring in the requirement for affordable housing, it is considered by the owner that outline planning permission for 20 houses would generate a viable land value for them. The landowners consider that fewer than 20 units would be unviable and they would instead pursue allocation through the local plan process for dwellings without a surgery.
- 5.26 It is the Council's current approach to seek a financial contribution towards affordable housing from schemes of six to ten dwellings, as allowed for by the November 2014 Ministerial Statement “Small scale developers”, and to seek on-site provision of affordable housing from schemes of more than dwellings. In the Easingwold sub-area, policy CP9 sets a target of 50% affordable housing, which equates to ten of the proposed units in this case. However, policy CP9 allows for some flexibility of affordable housing numbers on individual sites, stating that “the actual provision on individual sites will be determined through negotiations taking into account viability and the economics of provision”.

- 5.27 The applicants' supporting viability report states that a 20% profit return must be guaranteed on this scheme to secure lending for it. In an independently commissioned assessment of the viability documents, the Council's advisor Keppie Massie has stated that a lower return of 18% should be expected instead. The applicants disagree with this and argue that small-scale developers cannot obtain funding unless the lender is satisfied that the scheme will return a 20% profit margin. The applicants' and the Council's advisors are in discussion on these issues and an update will be provided to the meeting. However, it is clear from the landowner's comments reported above that a reduction in the scale of the scheme would jeopardise the achievement of the new surgery.

Housing size, type and tenure

- 5.28 The indicative layout shows a mix of ten different house types, which would provide a mix of two, three, four and five bedroom homes. The viability assessment has been based on the following mix:

Dwelling	Floor space (sq.m)	Number	Space standard
Two bedroom semi-detached bungalow	68	4	3 bed spaces
Two bedroom semi-detached house	70	2	3 bed spaces
Two bed terraced house	75	3	3 bed spaces
Three bedroom terraced house	84	1	4 bed spaces
Three/four bedroom semi-detached house	101	2	5 bed spaces
Three/four bedroom detached house	110	1	6 bed spaces
Four bedroom detached house	138	3	8 bed spaces
Four bedroom detached house	169	1	8 bed spaces
Four/five bedroom detached house	176	2	8 bed spaces
Four/five bedroom detached house	214	1	8 bed spaces

- 5.29 As the proposal includes more than ten market dwellings, the Council's normal requirement is for 10% of dwellings to be two-bedroom bungalows, which is met.

- 5.30 A reserved matters submission would include floor plans of the proposed dwellings, which should take into account the Nationally Described Space Standards and provide adequate built-in storage and comply with the number of bed spaces recommended for the size and number of storeys of each dwelling.

Highway safety

- 5.31 The submitted Transport Statement, in paragraph 3.4.3 states that the proposed development could generate between 64 and 84 vehicle movements per hour at the peak periods. This traffic would use the junction of Forge Lane with Alne Road. The Highway Authority has no objection to the scheme, subject to the imposition of appropriate conditions. Whilst residents have expressed significant concerns about

increased congestion as a result of the re-location of the surgery it should not initially result in any additional traffic in the village.

- 5.32 The current doctor's surgery on Hambleton View has six parking spaces. The indicative plan shows 17 more at the new site and complies with the Highway Authority's parking requirements. The surgery would be accessible via footpaths along Alne Road, and there is a bus stop at the corner of Forge Lane and Alne Road. There is no access off Tennis Court Lane shown on the indicative site plan. Whilst access is a reserved matter, it is considered that a safe access to the site can be achieved.

Residential amenity

- 5.33 This application is an outline with layout details reserved for later consideration. However the indicative layout plan includes separation distances of 20 to 23 metres where the rear elevations of the proposed houses would face onto the rear of the existing houses on Forge Lane. Given this it is considered that suitable separation distances can be achieved in order to protect residential privacy and amenity.

