

**AGENDA**

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 14 June 2017

Dear Councillor

**NOTICE OF MEETING**

Meeting **PLANNING COMMITTEE**  
Date **Thursday, 22 June 2017**  
Time **1.30 pm**  
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

<b>To:</b>	Councillors	Councillors
	P Bardon (Chairman)	K G Hardisty
	J Noone (Vice-Chairman)	C Patmore
	M A Barningham	B Phillips
	D M Blades	C Rooke
	S P Dickins	A Wake
	Mrs B S Fortune	D A Webster

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am INCLUDING AN UPDATE ON APPEALS, SUPPORT FOR SMALL BUILDERS AND UPDATES ON NORTH NORTHALLERTON AND CASTLEGATE AND MOWBRAY PARK**

## **AGENDA**

### **Page No**

1. MINUTES  
To confirm the minutes of the meeting held on 25 May 2017 (P.3 - P.4), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 128  
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, 25th May, 2017 in the Yorkshire Suite, Golden Lion Hotel, High Street, Northallerton

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## Present

Councillor P Bardon (in the Chair)

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

## Also in Attendance

Councillor	G W Ellis	Councillor	S Watson
	N A Knapton		

An apology for absence was received from Councillor A Wake

### P.3 **MINUTES**

#### **THE DECISION:**

That the minutes of the meetings of the Committee held on 27 April 2017 (P.28 - P.31) and 23 May 2017 (P.1 - P.2), previously circulated, be signed as correct records.

### P.4 **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) 17/00382/FUL - Demolition of existing storage sheds and construction of five detached houses, with associated garages and access road at The Old Station Yard, Station Road, Alne for Mr A Adamson & Mrs S Adamson

PERMISSION REFUSED

(The applicant's agent, Mr Jon Beeson, spoke in support of the application).

- (2) 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, Little Crakehall for Mr Jack Reynard

PERMISSION GRANTED subject to an additional condition to control the colour of the units.

- (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

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee was satisfied that the proposed development would not be harmful to the character and appearance of the host dwelling and the site's relationship with its countryside setting.

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

- (4) 17/00180/OUT - Outline application for residential development at Hill View, Hill Road, Kirkby in Cleveland for Mr & Mrs Timothy & Heather Bone

PERMISSION GRANTED subject to an additional condition stipulating no more than 2 dwellings.

(The applicant's agent, Mr Mike Mealing, spoke in support of the application).

(Parish Councillor Mary Frew spoke on behalf of Kirkby-in-Cleveland Parish Council objecting to the application.)

(Dr John Davies spoke objecting to the application.)

- (5) 16/02674/FUL - 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

PERMISSION GRANTED

(The applicant's agent, Mr Neil Westwick, spoke in support of the application).

(Mrs Debbie Bivens spoke objecting to the application.)

- (6) 17/00053/FUL - Conversion of agricultural building to form a dormer bungalow at Field House, Main Street, Sessay for Ms Louise Broom

PERMISSION GRANTED

- (7) 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) - agricultural occupancy condition at Leven Grove Farm, Stokesley Road, Hutton Rudby for Mr Stuart Bainbridge

PERMISSION GRANTED

Disclosure of Interest

Councillors S P Dickins and Mrs B S Fortune disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (8) 16/02756/REM - 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

PERMISSION GRANTED

(The agent, Mr Richard Mowat, spoke in support of the application.)

- (9) 17/00544/FUL - Retrospective application for the demolition of farm building and construction of a dwelling at Land to the west of Ivy House Farm, Thrintoft for Mr Andrew Hutchinson

PERMISSION GRANTED

Note: Councillor D A Webster left the meeting prior to the discussion and voting on item 10.

- (10) 16/02013/OUT - Outline planning application with all matters reserved for a doctors surgery and residential development with associated infrastructure and landscaping at Land off Forge Lane, Tollerton for Mr D Gath, Dr M Potrykus & Dr S Utting

PERMISSION GRANTED subject to a requirement for an 'Overage clause' in respect of the provision of affordable housing.

(The applicant, Mr Daniel Gath, spoke in support of the application.)

(Parish Councillor Ian Jackson spoke on behalf of Tollerton Parish Council objecting to the application.)

(Mr Carl Hunt spoke objecting to the application.)

- (11) 16/02054/FUL - Change of use of doctors' surgery to create a pair of semi-detached bungalows at 5 - 7 Hambleton View, Tollerton for Tollerton Surgery

PERMISSION GRANTED

The meeting closed at 4.55 pm

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Chairman of the Committee

# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 22 June 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 22 June 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	17/00829/FUL Mr T Wood Aiskew  Page no: 11	Extension to soft drinks factory with associated loading docks and circulation space and landscaping  For: Cawingredients Ltd At: Caw House, Conygarth Way, Leeming Bar  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	17/00757/FUL Mrs H Laws Exelby, Leeming and Newton  Page no: 19	Proposed storage barn  For: Mr & Mrs Faith At: Prospect House, 22 Mill Lane, Leeming  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	16/02124/OUT Mr K Ayrton Great Smeaton  Page no: 23	Outline application for the construction of five dwellings with all matters except access reserved.  For: Mr G Tuer At: Land south of Cricket Ground, Hornby Road, Great Smeaton  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	16/02442/OUT Mr K Ayrton Great and Little Broughton  Page no: 31	Outline application with details of access (all other matters reserved) for residential development of up to 75 dwellings  For: Site Plan UK At: OS Field 9348, Back Lane, Great Broughton  <b>RECOMMENDATION: REFUSE</b>
<b>5</b>	17/00585/FUL Miss L Chambers Huby  Page no: 41	Construction of eight house with garages and highway access  For: Northmead Developments Ltd At: Land West of Paddock Close, Tollerton Lane, Huby  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	16/01836/FUL Mr K Ayrton Hutton Rudby  Page no: 49	Construction of 25 dwellings  For: Mr R Baird At: Land to the north of Hutton Fields and The Wickets, Garbutts Lane, Hutton Rudby  <b>RECOMMENDATION: GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>7</b>	17/00624/FUL Mrs H Laws Kirby Wiske  Page no: 65	Conversion of and extension to existing bungalow to form two dwellings; alterations and extensions to two semi-detached cottages; and removal of vehicle repair workshop  For: Mr Jason Hurley At: Seven Lodge, Post Office Lane, Kirby Wiske  <b>RECOMMENDATION: GRANT</b>
<b>8</b>	17/00625/LBC Mrs H Laws Kirby Wiske  Page no: 75	Listed building consent for alterations and extensions to two semi-detached cottages  For: Mr Jason Hurley At: Seven Lodge, Post Office Lane, Kirby Wiske  <b>RECOMMENDATION: GRANT</b>
<b>9</b>	17/01189/DPA Mr P Jones Northallerton  Page no: 79	Demolition of Portal clad, steel framed building to provide additional car parking to evolution business centre  For: Hambleton District Council At: Unit 7, County Business Park, Darlington Road, Northallerton  <b>RECOMMENDATION: GRANT</b>
<b>10</b>	17/00962/MRC Mrs H Laws Pickhill with Roxby  Page no: 83	Removal of condition 9 (requirement for affordable housing provision) attached to 15/00905/OUT (Outline Planning Permission for the construction of 8 dwellings)  For: Mr Barningham At: Chapel Farm, Pickhill  <b>RECOMMENDATION: GRANT</b>
<b>11</b>	17/00794/FUL Mrs C Strudwick Sandhutton  Page no: 93	Construction of one detached dwellinghouse and domestic garage  For: Mr & Mrs Kane At: The Paddock, Sandhutton  <b>RECOMMENDATION: GRANT</b>
<b>12</b>	16/02364/REM Mr T Wood Sessay  Page no: 99	Reserved Matters application for 6no dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to Outline Planning Application Permission ref: 15/00408/OUT - for residential development  For: Daniel Gath Homes At: Land north of The Paddocks, Main Street, Sessay  <b>RECOMMENDATION: GRANT</b>
<b>13</b>	17/00808/FUL Miss L Chambers South Otterington  Page no: 105	Change of land use to allow 59 pitches for touring caravans  For: Mr G Dale At: Otterington Caravan Park, South Otterington  <b>RECOMMENDATION: GRANT</b>

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>14</b>	16/02262/FUL Mrs C Strudwick Thormanby  Page no: 111	Demolition of two houses and construction of five detached dwellings with associated highway improvements and revised site access  For: Mr & Mrs A Hogarth At: Hillside, Wentworth Avenue, Thormanby  <b>RECOMMENDATION: GRANT</b>
<b>15</b>	16/02527/OUT Mrs H Laws Well  Page no: 121	Outline planning permission for construction of a detached two storey dwelling  For: Mr & Mrs P Tolmie At: The Old Byre, Church Street, Well  <b>RECOMMENDATION: GRANT</b>

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**Parish: Aiskew**  
Ward: Bedale  
**1**

Committee Date: 22 June 2017  
Officer dealing: Mr T J Wood  
Target Date: 30 June 2017

**17/00829/FUL**

**Extension to soft drinks factory with associated loading docks and circulation space and landscaping**

**At Cawingredients Limited, Caw House, Conygarth Way, Leeming Bar Business Park  
For Cawingredients Ltd.**

**This application is referred to the Planning Committee as the application is a major development that has the potential to have large scale impacts on the local community and economy of the District**

**1.0 SITE CONTEXT AND PROPOSAL**

- 1.1 The site is within the Development Limits of Leeming Bar and lies on the west of the Leeming Bar Industrial Estate, accessed from Coneygarth Way, immediately adjacent to the southbound carriageway of the A1(M). The proposed development is at the south end of the applicants' property, between the factory building and the Wensleydale Railway, beyond which to the south is housing and a horticultural nursery.
- 1.2 The land upon which the factory extension is proposed is currently partly used in conjunction with the despatch of soft drinks from the factory, and partly open ground. There are no natural features of interest within the application site. An infiltration soakaway with the appearance of a pond is immediately adjacent to the southern boundary, this feature was created to handle the surface water from the factory site.
- 1.3 The factory produces soft drinks and the extension is to increase the production floor space. The ground levels would be altered to create a level site for the building, with a step down from the existing factory, providing a roadway to the south side of the proposed factory extension and the creation of a landscaped slope and bund between the attenuation pond and the south-east side of the extended factory.
- 1.4 The height of the parapet wall to the extended factory is shown to be 1.7m lower than the parapet wall of the existing factory. The gross floor area of the site is 10,535 sqm consisting of 8,050 sqm factory space, a 717 sqm transition zone connecting the extension to the existing factory and a 1,768sqm mezzanine. The mezzanine floor over part of the production facility is shown in a similar manner to the existing factory. Loading docks are shown on the north east elevation.
- 1.5 The extension to the factory is estimated to provide approximately 50 full time jobs, an increase from 160 to 210 employees at the site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 13/02660/FUL - Automated warehouse; Granted 6 June 2014.

This was on the site of the proposed factory extension. At that time the development was considered to not cause harm to highway safety, residential amenity or the local landscape character and, it was concluded, would enable the expansion of the existing business and aid the local economy in accordance with the objectives and policy of the Local Development Framework. The conditional approval was also subject to a planning obligation to contribute towards the

provision of the Bedale Footpath and Cycleway. The consent lapsed on 6 June 2017 as a start had not been made on the site.

- 2.2 A public consultation event was held on 5<sup>th</sup> April 2017 to display the initial concept scheme, prior to the making of this application. Members of the public and Parish Council attended the event.

### **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 CP11 - Distribution of new employment development  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP16 - Specific measures to assist the economy and employment  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Allocations Document Policy BE1 - North West of Leeming Bar Industrial Estate, Leeming Bar - adopted 21 December 2010  
Allocations Document Policy BC3 - Footpath and Cycleway Along the Wensleydale Railway Corridor Between Bedale and Leeming Bar - adopted 21 December 2010  
Council Plan 2015-2019  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Practice Guidance  
National Planning Policy Framework - published 27 March 2012

### **4.0 CONSULTATION**

- 4.1 Aiskew and Leeming Bar Parish Council – No observations.
- 4.2 Highway Authority – Advice awaited.
- 4.3 Highways England – Wishes to review the development in the light of the traffic generation and the potential impact of the development proposals on the A1(M) Junction 51 derived from site specific trip rates and distributions.
- 4.4 Ramblers Association – No objection.
- 4.5 Ministry of Defence Safeguarding – No objection subject to a condition relating to measures to control birds that may be attracted to the infiltration basin, which could be hazardous to aircraft. The controls sought such as avoiding persistent areas of

open water (or netting the areas), reducing berry bearing trees, avoid planting trees that provide roosting habitat and bird management measures on flat or low pitch roofs.

- 4.6 Environmental Health Officer – No objection, noting that the site is within an industrial estate and adjacent to the A1(M) and therefore will not noticeably impact on the existing noise environment or impact on residential amenity.
- 4.7 SABIC (Trans-Pennine ethylene pipeline operator) – No observations, as at 310m from the development site the proposal will not affect pipeline apparatus.
- 4.8 Public comments – None received.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are (i) the principle of additional employment generating development on the site; (ii) highway capacity and safety; (iii) the design, massing, scale of the building; (iv) amenity of neighbours, (v) the economic impact of the development; and (vi) the bird strike concerns raised by the MoD and (vii) Bedale footway and cycleway.
- 5.2 The policy framework now is unchanged from the time of the approval of the automated warehouse proposal on the same land, approved in 2014. The site for the building is not allocated for any form of development in the Local Development Framework (LDF) but as noted above lies within the Development Limits of Leeming Bar. In such locations LDF policies allows for new commercial development provided that it achieves the requirements of the Core Strategy (particularly CP11, which identifies Leeming Bar as an appropriate location for new employment development, and CP12) and Development Plan policies (particularly DP16). The NPPF similarly supports new commercial development provided it does not result in significant harm.
- 5.3 An industrial estate location is preferred by LDF policies as the location for large scale job creation and for new industrial buildings as they have the available infrastructure, are located close to centres of populations, have good access links and, amongst other things, large buildings will be more readily assimilated within the landscape.
- 5.4 The Council Plan and policy for investment at Leeming Bar Industrial Estate has emphasised the development of a “food cluster”, i.e. co-location of businesses producing foods. The extension of the soft drinks business would accord with this, although the economic benefits non-food businesses are equally welcome.
- 5.5 The infrastructure requirements of the business are significant and it is important to assess whether this proposal can be accommodated by the existing or planned infrastructure, key amongst these is highway capacity.

### Highway capacity and safety

- 5.6 The application is supported by a Transport Assessment (TA). It concludes that the factory provides an additional 50% production capacity, would continue to achieve HGV access by Conygarth Way to Leases Road, that the road is physically suitable to carry the loads, and that there are footways and public transport available for employee use.
- 5.7 Assessment of the operational network capacity within the TA indicates that all the road junctions in the vicinity would continue to work well within their capacity as far ahead as 2027. The TA concludes there are no transport reasons why planning approval should be withheld.

- 5.8 Highways England (HE) has appointed consultants to consider the detail of the TA and their response is awaited. As a precautionary measure HE has recommended that no decision is made until 23 November 2017 (or until the information has been provided and the impact fully assessed, whichever is sooner) in order that the impact of the development can be considered in relation to the operation of the A1(M) junction 51. Unlike previous arrangements, this is a recommendation, not a direction, but if the Council wishes to grant permission against the HE's advice, it would be necessary to consult the Secretary of State for Transport first.
- 5.9 No concerns have been raised regarding the safety of the operation of the pedestrian, cycle or vehicular access arrangements that continue via Tutin Road and Portland Way.

#### Design, massing and scale of the building

- 5.10 At the time of the consideration of the application for the automated warehouse detailed assessment work was undertaken of the potential for the visual impact of the building to cause harm to the amenity of neighbours or the wide landscape and reviews were undertaken of the proposal from a range of vantage points. The detailed Landscape Appraisal has not been resubmitted with this application but is a useful reference point as the proposed building would occupy largely the same footprint as the previously approved automated warehouse but would be 1.7m lower in height. The report on the warehouse extension concluded:

“The design of the building that repeats much of the design detailing of the factory achieves a degree of conformity with the existing built environment. It does not cause harm through a loss of openness or harm the character of the settlement of Leeming Bar and thereby meets the requirements of LDF Policy CP16”,

- 5.11 The impact of the proposed extension on the views from surrounding locations would be broadly similar to the warehouse building and it can therefore be concluded that the current proposal also meets the LDF Policy CP16 requirements.

#### Amenity of neighbours

- 5.12 The main impacts upon neighbours are anticipated to be associated with the potential levels of noise from the operation of the factory and vehicle movements associated with the despatch of products from the site. The detailed design of the building places loading bays and HGV turning spaces on the east and west sides of the building. The activity associated with the loading areas is anticipated to create noise; however there are no neighbours on adjoining property or in the vicinity that are noted to be noise sensitive and there is no reason to conclude that the development would give rise to harm due to the layout of the site.
- 5.13 The size of the building and proximity to homes on Potlands, south of the site, has been considered. The intervening space between the rear of dwellings on Potlands, the width of the Wensleydale Railway Line land, SuDS pond and landscaping are significant resulting in a building to building separation distance of 127m.
- 5.14 The intervening space is shown to be landscaped with a variety of trees and shrubs on a bank, though the range of species may be influenced by the need to reduce the potential of bird strike (see MoD response) the impact of the building is reduced by the landscape features as well as the overall distance.
- 5.15 On the experience from the operation of the factory to date there is no reason to conclude that noise from the use of the extended factory would be likely to create any significant levels of noise that could cause harm to the neighbours of the site. The continued use of Conygarth Way as the sole vehicular access and the use of the



Bedale bypass as a route to the primary road network would avoid impact upon residents on Leases Road. The increased movement of HCVs between the factory and the warehouses on the northern part of the site would create noise but that is within the context of the noise from vehicles on the elevated section of the A1(M) and using the industrial estate. It is considered that the noise level from the use including HCV movements and noise from the A1(M) would not be harmful or unduly intrusive, indeed the findings of the applicant's consultants at the time of the automated warehouse application in 2013-14 was that the noise from the development would be negligible. There is no reason to conclude differently in this case.

#### Economic impact

- 5.16 The Community's economic requirements are an important planning consideration and Policy CP1 commits the Council to taking them into account when considering development proposals. The proposal would have positive employment impact as it would allow a significant number of skilled jobs to be created by freeing space within the factory for greater production. This would lead to an increase in the workforce to about 210.

#### Bird strike

- 5.17 The MOD raise concern regarding the potential for the design of the scheme to give rise to an increased incidence of bird strike on aircraft operating at RAF Leeming. The applicant's agent has been requested to give attention to the design of the scheme and the measures sought to reduce the potential for bird strike. It is noted that the site already has trees and shrub landscaping and a water attenuation area and that these are features retained in the proposed scheme but also in part are the cause for concern for the MOD. A planning condition can be used to secure a suitable scheme to address the concern of the MOD.

#### Bedale cycleway and footway contribution

- 5.18 Previously the consent for the automated warehouse was subject to a Planning Obligation to make a payment towards the cost of forming the Leeming Bar to Bedale Footway and cycleway. The CIL Regulation 123 list does not include the Bedale footway and cycleway however under the CIL Regulations 2010 from April 2015 the Council cannot pool more than 5 contributions from separate developments towards a single item of infrastructure. As more than 5 contributions have been received no further contributions can be secured by this means

#### Conclusion and Planning Balance

- 5.19 This report has been prepared in anticipation that the HE will accept that the development will not give to objection that requires significant amendment. However if the HE recommend refusal or seek significant amendments to the proposal the application may need further consideration by the Planning Committee.
- 5.20 The 'Planning Balance' in this case includes the provision of new jobs to allow the growth of a significant employer in the District that is investing in infrastructure (both high levels of technology and in buildings and facilities), the development includes a large building but one that will not cause harm to the location on the Leeming Bar industrial estate. The developer has engaged with the local community prior to making the application and no objection has been received from that community to suggest that there is any harm to the 'social' strand of sustainable development, noting the 'economic' benefits and lack of any 'environmental' and the benefits of providing landscaped grounds to the factory it is considered that the balance falls towards supporting the proposal.

## RECOMMENDATION

6.1 That subject to any outstanding consultations and the removal of the objection from Highways England or the agreement of the Secretary of State to the approval of the scheme that the application be **GRANTED** subject to the following conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 13 April 2017 numbered MR17-031/101 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development shall be undertaken in accordance with the details of levels shown on drawing 7977 (000)05 or alternatively prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details of 7977 (000)05 or the later approval and thereafter be retained in the approved form.
5. 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.
6. 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 5 above.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
8. The existing access to the site from Tutin Way shall remain open to pedestrian and cycle traffic at all time during the construction and use of the proposed development.

9. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
10. 10% of the energy load of the building is to be met by renewable energy sources or alternative equivalent energy saving measures that have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and retained to achieve the minimum requirements of the approved scheme.
11. A bird management plan for the site, shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground work. The bird management plan shall include the following design requirements:
  - a) Any attenuation pond should be designed to remain dry. After extreme rainfall the attenuation pond(s) should then drain within 48 hours to ensure open water does not remain on site affording habitat opportunities for hazardous birds.
  - b) Any areas of open water should be designed to have steep/vertical bank sides and to be as deep as possible to both minimise the surface area of water bodies and the nutritive value of the water.
  - c) Any areas of open water should be planted with long grass flood meadow mix on the banks, with continuous cover of willow and alder scrub in the base in order to reduce the open water aspect. Alternatively it should be netted to exclude hazardous birds.
  - d) The design of buildings and landscaping shall reduce the potential to provide suitable nesting and roosting habitat for large gull species and if required include the netting of areas if other measures are found to be ineffective.
12. Other highways conditions as may be required

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 assist in the assimilation of the development in the landscape and reduce the visual impact of the development on the occupiers of neighbouring land in accordance with the LDF Policies CP1, CP16, DP30 and DP32.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

8. To provide convenient pedestrian and cycle access to the site in accordance with LDF Policies CP1, CP2, DP3 and DP4.
9. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
10. In accordance with the objectives of the LDF Policy DP34.
11. In the interests of aviation safety and the Local Development Framework Policy CP1.

**Parish: Exelby, Leeming and Newton**  
Ward: Bedale  
**2**

Committee date: 22 June 2017  
Officer dealing: Mrs H Laws  
Target date: 30 June 2017

**17/00757/FUL**

**Construction of an agricultural storage barn  
At Prospect House, 22 Mill Lane, Leeming  
For Mr & Mrs Faith**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies on the western side of the village adjacent to the children's play area. The dwelling lies on the corner of Mill Lane and Sycamore Lane and the application site, which is agricultural in character (paddock), lies beyond the domestic curtilage with access only through that site. The site is bounded by mature trees and hedgerows
- 1.2 It is proposed to construct a building near the western boundary of the site and set back approximately 60m from Mill Lane. It would be used to store equipment for the maintenance of the land and its agricultural and equestrian use.
- 1.3 The footprint of the proposed building would be 10.5m x 6m with a ridge height of 5m and would be finished in Yorkshire boarding with an anthracite coloured sheet roof.
- 1.4 Planning permission was refused for a similar but larger building, with footprint of 15m x 9.1m, in December 2016 in the north western corner of the paddock.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/00/048/0343A - Construction of a detached dwelling; Granted 13 November 2000.
- 2.2 2/04/048/0343B - Change of use of agricultural land to domestic curtilage; Refused 9 September 2004.
- 2.3 08/00113/FUL - Change of use of agricultural to equestrian and construction of a stable block; Granted 14 March 2008.
- 2.4 16/02285/FUL - Construction of a storage building; Refused 21 December 2016 for the following reason:

The proposed development is contrary to Policy CP4 of the Hambleton Local Development Framework as no exceptional circumstance has been demonstrated for the construction of a building of this scale outside of the Development Limits of a settlement within the hierarchy set out in Policy CP4. No essential requirement has been identified for this building to be located within this countryside location.