Impact on the Tollerton Conservation Area

- 5.34 The site adjoins the Tollerton Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.35 In order to discharge this responsibility there should be an assessment of what contribution this currently-undeveloped area makes to those elements which contribute to the character or appearance of the Conservation Area and what effect the loss of this site and its subsequent development might have upon the designated area.
- 5.36 The site is a field that is on the edge of the settlement wrapped around by residential properties on Forge Lane and farm buildings and a hedgerow on Tennis Court Lane. The field beyond an agricultural hedge together with the hedge provides a 'soft' green setting to the village. Glimpses of the countryside are achieved from Tennis Court Lane and to a lesser extent from Forge Lane. A public right of way runs north west from Tennis Court Lane through farmland. This cross field public footpath affords views toward Tollerton and the Conservation Area.
- 5.37 After the development the views of the village would continue from the public footpath albeit that new buildings would be closer in the view. The field hedge that is an important feature bounding Tennis Court Lane can be retained. There are no listed buildings that would be significantly affected by the development. The strong form of the street pattern, Main Street and Back Lane, and the arrangement of buildings and spaces would not be altered by the development. Providing that the green edge to the site is retained it is considered that the loss of the openness of the field following the development would not give rise to significant harm to the elements that contribute to the significance of the Conservation Area.
- 5.38 It is therefore considered that any harm to heritage assets would be limited and outweighed by the clear public benefits of providing health care land and new homes that meet the needs of the local community.

The planning balance

- 5.39 The development of a new surgery would support the wellbeing of the local community and considering the delivery options that were considered before the

application, a case for it being built on this site, as exceptional development within the context of policy CP4, has been made. The development of 20 dwellings outside Development Limits would not be small in scale and therefore cannot be considered under the IPG. However, and subject to any further valuation advice, it is accepted that the landowner's position and the economics of development provide some justification for the housing as a means of enabling the new surgery.

- 5.40 On balance is it considered that the provision of a required healthcare facility to meet the needs of the community within Tollerton and in neighbouring villages justifies what would otherwise be an unacceptable residential development scheme outside Development Limits.

6.0 RECOMMENDATION

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

1. No development shall be commenced until details of the following have been submitted to and approved by the Local Planning Authority: access, the external appearance of each building, including a schedule of external materials to be used, the landscaping of the site, the layout and the scale of the development ("the reserved matters"). The number of dwellings shall not exceed 20.
2. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall be begun either before i) the expiration of three years from the date of this permission; or ii) the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.
4. The permission hereby granted shall be undertaken in accordance with the following approved drawings: Location Plan (drawing number 3719/11) received by Hambleton District Council on the 7th September 2016; and Indicative Site Layout Plan (Drawing No. 3710/10 REV.A) received by Hambleton District Council on the 7th September 2016.
5. No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, all boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
6. No development shall be commenced until detailed cross sections have been 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.
7. No development shall take place above foundation level until details that show how 'Secured by Design' principles have been incorporated into the scheme have been submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

8. No development shall take place above foundation level until a detailed scheme for the implementation of the mitigation measures outlined in the submitted Extended Phase 1 Habitat Survey and the Great Crested Newt Survey Report produced by Wold Ecology LTD, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and programme for implementation.
9. No development shall be commenced until an Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Thereafter the development shall be undertaken in accordance with the approved plans.
10. No part of the existing boundary hedge along all boundaries of the site shall be uprooted or removed and the hedges shall not be reduced below a height of 2.5 metres; unless approved in writing by the Local Planning Authority as part of the reserved matters submissions.
11. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
14. No development shall take place until details of the proposed highway layout and construction including a timetable for their delivery have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details. The details shall include but not be limited to: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (i) the proposed highway layout including the highway boundary; (ii) dimensions of any carriageway, cycleway, footway, and verges; (iii) visibility splays; (iv) the proposed buildings and site layout, including levels; (v) accesses and driveways; (vi) drainage and sewerage system; (vii) lining and signing; (viii) traffic calming measures; and (ix) all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: (i) the existing ground level; (ii) the proposed road channel and centre line levels; and (iii) full details of surface water drainage proposals; (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways and footways/footpaths; (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (iii) kerb and edging construction details; and (iv) typical

drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

15. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
16. 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: (a) 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: (i) provision of tactile paving; and (ii) provision of a footway connecting the development to the existing footway on Alne Road; and (b) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
17. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 16: (a) Provision of tactile paving; and (b) Provision of a footway connecting the development to the existing footway on Alne Road.
18. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
19. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (a) the hours of work; (b) the parking of vehicles of site operatives and visitors; (c) loading and unloading of plant and materials; (d) storage of plant and materials used in constructing the development; (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (f) wheel washing facilities; (g) measures to control the emission of dust and dirt during construction; (h) a scheme for recycling/disposing of waste resulting from construction works; and (j) access arrangements for emergency vehicles during the construction phase.
20. The development shall not begin until a scheme for the provision of affordable housing, as defined in Annex 2 of the National Planning Policy Framework (2012), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide that not less than 30% of the dwellings to be constructed on the

site shall be affordable housing. The affordable housing shall be provided in accordance with the approved scheme, which shall include:

- i. The numbers, size, type, tenure (to meet the standards of the Size, type and tenure SPD) mix, and location on the site of the affordable housing provision to be delivered;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing and the GP surgery being substantially complete;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD or any additional or successive planning policy document adopted by the Council or to ensure that the affordable housing is affordable to both first and subsequent occupants; and
 - iv. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing, and the means by which such occupancy criteria will be enforced.
21. No development shall take place until a scheme for the provision of on-site open space has been submitted to and agreed by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, the equipment to be provided on the open space, a timetable for its provision, and arrangements for its future maintenance. The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.
22. Full details of the phasing of the construction of the development hereby approved including, but not limited to, a site layout plan identifying the proposed location and timing of construction of the dwellings and GP surgery, the provision of internal roads, footpaths, cycleways and public open space, temporary highway and pedestrian routings shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. The development shall be carried out only in accordance with the phasing details approved under this condition.
23. No development shall take place until a scheme relating to land on which the GP surgery facilities hereby approved are to be located as part of the development has been submitted to and approved in writing by the Local Planning Authority. The GP surgery scheme shall provide for but not be limited to: (a) The identification of 1,600 sqm (as shown on the attached indicative layout marked 3719/10 Rev A) of land (including provision for vehicular, cycle and pedestrian access, drainage, electricity, mains water, mains gas, telecommunications services and future expansion land) sufficient to accommodate 450sqm of floor-space located over 1 floor for GP, community health and associated services; and (b) Details relating to availability of the healthcare land including management and maintenance. For a period of 2 years following the approval of the GP surgery land scheme, the GP surgery land shall be used for no purpose other than for GP, community health and associated services.

The reasons are:

1. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
3. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

4. 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, DP1, CP16, DP28, CP17 and DP32.
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.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.
7. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
8. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures in accordance with Local Development Framework Policy CP16 and DP31.
9. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
10. The hedges are of important local amenity value and protection of the hedges is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
11. In the interests of human health and the environment.
12. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network)
14. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
15. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
16. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
17. In the interests of the safety and convenience of highway users.
18. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
19. In the interests of highway safety and the general amenity of the area.
20. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
21. To ensure that the development provides for the recreational needs of its occupiers, in accordance with Hambleton Local Development Framework policies CP19 and DP37.

22. The housing development is only considered acceptable, as an exception allowed by Local Development Framework policy CP4, on the basis that it enables the provision of the surgery.
23. To ensure that the development provides the community facilities that meets the needs of the local community in accordance with the LDF Policies CP3 and DP5.

Informatives

1. 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:

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2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Tollerton
Ward: Easingwold
11

Committee Date: 25 May 2017
Officer dealing: Caroline Strudwick
Target Date: 31 May 2017