## **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 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 DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Expresses concern over the precise use of the proposed building and access from Mill Lane on to the applicants’ land to access the proposed building.
- 4.2 Highway Authority – No objection.
- 4.3 Ministry of Defence – No safeguarding objection.
- 4.4 Environmental Health Officer - No objection.
- 4.5 Public comments - Two objections have been received, which are summarised as follows:
- The application appears to be a re-configuration of the previous submission and the building is too big to serve agricultural land of about an acre given there are already stables and another building on site;
  - Assurance is sought that it will only be used for agricultural purposes and as to what would be stored;
  - Future uses should be restricted;
  - Access via Mill Lane should be restricted because the site is next to a play area;
  - The applicants’ storage needs could be achieved by extending the existing stables;
  - The building has the appearance of an industrial building rather than a traditional barn; and
  - The lane is in a poor state and would deteriorate further if more vehicles use it.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the design and visual impact of the development; (iii) the effect on the amenity of local residents; and (iv) highway issues.

##### Principle

- 5.2 Following the previous refusal for similar development the applicant has amended the scheme to group the proposed building with the existing stable block and has provided justification in terms of the need for the building.
- 5.3 The site lies outside the Development Limits of Leeming. Policy CP4 supports development outside of these Limits only when an exceptional case can be made for the proposals in terms of Policy CP1 and CP2 and where one of six criteria can be met. Criterion i of Policy CP4 relates to the development being necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside that will help to support a sustainable rural economy. The land does not form part of an agricultural

holding and extends to just 0.45ha in area. The building would have a footprint of 63sqm, which is considered to be of a small scale relative to the size of the plot and not inappropriate for the storage of machinery required in connection with the maintenance of the land. The principle of the development is therefore acceptable.

#### Design and visual impact

- 5.4 The field in which the development is proposed is bounded by mature hedgerows and trees with an access from the south off a private track which serves a children's playground and two other properties. The building would be sited adjacent to the western boundary, immediately to the north of the existing stable block where it would not be clearly visible from the track or be unduly prominent from the countryside beyond. It is not considered that the building would have an adverse impact on the visual amenity of the surrounding locality and would be in accordance with LDF Policies CP16 and DP30.
- 5.5 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."
- 5.6 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.
- 5.7 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.
- 5.8 The submitted Design and Access Statement proposes the use of vertical Yorkshire boarding to match the adjacent stable block. The proposed building is of a simple design and of agricultural character, and the materials are acceptable and would be in accordance with LDF Policies CP17 and DP32.

#### Amenity of local residents

- 5.9 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 building would be visible from the rear of the dwellings on Sycamore Lane but would lie at a distance of more than 40m from the end of the neighbouring gardens. The building would not therefore have an adverse effect on residential amenity and would not be contrary to Policy DP1.
- 5.10 If the building was to be used for commercial purposes further planning permission would be required.

#### Highway issues

- 5.11 The proposed building would be used in association with the existing occupation of the site and would not give rise to additional vehicle movements. The Highway Authority has no objections.

**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 drawings numbered 301/201; 202; and 203 received by Hambleton District Council on 3 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 development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.



**Parish: Great Smeaton**  
Ward: Appleton Wiske & Smeatons  
**3**

Committee date: 22 June 2017  
Officer dealing: Kevin Ayrton  
Target date: 23 June 2017

**16/02124/OUT**

**Outline application for the construction of five dwellings with all matters except access reserved**

**At: Land south of Cricket Ground, Hornby Road, Great Smeaton**

**For: Mr G Tuer**

**This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan**

### **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is located on the north edge of the village of Great Smeaton. The site is in open countryside, but immediately adjacent to the Development Limits of the village. The site is bounded to the south by the Great Smeaton Conservation Area.
- 1.2 East House is a listed building located to the south of the site and fronting onto the green. The building itself is some distance from the site and separated by an existing tree belt within the curtilage of the listed building.
- 1.3 There is a row of bungalows opposite the site, fronting the road. The development would extend approximately 15m beyond the last bungalow but approximately conterminous with the extent of the garden of that property.
- 1.4 There is a slight dip in the road and the land form, when approaching the village from the north. An underground sewage pumping station is to the immediate north of the site.
- 1.5 Whilst indicative plans showing how five dwellings could be laid out on the site have been submitted, the application only seeks determination of the principle of the development and the access. The remaining matters, i.e. appearance, landscaping, layout and scale, would be for a later application if this is approved.
- 1.6 Improvements have been secured to meet the Highway Authority's requirements.

### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is none relating directly to the site.
- 2.2 An application was approved within the trees to the north of the site for a single dwelling in November 2015 (reference 15/01639/FUL).

### **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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
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 – Advice awaited.
- 4.3 Yorkshire Water Services - No objection subject to conditions. Advises that surface water cannot be discharged to the foul drainage system.
- 4.4 Environmental Health Officer – No objection subject to conditions relating to land contamination.
- 4.4 Public comments – Three observations have been received which raise the following issues.
- Question the need for development of housing in the village;
  - Lack of sewage capacity;
  - Impact on road safety;
  - A service road with single access would work better;
  - Buildings here should be single storey;
  - A footpath should be provided; and
  - Lack of local services.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the heritage impact of the development on the setting of the Conservation Area and the neighbouring listed building; (iii) design; (iv) residential amenity; and (v) highway matters.

##### Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Great Smeaton. 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 Great Smeaton is identified as a Secondary Village. This is in recognition of the number of services and facilities within the village. As such Great Smeaton is considered to be a sustainable location for the purposes of 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 indicates this is 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 existing bungalows on the opposite side of the road although extending the development form slightly further into the countryside. Even given the relatively small scale of the village the impact of the proposed development is not considered to change its character or form significantly 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 except for access 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 on the principle of development and the likely impact of a development of five dwellings on the heritage assets (considered in paragraphs 5.9 to 5.13 below).
- 5.8 It is recognised that the site would present some design challenges at reserved matters stage given the relationship to the trees to the north of the site forming the boundary of the conservation area and the bungalow development opposite. 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. Issues around the historic environment are considered below.

#### Heritage impact

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed

building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

- 5.10 Section 72 of the same Act requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Great Smeaton Conservation Area.
- 5.11 The proposed development would impact on the setting of the Conservation Area and the setting of the listed building; both are designated heritage assets. The Conservation Area boundary is strongly defined in this location by the tree belt to the south of the site. This tree belt would not be harmed by the proposal and would still form a prominent feature in terms of both the character and appearance of the Conservation Area and the setting of the listed building. The setting of the listed building and the Conservation Area would change, in that the approach to the village would be characterised by new homes, rather than open fields, running up to the Conservation Area boundary. This change is considered to be of some harm.
- 5.12 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.13 On assessment of the application and subject to careful consideration of the detailed design at reserved matters stage, it is considered that it would lead to less than substantial harm to heritage assets and that the small degree of harm would be offset by the benefit brought through the development of small scale new housing in this location.

#### Design

- 5.14 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."
- 5.15 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.
- 5.16 The application is in outline and only indicative drawings have been submitted. In the consideration of any reserved matters application, the scale and design of the buildings need to be carefully considered in the context of the listed building, the conservation area and the neighbouring bungalows, in order to ensure that the development form is not harmful to heritage assets or the character and form of the settlement.

#### Residential amenity

- 5.17 The proposed development is linear in nature and most of it would be located opposite bungalows on the other side of Hornby Road. There is considered to be adequate potential for reasonable separation distances to be achieved across the road to achieve an acceptable level of amenity for current and future occupiers. There are no other residential properties impacted by the proposed development.

- 5.18 Subject to a satisfactory design and layout, the site is considered to be of sufficient size and form to allow the development of five units whilst achieving a satisfactory level of amenity for occupiers.
- 5.19 There is a small sewage pumping station located adjacent the site, on the road side. This is an underground pumping station and is not considered to be likely to result in any significant loss of amenity to the future occupiers of the neighbouring property.

#### Highway matters

- 5.20 The application is in outline, but with access being considered at this time. The application proposes separate accesses for the two units closest to the village with a shared access for the further three units and the Highway Authority has raised concerns about vehicle speeds in the locality and visibility splays associated with the development. The applicant has submitted additional information along with an amended site plan to address the concerns of the Highway Authority. The further recommendation of the Highway Authority is awaited.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission 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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S305 PL 002 received by Hambleton District Council on 25 January 2017 unless otherwise approved in writing by the Local Planning Authority.
  3. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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
  4. Soils shall not be imported or re-used on the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for use on the site. Before importation or re-use commences a soil sampling and analysis scheme, specifying the location, number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis 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.

5. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the public sewers, located within the site. If the required stand-off distance is to be achieved via diversion or closure of a sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
6. No new tree planting shall be permitted over or within 5.0 (five) metres either side of the centre line of the sewers located within the site.
7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
8. 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.
9. 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP1, DP3 and DP32.
3. In order to ensure that any contamination issues are properly dealt with, in the interests of the amenity of the occupiers of the site and policy DP1.
4. In order to protect the local environment and in the interests of local amenity in accordance with Policy DP1.
5. In order to allow sufficient access for maintenance and repair work at all times and to protect local services in accordance with policy DP6.
6. In order to protect the structural integrity of the pipe from tree root infestation and ensure that the development accords with the requirements of policy DP6.
7. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to ensure compliance with the requirements of Policy DP6.
8. In order to allow the Local Planning Authority to assess the appropriateness of the proposed materials and to ensure that they comply with the requirements of Development Policy DP32.

9. In order to allow the Local Planning Authority to assess the landscaping proposals for the proposed development and in order to ensure compliance with Development Policy DP32.

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:

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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: Great and Little Broughton**

Committee date: 22 June 2017

Ward: Stokesley

Officer dealing: Mr K Ayrton

**4**

Target date: 23 June 2017

**16/02442/OUT**

**Outline application with details of access (all other matters reserved) for residential development of up to 75 dwellings**

**At OS Field 9348, Back Lane, Great Broughton**

**For Site Plan UK**

**This application is referred to Planning Committee as the proposal is for a major residential development and a departure from the Development Plan**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located to the east of Great Broughton, which is approximately 2km to the south east of Stokesley. Great Broughton accommodates a range of services and facilities and is categorised as a Service Village in the Settlement Hierarchy.
- 1.2 The settlement of Great Broughton is predominantly linear, formed along the B1257, which has a north-south axis. There is also development along Kirkby Lane, which passes centrally east-west, albeit this form is less pronounced.
- 1.3 The village is enclosed to the south and east by the hills along the edge of the North York Moors National Park.
- 1.4 The site is approximately 4.3 hectares in extent, and broadly rectangular in shape, with the red line application site including a proposed access linking the site with Green Balk, which runs parallel with the southern boundary of the site.
- 1.5 The site is grassland used as grazing for cattle. It includes four fields that are separated by hedgerow and fencing. The eastern part of the site includes historic strip fields. There is a cluster of agricultural buildings on the south west corner. The north, east and southern boundaries adjoin open countryside. The western boundary adjoins Back Lane, with residential development opposite. Back Lane itself is a relatively narrow road that is rural in character.
- 1.6 There are public footpaths that pass through the site, which spur off to link onto Back Lane at two separate points.
- 1.7 The application is in outline form for the development of up to 75 dwellings. The application is supported by an illustrative layout plan, which identifies the proposed access point and a high level illustration of how residential development, landscaping, open space and an attenuation basin could be provided on the site.
- 1.8 The only matter sought for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this application is approved.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None.

## **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 Policy CP5 – The Scale of New Housing  
Core Policy CP5a – The Distribution of New Housing  
Core Policy CP6 – The Distribution of New 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 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 DP6 - Utilities and infrastructure  
Development Policy DP9 – Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP13 - Achieving and maintaining the right mix of housing  
Development Policy DP15 - Promoting and maintaining affordable housing  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP31 – Protecting Natural Resources  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
Interim Policy Guidance Note – adopted by Council on 7th April 2015  
Supplementary Planning Document - Open Space, Sport and Recreation – Adopted 22 February 2011  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Supplementary Planning Document - Size, type and tenure of new homes – Adopted September 2015  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
National Planning Policy Framework - published 27 March 2012

## 4.0 CONSULTATIONS

### 4.1 Great Broughton Parish Council – Objects for the following reasons:

- The site is outside Development Limits;
- The site was deemed unsuitable for housing in the new Local Plan;
- The development would extend the village eastwards and have a significant impact on the form of the village;
- Back Lane is a narrow country lane and provides direct access to a number of footpaths;
- The number of dwellings is disproportionate to the needs of the settlement and will place a heavy burden on the essential services;
- The number of dwellings proposed would equate to 20% increase and circa 200 extra vehicles on the road system; and
- The current Settlement Character Study recognises the need to preserve the rural character of Back Lane and the setting of the village from the east. It also recognises the importance of retaining the form of the strip fields to the east of Back Lane.

### 4.2 Kirkby-in-Cleveland Parish Council – Objects for the following reasons:

- The site is outside Development Limits;
  - The site is an ancient rig and furrow field, which has heritage value. The development would destroy this;
  - The development would change the physical character of the settlement;
  - The development would result in a 25% increase in the number of properties in one fell swoop. This is unsustainable for the infrastructure of the village; and
  - The number of children likely to be living in this number of dwellings could double the number of children in the local village school.
- 4.3 Highway Authority – The proposed vehicle access is off Green Balk, in a location outside the speed limit and remote from the rest of the settlement. Green Balk has no footway east of its junction with Back Lane.
- 4.4 The visibility splays required at the proposed site are obstructed by hedges which are not within the development site. To satisfy the Local Highway Authority the developer would need to demonstrate that the required visibility splays could be delivered within the application site and the public highway. The northern verge of Green Balk is approximately 2m wide. A mature hedge forms the highway boundary. The land behind the hedge is not part of the development site therefore the applicant is unable to provide a visibility splay with the required minimum 2.4m distance.
- 4.5 The proposed pedestrian access is via Back Lane which has a footway leading northwards that connects via a public footpath to the High Street at a point away from the local amenities and away from the pedestrian desire line. The southern section of Back Lane has insufficient width within the highway boundary to provide for two way traffic and a footway connecting to Ingleby Road which would accommodate the pedestrian desire line to local amenities. A pedestrian link along the site access road and Green Balk could be provided but has not been proposed.
- 4.6 Therefore it is recommended that the application is refused on highway grounds for the following reasons (summarised):
1. Inadequate visibility splays.
  2. No evidence to support and reduction in design speeds.
  3. Failure to provide a sustainable transport links for pedestrians.
  4. The indicative layout within the site would fails to restrain vehicle speeds to 20mph.
- 4.7 Environmental Health Officer – No objection subject to a condition requiring a contaminated land investigation and mitigation works.
- 4.8 NYCC Archaeology – The application has been accompanied by an Archaeological Desk Based Assessment and Geophysical Survey Report. The survey has mainly identified features relating to medieval and later agricultural use of the land in the form of furrows and drainage. There are a number of isolated responses that may represent ditches (features F & G in the report) but these run suspiciously parallel to the furrows and are also likely to be agricultural in origin.

The survey has not identified any features that appear to be of particular significance, although there are several that might be explored further through mitigation before or during development. NYCC recommend archaeological monitoring in the eastern part of the field containing features F & G and appropriate recording should they be of archaeological interest.

NYCC advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in

advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

- 4.9 North Yorkshire Police Architectural Liaison Officer – Makes recommendations for consideration at the reserved matters stage, should the outline application be approved.
- 4.10 Northumbrian Water - The application does not provide sufficient details with regards to the management of foul and surface water from the development. Therefore a condition is requested to secure details of this.
- 4.11 Ramblers Association – Objects due to two footpaths (FP20 & FP23) being affected.
- 4.12 Public comments – 78 objections making the following points:
- Back Lane already acts like a race track for drivers. Also acts as a shortcut for those living in Ingleby Greenhow;
  - The development will impact on the views from properties along Back Lane;
  - Unsustainable impact on services and facilities;
  - The development is far too big for a village of this size;
  - It will be a blot on the landscape;
  - One of the fields forming part of the site includes ridge and furrow;
  - Public transport is very limited;
  - Would have an adverse impact on the existing form of the village;
  - The development would generate excessive traffic on narrow roads and already congested streets;
  - The site is not a preferred site in the new Local Plan;
  - The development is too big. It would result in a 20% increase in the village;
  - The proposed site is entirely on the designated green corridor;
  - The development would obstruct one of the “key views” from the village;
  - The development would set a precedent for further future extension of the village along Ingleby Road/Green Balk;
  - The visual impact assessment does not include all viewpoints of the development (e.g. properties along Back Lane);
  - The transport plan is insupportable;
  - Back Lane is used by dog walkers and many elderly local people;
  - The development could have an impact on drainage;
  - There is already a site in the village for 30 dwellings;
  - There does not appear to be a local demand for further housing. There has been a large amount of development in the area, including large developments at Stokesley;
  - The construction period would cause huge disruption;
  - The Council’s own assessment of the site as part of the new Local Plan has identified several constraints associated with the site;
  - The Council has a sufficient housing supply;
  - The development would have a detrimental impact on the landscape, which is considered to be very sensitive to change.

One comment questions whether Great Broughton should be designated as a Service Village but that is not in itself material to the proposal.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location and the Council's housing land supply position; (ii) affordable housing; (iii) the impact on the character and appearance of the area; (iv) the impact on highway safety(v) flooding and drainage; (vi) biodiversity; and (vii) archaeology.

### Principle of development and housing supply

- 5.2 The site is located outside, but adjoins the Development Limits of Great Broughton. 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, Great Broughton is identified as a Service Village and therefore considered to be a sustainable settlement. Therefore the IPG could in principle support residential development. However, one of the main purposes of the IPG is to help deliver small scale development in the form of organic or incremental growth. Small scale is defined in the IPG as normally comprising up to five dwellings. Whilst there may scope in some instances for a development to exceed this guide, the proposed development of 75 dwellings is far in excess of this and the proposed development evidently cannot draw any support from the IPG.

- 5.6 The supporting planning statement alludes to the Council's housing supply and appeal decisions where planning inspectors formed the view that the identified supply

was insufficient to meet demand. This is in reference to an appeal decision relating to Stokesley, which was determined in September 2015.

- 5.7 The NPPF places emphasis on maintaining a five year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.8 The Council has published a Strategic Housing Marking Assessment (SHMA - January 2016 – updated September 2016), which has been taken into consideration in more recent updates on the Council's five-year housing supply. The most recent (April 2017) assessment confirms an 8.5 years supply. This is a materially different position compared to when the Stokesley appeal decision was allowed. The current position was also supported in the determination of an appeal for housing at Primrose Hill, Dalton earlier this month, where the inspector determined the Council was able to demonstrate a five year supply of deliverable housing sites, even taking into account the most pessimistic scenario of delivery. (Note: the inspector concluded that the appellant had failed to demonstrate fewer than five years' supply, so she did not need to review the Council's claim of an 8.5 years supply.)
- 5.9 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development". However, as the District has a demonstrable supply well in excess of five years there is no reason to release this unallocated site and to allow housing on this scale outside Development Limits and contrary to the development plan. Where such releases are necessary in future, they should be guided by the plan making process and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.10 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District in a manner that would be consistent with the principles of national and local planning policy, which is preferable to large scale unallocated sites outside Development Limits.
- 5.11 Were the Council to deviate from this plan led approach, there would be an impact on the wider infrastructure (e.g. highways, education) which is as yet, unplanned for. This is a significant area of concern that has been raised in the majority of public comments. No information has been submitted in support of the application to demonstrate that the local services and facilities would be able to meet the significant increase in demand that would be generated by up to 75 dwellings.

#### Affordable Housing

- 5.12 Policy DP15 requires the provision of 50% affordable housing in the Stokesley sub area. Whilst in outline form the agent has confirmed that the proposed development would meet this requirement (as opposed to 40%, which is referred to in the supporting planning statement). Whilst this commitment is welcomed, there is limited information in respect of viability and the actual ability to deliver this provision.
- 5.13 In terms of affordable housing need in the immediate locality and any argument for an exceptional case being made to support the proposals in terms of affordable housing need, surveys undertaken since 2011 have only identified a small demand for affordable housing in the parish of Great and Little Broughton and Greenhow. It is therefore considered that affordable housing need in the area can be met by proposals in line with the Development Plan and only limited weight is given to this issue in the balance of considerations.

## Character and Appearance

- 5.14 The site is rural in appearance and viewed in the context of the wider countryside. Whilst there is residential development adjacent to the western boundary, this turns its back onto the site and Back Lane forms a recognisable boundary to the village . The combination of boundary treatments and narrow road help to define the built up edge of the village and the transition to the countryside.
- 5.15 The road that would provide access to the site (Green Balk) has no pavement or street lights and is subject to the national speed limit. On leaving the village views are available of the North York Moors National Park. These factors all combine to represent a clear change in character from built up area, to open countryside and provide a distinct landscape setting for the village.
- 5.16 The Council's Settlement Character Study (2016), which forms part of the evidence base for the new Local Plan and was consulted upon at Preferred Options stage, identifies the opportunity to preserve the rural character of Back Lane and the setting of the village form the East and retain the strip fields to the east of Back Lane, which are partly included in the application site.
- 5.17 There are several broad scale national and regional landscape assessments that cover the area. However the North Yorkshire County Council Landscape Characterisation Project (May 2011) is the most pertinent and the land in which the proposed development lies is classed as "Vale Farmland with Dispersed Settlements". Within this category, the relevant characteristics are:
- A medium, large scale agricultural landscape which is delineated by a network of mature hedgerows, of containing hedgerow trees; and
  - Dispersed settlement pattern of farmsteads, small hamlets and villages.
- 5.18 The Characterisation Project also states "New development within historic villages may not be consistent with the historic form of the village...."
- 5.19 Great Broughton and its surrounding landscape conform to these categorisations but the village also has a specific settlement pattern which is closely related to the road network, particularly that between Back Lane and the High Street. The LDF's Development Limits for Great Broughton recognises this pattern.
- 5.20 The proposed development would extend some 230m eastward from the Development Limits. In addition, it would change the linear nature of development which is typical of the village and, particularly, its northern end. This proposed development would create a non-linear, block shaped extension to the village which would not be closely related to the road network and which would not be typical of the village.
- 5.21 The landscape most affected by this development proposal is that which lies immediately north, east and south of the proposed development site. This landscape meets the NYCC Landscape Characterisation Project's Key Characteristic for the "Vale Farmland with Dispersed Settlements" of "medium, large scale agricultural landscape which is delineated by a network of mature hedgerows, often containing hedgerow trees." Belts and blocks of woodland are not characteristic of the landscape immediately east of the village and are found some 0.6 - 1.0 km distant to the east, south and west. The extensive boundary planting proposed in mitigation would tend to appear more akin to a woodland block when viewed from external locations, than the landscape described in the Landscape Characterisation Project. The current openness of this landscape would also be harmed through the significantly sized development and heavy landscape treatment.