16/02054/FUL

**Change of use of doctors surgery to create a pair of semi-detached bungalows
At Tollerton Surgery, 5-7 Hambleton View, Tollerton
For Tollerton Surgery.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is used as the GP surgery for Tollerton and surrounding villages. The Surgery moved to this location over 30 years ago and was extended in 1991. It occupies what was originally a pair of semi-detached bungalows located on the western side of Hambleton View, off Newton Road in Tollerton. The site is within Development Limits of Tollerton.
- 1.2 The surgery has a floor area of 136 sq.m, which contains three consulting rooms, a treatment room, two offices, a dispensary, a waiting room and a reception area. Outside there is parking for four cars to the rear of the building and a disabled parking bay located to the front of the building. Staff utilise the rear car parking spaces and as such all patients that arrive by car and cannot use the disabled parking bay have to park on Hambleton View or other nearby roads and by arrangement at the nearby church.
- 1.3 The Surgery currently serves over 3,500 patients resident in Tollerton, Aldwark, Alne, Flawith, Huby, Newton on Ouse, Linton on Ouse, Shipton by Beningbrough and Tholthorpe. Patient records have to be stored off-site due to restricted accommodation.
- 1.4 The building has reached capacity and further extension is not an option. The services provided, along with the continuing need to expand services and provide a safe environment for employees and patients alike, has resulted in the surgery being identified as "not fit for purpose" in a recent NHS report.
- 1.5 This application seeks permission to change the use of the surgery back to two independent dwellings. No change to the exterior of the building is proposed. The disposal of the site would part fund the development of a new, purpose-built doctors' surgery at a site off Forge Lane, which is the subject of a separate planning application (16/02013/OUT).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/01220/FUL - Temporary siting of portable unit to be used as office and administration facility; Granted (for one year) 20 July 2010.
- 2.2 16/02013/OUT - Outline planning application with all matters reserved for a doctors surgery and residential development (20 units) with associated infrastructure and landscaping (at land off Forge Lane, Tollerton) – pending decision.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets

Development Policies DP5 - Community facilities
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Tollerton Parish Council – no response received
- 4.2 Highway Authority – No objection subject to a condition to secure off-road parking.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Yorkshire Water – no response
- 4.5 Public comment – one comment has been received noting disappointment at the decision to close the surgery. It is unclear whether the author is aware of associated proposal 16/02013/OUT.

5.0 OBSERVATIONS

- 5.1 The issues for consideration for this application are (i) the loss of the doctor's surgery; (ii) the impact on residential amenity; and (iii) highway safety.

Loss of the surgery

- 5.2 Policy DP5, Community Facilities, of the Hambleton Local Development Framework states that proposals that will lead to the loss of community facilities will only be permitted if:
 - i There is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
 - ii Retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current operator or by any alternative occupier; or
 - iii An alternative facility is provided or the facilities are combined with other facilities, which meets identified needs in an appropriate accessible location.
- 5.3 The surgery proposes to re-locate elsewhere within Tollerton and an outline application that would facilitate it, 16/02013/OUT, is considered elsewhere in this agenda. This indicates there is continuing community need for a GP surgery and would suggest that a surgery remains a financially viable proposition in Tollerton, therefore criteria i and ii cannot provide support for this application. However, if the replacement surgery is permitted, including approval of reserved matters, and implemented it would allow the current surgery to be put to another use, as this application proposes, under criterion iii.
- 5.4 It is considered that, in the event of application 16/02013/OUT being approved, appropriate measures could be put in place, through the use of a planning condition, to ensure this community facility is only lost if a replacement is provided.

Residential amenity

- 5.5 It is considered that the proposed change of use would have a positive effect on the amenities of neighbours through a reduction in daily traffic, both vehicular and pedestrian. The change of use to residential would also significantly decrease on-street parking in the immediate area.

Highway safety

- 5.6 The Highway Authority has no objection to this scheme, subject to a condition with requires details of vehicular access and vehicular parking for both dwellings.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 0716/03A and 0716/05 received by Hambleton District Council on 13th September 2016 unless otherwise approved in writing by the Local Planning Authority.
 3. No part of the development shall be brought into use until full details of the following have been submitted and approved in writing by the Local Planning Authority and constructed in accordance with the approved details: (a) vehicular accesses; and (b) vehicular parking for both dwellings. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 4. The doctors' surgery shall remain available for use until a suitable replacement doctors' surgery is provided to supersede the facilities at 5-7 Hambleton View, Tollerton.

The reasons 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 and DP32.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with Hambleton Local Development Framework policy CP3 and DP5 and to ensure there is no loss of community facilities to the community of Tollerton and neighbouring villages.

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