- 5.22 The supporting Landscape and Visual Impact Assessment (LVIA) has identified a series of viewpoints, predominantly east of Great Broughton and along the road and footpath network. It has also assessed the relationship with the important existing settlement edge along Back Lane.
- 5.23 The potential impact on views from the western edge of the North York Moors National Park is deemed to be negligible and it is an opinion which is concurred with due to the distance and the very small scale of the development within the view. It is also accepted there are no views from the nearby Scheduled Ancient Monuments and heritage sites.
- 5.24 Views from the footpath network crossing the proposed development site and traversing its northern boundary and an unidentified view from the western end of the derelict rail embankment would be adversely affected for the purposes of assessing the magnitude of the visual impact of the development. This would result from the proportion of their view, particularly toward the North York Moors, being filled with the houses of the proposed development. It is an effect which cannot be dealt with by mitigation and it would be permanent. In addition, there is clear evidence that Back Lane is also a walking route so views from this route would be similarly affected.
- 5.25 Road users on the B1257 would have no view of the development proposal due to the existing settlement properties lining the route. However, those drivers on Ingleby Road/Green Balk would have views travelling in both directions. This route is more than 'an attractive rural lane' (paragraph 4.39 in the supporting LVIA) as it is clearly an important route to and from the North York Moors National Park. Drivers (identified as visual receptors for the purposes of assessing visual impact) using this route tend to travel at modest speeds and are attentive of their surroundings. This is clearly acknowledged in the proposal demonstrated by the amount of screen planting proposed on the southern and eastern boundaries as well as along the proposed access road and is indicative of the level of detrimental impact on the character of the landscape.
- 5.26 The above comments lead to the conclusion that the proposed development would have a significant impact on the character of the eastern landscape of the village. The development is large scale relative to the village and the landscape; it does not respect the existing settlement pattern; and would permanently alter a significant proportion of the landscape to the detriment of the surrounding landscape character.
- 5.27 The proposed development would also have a significant adverse visual impact on views from local roads and footpaths. This is acknowledged by the scheme itself by the extent of the mitigating landscape proposed, which in itself, would be out of character with the immediate landscape east of the village.
- 5.28 Therefore the proposed development is contrary to policies CP16 and DP30, which aim to protect or enhance the openness, intrinsic character and quality of the District's landscape.

#### Highway Safety

- 5.29 Access is the only matter for consideration at this stage. The proposed vehicular access is off Green Balk / Ingleby Road. The supporting Transport Statement described the new access as a priority junction (i.e. standard road junction). Additional pedestrian access points are proposed at the north-west corner of Back Lane. No details of the internal access arrangements and car parking have been provided at this stage as layout is a reserved matter.



- 5.30 The Highway Authority has raised an objection on the basis of inadequate visibility splays and a failure to provide sustainable transport links for pedestrians and this is accepted as a reason to refuse permission.

#### Flooding and Drainage

- 5.31 The site is located within Flood Zone 1 (lowest probability of flooding). Whilst in outline form, the indicative site plan identifies an attenuation basin within the site. However, the supporting flood risk assessment confirms that a detailed drainage strategy has yet to be designed, but it concludes that the site can be operated with minimal risk from flooding and would not increase flood risk elsewhere. Northumbrian Water has recommended a condition with regards to the management of foul and surface water from the development.
- 5.32 Subject to details, which could be controlled by condition, the proposal would not therefore increase the risk of flooding in the vicinity of the application site or elsewhere in the catchment.

#### Biodiversity

- 5.33 The application is supported by an extended phase 1 habitat survey. This identifies that the site is characterised predominately by grazed poor, semi-improved grassland divided into four fields by fences and hedgerows, with a narrow band of grassland extending from the centre of the southern boundary to join Green Balk Road to the south. A small area of hardstanding is situated in the southwestern corner, supporting three farm buildings. Broadleaved trees are scattered along the field boundaries, whilst an area of plantation woodland is situated to the west of the hardstanding area.
- 5.34 The report concludes that as the site supports features and habitat suitable to support nesting birds and roosting bats, appropriate mitigation should be incorporated into the development plans to minimise any potential adverse impact on these species both during the construction and operational phases of the proposed development. The report also makes recommendations for the detailed design stage.
- 5.35 The above findings allow the conclusion to be formed that, subject to appropriate measures, the development would not be harmful to biodiversity, with opportunities to deliver enhancements. Therefore the proposal accords with the requirements of policy DP31 in that it would not result in significant harm to sites and habitats of nature conservation.

#### Archaeology

- 5.36 The application has been supported by an Archaeological Desk Based Assessment and Geophysical Survey. The Desk Based Assessment concluded that although the site appears to have relatively low archaeological potential this impression may in part be due to a relative lack of any previous nearby archaeological investigations. The Geophysical Survey identified extensive survival of medieval ridge and furrow earthworks and other potential archaeological features.
- 5.37 This information has been reviewed by North Yorkshire County Council Archaeology and they have advised that the survey has not identified any features that appear to be of particular significance, although there are several that might be explored further through mitigation before or during development. Therefore a condition is recommended to secure archaeological monitoring in response to the ground-disturbing works.

## 6.0 RECOMMENDATION

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

1. The proposal would extend residential development outside of the Development Limits of Great Broughton. No exceptional case for development beyond the Development Limits, as allowed for by Policy CP4, has been made. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the development would be contrary to Local Development Framework Policies CP1, CP2, CP4, CP6, CP16, DP8, DP9 and DP30 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
2. The proposed development will have a significant impact on the character of the eastern landscape of the village. The development is large scale relative to the village and the landscape does not respect the existing settlement pattern and permanently alters a significant proportion of this landscape. The proposed development would also have significant adverse visual impact. Therefore the proposal is contrary to Local Development Framework Policies CP16 and DP30, which seek to protect the openness, intrinsic character and quality of the District's landscape
3. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.
4. The Planning Authority considers that clear visibility of 215m commensurate with 60mph National Speed Limit cannot be achieved in both an easterly and westerly direction along Green Balk from a point 2.4m back from the carriageway edge measured down the centre line of the access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The Planning Authority considers that the applicant has failed to supply sufficient information to justify any reduction in design speeds below the 60mph National Speed Limit in operation on Green Balk at the proposed access. The proposal is therefore in conflict with the requirements of Policy DP3 of the Hambleton Local Development Framework
5. The Planning Authority considers that the applicant has failed to provide a sustainable transport link for pedestrians on the desire line leading to local amenities. The proposal therefore fails to comply with the requirements of Policies CP2 and DP3 of the Hambleton Local Development Framework.

**Parish: Huby**

Ward: Huby

**5**

Committee date: 22 June 2017

Officer dealing: Miss L Chambers

Target date: 30 June 2017

**17/00585/FUL**

**Construction of eight house with garages and highway access**

**At land west of Paddock Close, Tollerton Road, Huby**

**For Northmead Developments Ltd.**

**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 a field to the north of Tollerton Road, immediately to the west of dwellings on Paddock Close and the junction with Lundgreen Lane and immediately beyond Huby's Development Limits.
- 1.2 The site is bounded to the south and west by hedges and a small number of trees. There is a grass verge along the edge of the highway, the existing public footpath terminating to the east of the site. There is a range of house types in the vicinity, although the prevailing building materials are red brick and pantile roofs, with a smaller proportion of slate roofs.
- 1.3 Permission is sought for the erection of eight dwellings, a combination of three and four-bedroom houses to include three detached, a pair of semi-detached and a terrace of three. There are five access points proposed with the semi-detached and terrace of three having shared access and driveways. Each property would be provided with detached garaging, hardstanding and garden space. A 10m easement is proposed to the west of the site to take account of a Yorkshire Water main.
- 1.4 It is proposed to reinforce the hedging on the western boundary and introduce stock proof fencing to the north of the proposed plots. The existing hedge on the site frontage would be replaced, set 4m back from the road with an intervening replacement grass verge and a new pavement that would extend across the south of the site, up to the proposed vehicular access for plot 8.
- 1.5 Improvements have been secured as follows: the applicant has provided additional information with regards to landscaping and levels to demonstrate the impact of the proposal on the character of the area.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 No relevant planning or enforcement history.

**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 DP13 – Achieving and maintaining the right mix of housing  
Development Policies DP15 – Promoting and maintaining affordable housing  
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 – Comments awaited.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to conditions.
- 4.4 Kyle & Upper Ouse Internal Drainage Board – An application for consent from the IDB will be required.
- 4.5 Public comments – Nine objections, summarised as follows:
- Current drainage is inadequate; the system requires upgrading;
  - Flood risk;
  - Highway safety concerns regarding additional accesses and overspill visitor parking exacerbating the existing traffic situation;
  - The design of the proposal is out of keeping with the village;
  - Loss of privacy;
  - Loss of wildlife, hedgerows and agricultural land;
  - The scale of development is too large;
  - Limited public transport and local services would result in increased traffic journeys by future occupants;
  - Loss of view;
  - Loss of property value; and
  - Detrimental impact on the character of the village.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing, (iii) design including scale; (iv) flooding and drainage; (v) highway safety; and (vi) ecology.

##### Principle

- 5.2 The site falls outside of Development Limits of Huby, Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "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 is intended to bridge 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, Huby is defined as a Service Village and therefore is considered a sustainable location for development; satisfying 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 application site is immediately adjacent to the Development Limits of the village and would reflect an extension to the existing built form with properties fronting the main road. Although currently a greenfield site at the edge of the village, there are existing properties on the south side of the road, it is not therefore considered the proposed development would unduly extend into open countryside to the detriment of the form of the village.

#### Affordable Housing

- 5.6 Policy CP9 requires that residential developments of more than 2 units outside of Service Centres should make provision for affordable housing; in the Easingwold sub area this should represent a proportion of 50%. Following the Ministerial Statement regarding affordable housing the threshold for provision in a designated rural area is developments of more than 5 units; in this case the additional three units would be liable for provision.
- 5.7 It is the intention of the applicant to deliver this via financial contribution to be secured via a Section 106 agreement, should the Council be minded to approve the application.

#### Design and Scale

- 5.8 The area is characterised by dwellings within well-proportioned plots, however there is a variety of architectural styles some of which are traditional and others more modern. The proposed house types vary in terms of size, detailing and materials to create interest and prevent a uniform impression. Features such as canopies over the front door and bay windows reflect those already present in the area, while the use of appropriate materials would ensure the proposals are in keeping with the character of the village.
- 5.9 The application proposes eight dwellings, it is accepted under the IPG that in order to be considered small schemes proposals would normally be five units or less, however the guidance does also identify that each application would need to be considered on its merits. As a service village, Huby is capable of accommodating additional dwellings and the number proposed is considered small scale relative to the size of the existing settlement. Previous permissions have been granted for the construction of six other dwellings in the village as part of IPG related proposals, however these are not immediately adjacent to the application site so would not result in a conglomeration of new development in one location. There is no reason to suggest the level of services available in Huby could not support the cumulative growth the application would represent.

- 5.10 Additionally, the proposal offers a mix of house types, including three bedroom units that would contribute to the supply of smaller homes required across the district. It is also noted that the applicant intends to implement the permission within a short timescale and therefore agrees to a reduced time limit for starting works as an assurance any permission would be brought forward within a year. The applicant highlights that the site is considered a preferred option as part of the new Local Plan process, although noted no weight can be given to that at this time.

#### Flooding and Drainage

- 5.11 It is noted that there is currently an issue with standing water on the site during periods of heavy rainfall. The application is submitted with a drainage strategy report that outlines the existing conditions and proposed means of drainage associated with the development. A gravity foul water drainage system is proposed that would link into the existing foul water sewer within the highway to the south of the site. It is proposed to deal with surface water drainage via a soakaway with permeable surfaces to driveways to allow the collection and discharge of water to the proposed pond to be formed to the north of the site, which is at a lower land level than the area on which the houses are to be built. The application is supported by a drainage strategy report, which identifies that an appropriate means of drainage can be achieved on the site, conditions to require further detailed design of such systems would be appropriate.

#### Highway Safety

- 5.12 Objectors have raised concerns about the speed of existing traffic passing the site and obstructions caused by parked cars being exacerbated by the formation of additional accesses and overspill parking from the proposed houses. Notwithstanding this, the Highway Authority has confirmed suitable access points can be formed and appropriate provision for parking and turning within the plots is proposed; therefore subject to standard conditions it does not object to the proposed development. As such, it is difficult to attribute significant weight to those objections.

#### Ecology

- 5.13 Concerns have been raised regarding the potential loss of wildlife on the site should permission be granted. The application was submitted with a phase 1 habitat survey, which identifies no protected species on the site but does make recommendations for further survey work to ensure compliance with the requirements of Natural England in respect of Great Crested Newts. This would include surveys during the appropriate time of year, which was not possible prior to submission of this application; these works could be secured via condition.
- 5.14 The submitted assessment highlights the provision of enhanced and compensatory habitats to the north of the site as a benefit of the proposed application. Loss of wildlife is not therefore considered to undermine the merits of the application.

### **6.0 RECOMMENDATION**

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure a contribution toward affordable housing; and (b) 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 LO1, SO1, 10, 11, 12, 13, 14, 15, 16, 17,

18, 19, 20, 21, 22 received by Hambleton District Council on 08/03/17 and drawings numbered 01 Rev A and BA5962LAN received by Hambleton District Council on 05/06/17 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 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.
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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) All 5 accesses shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 3.2 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6; (b) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays for all 5 accesses are provided giving clear visibility of a minimum of 45 metres measured along both channel lines of the major road (Baston Lane) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: (a) Provision of a 1.5 metres wide footway (adjacent to the site) as per Highway Specification A1 linking with existing footway on Tollerton Road; (b) Relocate Highway Signs as required; and (c) Returf/reseed verge along the whole length of the site; and (ii) 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.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the

phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; and (g) Any HGV routes.

9. 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.
10. The residential curtilage of the properties hereby approved shall extend only to the northern most boundary line identified on the Site Layout plan (drawing number 01 Revision A) received by Hambleton District Council on 05/06/17 and shall not extend to the red line boundary of the site indicated on the Location Plan (drawing number L01).

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 CP1, CP2, CP4, CP8 and CP17.
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.
4. In the interests of a satisfactory form of development.
5. In accordance with Policy CP2 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 Policy CP2 and in the interests of road safety
7. In accordance with Policy CP2 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
8. In accordance with policy CP2 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 to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. The impact of larger residential curtilages on the character and appearance of the village and the surrounding countryside would require further consideration with particular regard to development plan policies CP16 and DP30 and adopted Interim Planning Guidance.

#### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 5.

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**16/01836/FUL**

**Construction of 25 dwellings  
At Land to the north of Hutton Fields and The Wickets, Garbutts Lane, Hutton Rudby  
For Mr R Baird**

**This application is referred to Planning Committee as the proposal is for a major residential development**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is approximately 1.2 hectares in size, located on the western edge of the built up area of Hutton Rudby. It forms part of a wider housing allocation in the Allocations Development Plan Document. The remainder of the allocation is associated with a dwelling, Hutton Fields, within separate ownership. The applicant has confirmed that he has made approaches to the owner of Hutton Fields, who has declined to include the land in the current application. It is not known whether a separate application will be made for the Hutton Fields site. However, no application has been submitted since it was allocated for housing in 2010.
- 1.2 This part of Hutton Rudby largely comprises detached and semi-detached housing from the 1960s and 70s. Properties on Levendale extend along the eastern boundary with their rear gardens backing onto the application site. These boundaries generally comprise a mix of hedgerows and timber fencing. There is also a cluster of semi-detached and terraced housing to the west of Hutton Fields.
- 1.3 There is a recent rural affordable housing development a short distance to the west, on the opposite side of Garbutts Lane. This comprises 16 dwellings at a density of approximately 27 dwellings per hectare. Work is underway on the construction of a petrol filling station and associated convenience store on the site to the south of the application site. Located to the west of the site is a cricket ground with associated pavilion. The land beyond is open countryside.
- 1.4 The site is overgrown in appearance. A minor beck, Hundale Gill, passes through it, adjacent to the boundary of Hutton Fields. The beck accommodates dense scrub, which is also found within the corners and boundaries of the site. Within the site, the scrub and grassland is a slightly more managed, albeit still overgrown. There is an existing field access into the site off Garbutts Lane.
- 1.5 Hutton Fields and its residential curtilage are surrounded by the application site. Its boundaries are relatively open and it is visually distinct from the application site because of its more managed appearance, typical of a residential garden.
- 1.6 The application was originally for 30 dwellings, including 50% affordable housing. However the scheme has been amended and is now for the construction of 25 dwellings, ten of which (40%) would be affordable housing. The mix comprises:

	<b>Size</b>	<b>Number</b>
<b>Market units</b>	4 bedroom	13
	3 bedroom	2
<b>Affordable units</b>	3 bedroom	5
	2 bedroom (bungalows)	5
<b>Total</b>		<b>25</b>

- 1.7 The dwellings would be two-storey, other than five bungalows sited along the eastern boundary and to the rear of Hutton Fields.
- 1.8 A new access is proposed off Garbutts Lane, which would serve all 25 dwellings. The road would extend alongside the beck before wrapping around the curtilage of Hutton Fields, leading to the eastern edge of the site.
- 1.9 The application is supported by several reports including:
- Planning Statement;
  - Design and Access Statement;
  - Statement of Community Involvement;
  - Flood Risk and Drainage Statement;
  - Habitat and Protected Species Risk Assessment;
  - Phase 1 Preliminary Contaminated Land Risk Assessment;
  - Archaeological Desk-Based Assessment;
  - Highway Statement;
  - Viability Appraisal; and
  - Tree Survey

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None.

## **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 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 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 DP6 - Utilities and infrastructure  
 Development Policy DP8 - Development Limits  
 Development Policy DP10 - Form and character of settlements  
 Development Policy DP11 - Phasing of housing  
 Development Policy DP13 - Achieving and maintaining the right mix of housing  
 Development Policy DP15 - Promoting and maintaining affordable housing  
 Development Policy DP30 - Protecting the character and appearance of the countryside  
 Development Policy DP31 – Protecting Natural Resources  
 Development Policy DP32 - General design  
 Development Policy DP33 - Landscaping  
 Development Policy DP43 - Flooding and floodplains  
 Allocations Policy SH5 – North of Garbutts Lane, Hutton Rudby  
 Supplementary Planning Document - Open Space, Sport and Recreation – Adopted 22 February 2011  
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015

Supplementary Planning Document - Size, type and tenure of new homes – Adopted September 2015

Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - Recommends refusal because of concerns about drainage, density and housing mix. The Council is pleased to see a drainage report but does not know if it will work. Concern is also expressed about the access and visibility splays.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Lead Flood Authority (NYCC) - The additional drainage information satisfactorily addresses the drainage requirements of the site. Further detailed information can adequately be dealt with through condition.
- 4.4 North Yorkshire Police Architectural Liaison Officer - The amended scheme has helped to address some concerns but further improvements could be made to design out crime. A condition requiring full details of crime prevention measures is requested.
- 4.5 Environmental Health Officer - The contaminated land study submitted in support of the application is acceptable; a further survey can be secured by condition.
- 4.6 Northumbrian Water - Further detail of the management of foul and surface water should be secured by condition. (This comment was made before additional drainage information was provided by the applicant.)
- 4.7 SABIC (pipeline management) - The closest boundary of the development site to the Trans-Pennine Ethylene Pipeline is 62 metres and therefore falls within the middle zone of the Major Accident Hazard Pipeline. The developer must seek SABIC's approval for any works within 50 metres of the pipeline before work is commenced.
- 4.8 Durham Tees Valley Airport - No objection.
- 4.9 Public Comment - 83 objections have been received making the following comments:
- Hutton Rudby is big enough;
  - Potential impact on River Leven and fishing – the development needs to ensure surface water drainage and impact on sewers does not result in pollution to the River Leven;
  - The development will impact on the drainage from properties along Levendale;
  - The development will have a severe impact on the amenity of properties along Levendale;
  - The development will have a detrimental impact on wildlife, hedgerows and trees;
  - The development runs very close to a national pipeline;
  - The site is close to a large poultry farm and will be subject to nuisance created;
  - The entrance to the site is on to a dangerous stretch of road. Visibility is poor;
  - The narrowing of the road reflects too high a density of development;
  - The village needs no further housing, except that identified for older people;
  - Whilst the site is allocated, changes to the surrounding area require the proposal to be reconsidered. Several developments have taken place including the rural housing scheme and the Spar and petrol station;
  - The density of development is too high and not in line with the site allocation;

- The beck running through the site needs to be protected;
- The whole dynamic of the village is changing and the focus is moving away from the centre;
- The village has no bank and the post office is threatened;
- I remain unconvinced that the question of incremental traffic movement onto the main road has been addressed;
- The proposal is for the same number of dwellings on a much smaller plot;
- All the affordable housing is located in one location in Hutton Rudby;
- There are so many properties for sale in Hutton Rudby at this time and houses at Stokesley have not sold;
- With the properties there will inevitably be new children. There are no facilities for children at this side of the village;
- This is the wrong place for a new development;
- The infrastructure of the village will be negatively affected, putting a strain on medical and educational services (the local primary school is already full);
- The character of this part of the village will change;
- The higher density of development has not been justified;
- The design and layout creates a congested built up appearance for this village location;
- The planning inspector allocated the site on the basis that the density of development allowed adequate flood protection measures to be delivered;
- Concerns with the submitted ecology report and the reasoning behind its findings;
- The two-storey dwellings along the frontage are out of keeping;
- The community consultation simply played lip service to the process and did not really engage with the community properly;
- The application is ahead of the Neighbourhood Development Plan which is currently being developed; and
- Object to the reduction in affordable housing.

#### 4.10 Additional comments following the receipt of amended plans:

- Whilst the reduction in density is welcomed, this appears to be at the expense of affordable housing. This is detrimental to the housing mix;
- The density is still too high;
- Drainage provision is still lacking;
- The internal roads are still too narrow;
- The access arrangements are still inadequate; highway safety concerns remain;
- The Council and planning inspector were misled when they were told the site was deliverable;
- Great Crested Newts have been seen in close proximity to the site. This has not been addressed in the ecology report;
- Concerns with the submitted tree survey; and
- The traffic impact assessment has been carried out in isolation.

#### 4.11 Four letters of support make the following comments:

- Full support for the application;
- The village needs new affordable housing;
- The development will not be intrusive as it is on the edge of the village;
- People should have the opportunity to live in the village that they love; and
- This is a good location for housing, close to the new shop.

## 5.0 OBSERVATIONS

- 5.1 The site is allocated for housing in the Development Plan, so the principle of residential development is not in question. The requirements of the allocation policy, SH5, are:
- i. Development being at a density of approximately 18 dwellings per hectare, resulting in a capacity of around 30 dwellings (for the entire allocation site) of which a target of 50% should be affordable;
  - ii. Housing types meeting the latest evidence on local needs;
  - iii. Steps being taken to ensure that any potential for increased flood risk from Hundale Gill is prevented;
  - iv. Provision of footpath links to nearby recreation areas and the village centre; and
  - v. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

(The requirements of part v can now be addressed through the Community Infrastructure Levy.)

- 5.2 As set out in the introduction, the application site is only part of the SH5 allocation, excluding the land associated with Hutton Fields, which accounts for approximately one quarter of the allocation. The applicant has made approaches to the owner of Hutton Fields to include that land as part of the application; however the owner has declined to do so. To date no application has been made on the Hutton Fields site, since its allocation in 2010. This does not necessarily mean that an application will not be made in the future. Were it to do so, the starting point for considering the application would be the development plan and site specific requirements set out in policy SH5. However, the policy does not require that a single application is made for the site in its entirety. Therefore even though the application site does not cover the whole application site, the principle of residential development is supported. The impacts of the reduced site area are considered further below.
- 5.3 The requirements of policy SH5 and other material considerations may be assessed with regard to (i) the proposed design and impact on the character and appearance of the area; (ii) affordable housing provision; (iii) the tenure and mix of housing; (iv) the impact on neighbour amenity; (v) the impact on highway safety; (vi) flood risk and drainage; (vii) the impact on trees; and (viii) the impact on biodiversity.

#### Design, character and appearance of the area

- 5.4 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."
- 5.5 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.
- 5.6 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.”

- 5.7 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.
- 5.8 The application as originally submitted was accompanied by a Design & Access Statement. The statement describes the site and surrounding area but does not include a detailed assessment of local character immediately around the site. However, it does include a SWOT (strengths, weaknesses, opportunities and threats) analysis and review of the built form. It identifies a more historic core to the village compared with a more formal road pattern in the more recent housing development. The analysis also identified a mix of stone, brick and rendered properties.
- 5.9 The Design and Access Statement goes on to identify the design approach. Key features include:
- The creation of a feature development;
  - Layout to define public and private space;
  - Maintain views out of the site;
  - Use good quality existing vegetation.
  - Create a sense of place;
  - Achieving a harmonious overall development;
  - The exterior walls will include a mix of materials to reflect the local context; and
  - Design of curtilages will be integral to the character of the development to allow the development to integrate with the wider area.
- 5.10 The Design and Access Statement concludes by stating it has explained how the design process has created a new development that embraces the design principles of both the local plan and the manual for streets to deliver a robust proposal that provides new and efficient homes for the residents of Hutton Rudby.
- 5.11 The vision for the proposed development is to create a high quality design solution that is appropriate to its site and locale and the proposed dwellings respond to both the needs and aspirations of the current and future residents of the area.
- 5.12 The Design and Access Statement has been used to inform the assessment of the proposed design. This has also been informed by visits to the site and surrounding area.
- 5.13 The Statement of Community Involvement confirms that the views of the community were sought before the application was submitted by distributing 40 leaflets to residential properties adjacent to the application site; contacting the Ward Councillor and Parish Council; and uploading the leaflet and plans to a consultation website.
- 5.14 The exclusion of the land associated with Hutton Fields introduces layout constraints that would not arise if development were planned over the whole of the allocation site. The scheme as originally submitted was for 30 dwellings (including 50% affordable housing), which met the policy requirement for affordable housing.
- 5.15 However the scheme was amended to 25 dwellings (including 40% affordable housing) in response to concerns relating mainly to the eastern part of the site and the impact of the development on the beck, trees, biodiversity, highways, layout and scale of development. The amendments to the scheme relate mainly to this eastern section where it is proposed to access the site off Garbutts Lane. The reduction in the amount of development allowed for greater scope to address the concerns raised.



- 5.16 The dwellings along the site frontage would sit either side of the access. The spacing allows for the retention of some of the existing trees and planting, which assists with softening the site frontage. The proposed spacing and rhythm of development respond well to the existing character of development visible from the front of the site.
- 5.17 The density and scale of development have been reduced when compared with the originally submitted scheme, including the introduction of bungalows. This results in an improved relationship with the rear gardens of properties adjoining the eastern boundary along Levendale. The introduction of bungalows in this part of the site also results in an improved stretch of development along the internal access road.
- 5.18 The access road crosses the stream at the rear of the site and links to the north western part. This part of the site is less constrained and the layout is reflective of many of the other edge of village areas in Hutton Rudby.
- 5.19 Overall the layout of development is considered to respond positively to the site constraints. The amended scheme has also made better use of the site's existing opportunities, most notably the stream, by keeping it largely open and incorporated as part of the wider green space within the site.
- 5.20 The scale of development is also considered to be acceptable and in keeping with the surrounding character. It is acknowledged that the Site Allocations policy identifies a density of 18 dwellings per hectare. However, the main reason for this was to ensure that drainage could be sufficiently managed. National policy is clear in its requirement for the efficient use of land. The proposed density of development at 21 dwellings per hectare is higher, but it is appropriate for this location. To put this into context, the recent affordable housing development on the opposite side of Garbutts Lane has a density of 27 dwellings per hectare.
- 5.21 The design of the dwellings is considered to be of a good quality. Whilst they are of a traditional form, they include contemporary elements, most notably in the fenestration. This approach would allow the dwellings to integrate with the nearby development. It will be key for the detail and quality of materials proposed to be followed through to construction stage. This can be secured through condition.
- 5.22 The above assessment allows the view to be formed that the layout and design of development accords with the requirements of Policies CP17 and DP32. Whilst the development would have an impact on the character and appearance of the area, this has already been assessed and found acceptable in the allocation of the site under policy SH5.

#### Affordable housing provision

- 5.23 Policy SH5 sets an expectation that the site delivers 50% affordable housing, although SH5 and Policy CP9 allow for provision to be determined through negotiation taking account of viability. The original submission for 30 dwellings proposed to deliver the 50% affordable housing requirement. However, this meant a higher density of development and officers were concerned that this would compromise other elements of the scheme by culverting the beck throughout the entire site; removing all the landscaping from the front part of the site; highway concerns with the layout and manoeuvrability; and a cramped form of development along the eastern section of the site, which was considered to be detrimental to the character and appearance of the development and the residential amenity of occupiers on Levendale.
- 5.24 The reduced scheme for 25 dwellings proposes to deliver 10 affordable units, comprising five, two-bedroom bungalows and five, three-bedroom houses. These would be sited to the front, east and centre of the site. The main identified housing

need in this location is for two and three-bedroom dwellings, particularly bungalows. Therefore the provision fully accords with the size and type of affordable housing required. However, the case for a reduction in the proportion of affordable housing units to 40% (equates to a reduction of 2.5 units) needs to be considered in terms of viability.

5.25 The applicant's viability appraisal has been evaluated by the District Valuer (DV). The DV has advised that the delivery of 40% affordable housing on the site would leave a surplus (i.e. excess profit) of £549,859. He advises that this could fund an additional two affordable units (i.e. 12 of 25 units) and a financial contribution that would achieve the equivalent of 50% provision. However the applicant has submitted further justification as to why they disagree with this advice. The main areas of disagreement include:

- **Build Costs** – The DV has based their costs on a typical design and specification. They have advised that the scale of development brings it within the likely range of regional housebuilders, who will be able to achieve some economies of scale in procuring materials and labour. In response the applicant claims to be providing a higher quality development compared with what would normally be delivered by a volume housebuilder. They also identify a lack of purchasing power of a smaller housebuilder, which means they are not able to build the development using the figures quoted by the DV. They also identify that the DV has based their build costs on the lower quartile of build costs for Hambleton District, where a median figure would be more a more reasonable approach. The build cost figures used by both parties results in a significant difference of approximately £1,050,000.

If the DV were to apply the median build cost to their appraisal, the difference in build costs would be reduced to £870,000. This is a difference of £180,000.

- **Land Value** – The applicant has provided evidence to demonstrate that their land value is consistent with comparable sites in the locality. This is £110,440 in excess of the land value used by the DV.
- **Developer Profit** – The applicant argues that a 20% profit on GDV is a standard approach to development sites of this nature. This is in contrast to the blended rate of 16.51% used by the DV. This percentage is formed by applying a 17.5% profit on GDV to the market units and 8% of construction costs for the affordable housing units. Were the DV to apply a 20% profit on GDV to the market units, it would result in an increase in costs by £202,212. This equates to a blended rate of 18.7%.
- **Funding** – The funding (e.g. interest rates, exits fees) for small development has been underestimated by the DV. The DV disagrees with this.

The applicant has also argued that the proposed delivery of 40% affordable housing is higher than the level of affordable housing being sought in the emerging Local Plan (30%). However, the emerging Local Plan is still at an early stage and cannot be afforded weight yet.

5.26 The main areas of disagreement that have impact upon the findings of the viability appraisals are in respect of build costs, developer profit and residual land value.

5.27 As set out above, the difference in build costs is significant. There is a degree of sympathy with the applicant's argument that the build cost should be more in line with the median build cost for Hambleton District, particularly when Policy DP32 states "the design of all developments must be of the highest quality". However, the Council

also needs to recognise the comment made by the DV, that the scale of the development brings it within the range of regional housebuilders that are able to achieve greater economies of scale. There is no guarantee that the current applicant would deliver the development, although they have confirmed that it is their intention to do so. The applicant has also confirmed that they have an extensive track record of delivering housing schemes. Were a regional housebuilder to take it on, it is likely that they would re-apply (e.g. different house types, mix, etc.). Were such an application made, the viability (including build costs) would have to be reviewed in determining the application. However, when noting the fact that an application has not been made for residential development since the site was allocated in 2010, it is considered a reasonable basis to accept the median value.

- 5.28 It is considered to be reasonable to apply a 20% profit on GDV to the market units, resulting in a blended rate of 18.7%. This rate has been accepted in relation to other developments in the Stokesley sub area and it reflects the return expected by lenders when providing funding for sub-regional developers. The difference in the residual land value is not as significant. However the applicant's value is lower than others have been accepted in the Stokesley sub area.
- 5.29 It is also recognised that the delivery of 40% affordable housing, which includes bungalows, is an important planning benefit, even though it falls short of the policy requirement.
- 5.30 The applicant and DV are unable to reach agreement on the above points. Having considered both sets of explanations, the Council is sympathetic to the general point being repeated by the applicant that their costs and margins cannot compete with the larger volume housebuilders. The DV has confirmed that they have not taken the personal circumstances of the applicant into account and have undertaken their appraisal assuming a typical developer. The Council is not able to accept all the arguments presented by the applicant, most notably their proposed build costs where there is a significant difference. However, there are areas, as set out above, where a middle ground has been justified. By applying these to the DV's appraisal, the difference is much reduced, to a level that supports the provision of 40% affordable housing.

#### Tenure and housing mix

- 5.31 The private market housing comprises 13, four-bedroom dwellings and two, three-bedroom dwellings. The affordable housing comprises a mix of five, two-bedroom bungalows and five, three-bedroom houses. Whilst this delivers a mix of dwellings in terms of size, type and tenure, it does not reflect the target mix (applies to developments of 25+ dwellings) included in the Council's Supplementary Planning Document on size, type and tenure of new homes. The supporting planning statement states that 'The current development proposes a mix of type and tenure, including 2, 3 and 4 bedroom detached, semi-detached and terraced dwellings. This is in accordance with the most recent Strategic Housing Market Assessment (SHMA – Jan 2016), which found there to be high demand across all market property types and tenures. As such the mix of dwellings is considered to be entirely appropriate'. The applicant considers that the proposed market mix increases the overall viability of the scheme and allows the provision of more affordable units than could otherwise be achieved.
- 5.32 It is accepted that the SHMA 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". The development meets this requirement. Therefore, whilst the development does not accord with the target mix set out in the SPD, it does deliver a mix of dwelling sizes as required by

Policies CP8 and DP13. The degree of conflict with the SPD needs to be balanced against all other planning considerations in particular the ability of the scheme to deliver 40% affordable housing.

#### Neighbour amenity

- 5.33 The nearest residential properties are:
- Rear elevations and gardens of properties along Levendale adjoining the eastern boundary of the site;
  - A bungalow to the east of the access to the site, which has its side elevation adjoining the site;
  - Hutton Fields located centrally; and
  - Houses at The Wickets, located to the south west of the site, which have their rear elevations adjoining the western part of the site.
- 5.34 The layout has responded well to avoiding adverse levels of overshadowing and overlooking onto neighbouring properties. The introduction of the bungalows along the eastern boundary assists greatly in achieving this. Where the development is closest to existing properties, most notably the south eastern and north western parts of the site (plots 5 and 23 respectively), the fenestration and siting is such that the relationships are considered to be acceptable.

#### Highway safety

- 5.35 There would be one access to the site to serve the 25 dwellings. Once within the site there is a stretch of the road that narrows, which would assist in keeping speeds low and improve the environment for pedestrians. The footpath on the western side of the access is proposed to be a shared surface. The benefit of this approach is that it would better integrate with the stream and provide a contribution to the internal green spaces.
- 5.36 The on-site car parking provision would comprise a mix of driveway, integrated garage, detached garages, and on-street. The total car parking provision is considered to be acceptable. The Highway Authority has raised no objection subject to several conditions.

#### Flood risk and drainage

- 5.37 A specific requirement of the Allocations Policy was for any development to ensure that any potential for increased flood risk from the minor beck (Hundale Gill) is prevented. The application has been supported by a Flood Risk and Drainage Statement, which has been the subject of consultation with the Council's drainage officer and North Yorkshire County Council's Sustainable Urban Drainage Systems (SUDS) officer.
- 5.38 Both are satisfied that the proposed development is satisfactory and that the site can be developed with minimal risk from flooding and would not increase flood risk elsewhere. Therefore subject to details, which could be controlled by condition, the proposal would not increase the risk of flooding in the vicinity of the application site or elsewhere in the catchment.

#### Trees

- 5.39 The present state of the site is overgrown, with some pockets of dense shrubs and tree planting, which include neglected orchard trees. These trees are not considered

to be of a particularly high quality in their own right, however they offer a level of amenity along Garbutts Lane when viewed as a group.

- 5.40 Initially it was proposed to remove the majority of planting, however the amended scheme proposes to retain some of the larger trees to the front of the site between the access and the beck. This would help soften the frontage. Additional tree and hedge planting is proposed throughout the site in order to mitigate the loss of other trees.

#### Biodiversity

- 5.41 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.
- 5.42 The application is supported by a Habitat and Protected Species Risk Assessment, which confirms that the site comprises semi-improved grassland, tree and scrub and stream. It goes on to consider the risks of development on protected species. It identifies the need to retain and create habitats for bats and otters, including the retention of the stream, tree and shrub habitat; and to restrict vegetation clearance to certain times of the year. The amended scheme would allow these recommendations to be delivered. Full details can be dealt with in an Ecological Management Plan, which could be secured by condition.
- 5.43 An objection has been received from a neighbour making specific comment in respect of Great Crested Newts. The objection included a photo of a newt, which the objector states was seen within 30 metres of the site. A response was sought from the agent and they confirmed that the submitted Habitat and Protected Species survey assessed the likely risk of Great Crested Newts on the site and surrounding area, which concluded "No risk of breeding GCN on site due to absence of standing water. Low risk for foraging habitat". The applicant's ecologist also viewed the photos supplied by the objector and was of the view that it was not possible to confirm from the photo whether it was a Great Crested Newt or not. They also added that the location and date of where the photo was taken could not be corroborated by other evidence.
- 5.44 The National Planning Practice Guidance confirms that assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Planning conditions may be appropriate in order to provide for biodiversity managements plans where these are needed. Whilst the objections have been noted, it is considered that the information submitted in support of the application and the response given to queries raised, allows the view to be formed that the proposed development would not cause significant harm to protected species, in accordance with Policy DP31 and the NPPF.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (i) the satisfactory completion of a planning obligation to secure 40% of units (not less than 10) as affordable housing as defined by LDF policy; and (ii) 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 L001/Rev G, L010, L011, L020, L021,

L030, L030 (alt), L031, L031 (alt), L040, L040 (alt), L041, L041 (alt), L050, L050 (alt), L051, L051 (alt), L060, L060 (alt), L061, L061 (alt), L062, L062 (alt), L070/Rev A, L070 (alt)/Rev A, L071/Rev A, L071 (alt) Rev A, L080, L081 received by Hambleton District Council on the 11 August 2016, 11 November 2016 and 17 February 2017 unless otherwise approved in writing by the Local Planning Authority.

3. 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.
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, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
  - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing (a) the proposed highway layout including the highway boundary; (b) dimensions of any carriageway, cycleway, footway, and verges; (c) visibility splays; (d) the proposed buildings and site layout, including levels; (e) accesses and driveways; (f) drainage and sewerage system; (g) lining and signing; (h) traffic calming measures; and (i) all types of surfacing (including tactiles), kerbing and edging.
  - (2) 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 (a) the existing ground level; (b) the proposed road channel and centre line levels; and (c) full details of surface water drainage proposals.
  - (3) Full highway construction details including (a) 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; (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (c) kerb and edging construction details; and (d) typical drainage construction details.
  - (4) Details of the method and means of surface water disposal.
  - (5) Details of all proposed street lighting.
  - (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - (7) Full working drawings for any structures which affect or form part of the highway network.
  - (8) A programme for completing the works.
5. 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.

6. 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: dropped crossing(s) on Garbutts Lane; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
7. 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 6: dropped crossing(s) on Garbutts Lane.
8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing L001/Rev G. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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.
10. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (h) HGV routing.
11. 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 set out in the Habitat and Protected Species Risk Assessment, prepared by Penn Associates Ecology Ltd, and received by Hambleton District Council on 11 August 2016.
12. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological

context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

13. 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. Thereafter the development shall take place in accordance with the approved details.
14. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
15. The development shall not be commenced until a plan 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.
16. 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.
17. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be 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.
18. 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 fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
19. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the



approved form.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 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 and DP32.
4. In accordance with 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.
5. In accordance with Policy DP3 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
6. In accordance with Policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
7. In accordance with Policy DP3 and in the interests of the safety and convenience of highway users.
8. 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.
9. 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.
10. In accordance with policy DP3 and to avoid conflict with vulnerable road users.
11. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.
12. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
13. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
14. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP32.
15. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

16. 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.
17. 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,
18. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
19. To protect the amenity of the neighbouring residents in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

#### 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:

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977,

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

**Parish: Kirby Wiske**

Ward: Thirsk

**7**

Committee date: 22 June 2017

Officer dealing: Mrs H Laws

Target date: 30 June 2017

**17/00624/FUL**

**Conversion of and extension to existing bungalow to form two dwellings; alterations and extensions to two semi-detached cottages; and removal of vehicle repair workshop**

**At: Seven Lodge, Post Office Lane, Kirby Wiske**

**For: Mr Jason Hurley**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies on the southern edge of Kirby Wiske and is accessed from Post Office Lane, which is an unadopted track leading from the main village street opposite the Church. The site covers an area of 0.125 hectares and is currently occupied by a semi-detached pair of vacant cottages, a detached bungalow and a workshop, last used for vehicle repairs.
- 1.2 One of the semi-detached cottages, Daffodil Cottage, fronts onto Post Office Lane with the other, Jasmine Cottage, positioned immediately to the rear. A pedestrian access lies to the side of the properties, adjacent to the boundary with the neighbouring dwelling at Churchstead House. The workshop lies to the rear of the cottages and the bungalow lies beyond, set back more than 30m from the site's frontage. The garden to the bungalow lies to the rear (south) and is bounded by a timber post and rail fence.
- 1.3 Vehicular access to the site lies in the north western corner of the plot, with an existing, overgrown, parking and turning area at the front of the bungalow and to the sides of the cottages and workshop.
- 1.4 It is proposed to remove the workshop; extend and alter the cottages, which are listed grade II; and extend the bungalow on the existing footprint to create two two-storey dwellings, each with four bedrooms.
- 1.5 Access would be retained as existing with a parking area provided for the four proposed residential units, providing eight parking spaces.
- 1.6 The existing bungalow is a brick property with a double pitched roof over a wide gable, with a low eaves height set immediately above the windows. A flat roofed conservatory lies on the rear elevation. It is proposed to remove the roof and build up the eaves height and create a gable across half of the north and south elevations with windows serving first floor accommodation. Where the eaves height remains relatively low, the first floor would be served by dormers and rooflights. The walls of the finished dwellings would be finished in painted rough cast render with brickwork detail to the eaves, heads and cills, timber sliding sash windows and a slate roof.
- 1.7 Garages and outbuildings would be removed from the rear (west) elevation of the cottages. A block of two garages is proposed to be positioned on part of this site. A two-storey extension is proposed for Daffodil Cottage on the footprint of part of the existing garages with a low level extension between the roofs to connect into the main section of the dwelling and link the property at first floor level. A single storey extension is proposed on the same (west) elevation of Jasmine Cottage.

- 1.8 The site lies partly within Flood Zones 2 and 3, the latter of which is the area of the highest flood risk.
- 1.9 Documents received with the application include the following:
- Design and Heritage Statement (including a summary statement of significance);
  - Structural Assessment of Daffodil Cottage and Jasmine Cottage;
  - Flood Risk Assessment and Surface Water Drainage Strategy;
  - Ecological Appraisal for Bats; and
  - Preliminary Assessment of Land Contamination form.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/79/086/0015 (79/0478/OUT) – Outline application for the construction of a dwelling and a storage building for use in connection with an existing specialised vehicle service and parts business; Granted 5 February 1980.
- 2.2 2/82/086/0015A (82/0625/FUL) – Details of the construction of a storage building in connection with an existing specialised vehicle service and parts business; Granted 9 November 1982.
- 2.3 2/82/086/0015B (82/0064/FUL) – Details of the construction of a detached bungalow with domestic garage; Granted 12 January 1993.

## **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 CP12 – Priorities for employment development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP17 – Retention of employment sites  
Development Policies DP28 - Conservation  
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 – Asks whether consideration has been given to the assessment of flood risk as Post Office Lane has flooding issues. The new development would also cause additional surface water into the main sewer plus additional sewage waste. The Parish Council is currently negotiating with Yorkshire Water and the Highway Authority to resolve issues of sewage in the village. States “A further issue would be contingencies during the construction work” but does not explain this.
- 4.2 Highway Authority - No objection subject to conditions.

- 4.3 Environment Agency – No objection provided that finished floor levels are no lower than those of the existing bungalow (200mm above the 1:1000 year level) and subject to a condition that there is no ground raising in Flood Zone 3, and all spoil and arisings are removed from the floodplain to ensure that the development does not displace flood flows onto others.
- 4.4 Ministry of Defence – No safeguarding objections.
- 4.5 HDC Drainage Engineer - Advises that flood risk can be managed adequately subject to incorporating flood resilience/resistance measures within the construction of Seven Lodge and an emergency flood plan detailing actions in the event of a flood, including evacuation and signing up to flood warning scheme with Environment Agency. Details of the operation, maintenance and management of the proposed soakaway solution for managing surface water, including proposed ownership arrangements will need to be provided.
- 4.6 Environmental Health Officer - No objection.
- 4.7 Public comments - two representations summarised as follows:
- The proposed development will have an adverse effect on the overall drainage and sewage of the village;
  - Kirby Wiske is prone to flooding and has various issues with sewage backup from the existing pumping station. In 2012 the flood water came up to the door of Daffodil Cottage; the cellar of Jasmine Cottage will have flooded. Drains overflow in Post Office Lane when the water table is high;
  - Post Office Lane is an unadopted road and it is a major concern that extra traffic entering and exiting the site will further erode the fabric of the lane;
  - The proposed development of both Daffodil and Jasmine Cottage will directly impact on Churchstead House, in so much as these properties are directly overlooked by this property;
  - The bathroom and bedroom of Churchstead House directly overlook both Jasmine and Daffodil Cottage which may be an issue to any prospective purchasers of these properties; and
  - Assurances from the developer that any noise disturbance, pest infestation, road erosion, wildlife conservation and utility disruption have been duly considered and acted upon are requested.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are (i) the principle of additional residential development in this location; (ii) the loss of a commercial use at the site; (iii) the effect of the alterations on the character and appearance of the site and surrounding rural landscape; (iv) the impact on residential amenity; (v) the design of the proposed development; (vi) the effect on the significance of the heritage assets; (vii) flood risk; (viii) ecology; and (ix) highway issues.

### Principle

- 5.2 The proposed development includes the creation of an additional dwelling. The three existing properties are all currently vacant, the cottages having been so for a considerable time. Kirby Wiske is a small village with no Development Limits and is defined in the Settlement Hierarchy as an Other Settlement. The only facility within the village is the church, which on its own is not sufficient to consider Kirby Wiske as a sustainable community.

- 5.3 The IPG allows for some development in Other Settlements by reference to the concept of Cluster Villages:
- "Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)".
- 5.4 The closest settlements are South Otterington and Sandhutton, both of which are a Secondary Village in the Settlement Hierarchy. These villages are realistically only accessible from Kirby Wiske by the unlit A167, which has no footway. Whilst these villages have services such as pubs, school, village hall, there are no cycle paths or footways linking Kirby Wiske with the two villages. Crucially, the distance between the proposed application site and the villages by road is more than 2.5km (3km to South Otterington and 2.9km to Sand Hutton), which exceeds the maximum separation of approximately 2km allowed for in the IPG. For this reason Kirby Wiske is not considered capable of forming a sustainable community within the meaning of the IPG and the proposal is not supported by it.
- 5.5 The alternative consideration in respect of the principle of an additional dwelling would be in respect of LDF Policy CP4. Policy CP4 of the Core Strategy sets out specific criteria for development in locations outside of Development Limits. Development is only supported when an exceptional case can be made for the proposals which relate to Policies CP1 and CP2. LDF Policy CP4, criterion ii addresses the issue of development outside of Development Limits if it "is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance".
- 5.6 Daffodil Cottage and Jasmine Cottage are grade II listed buildings and are therefore designated heritage assets and features of acknowledged importance. The applicant has set out justification for the proposed additional unit by way of a viability appraisal which is discussed in para 5.10 below. The applicant's submission also argues that the removal of the industrial building would benefit the setting of the listed buildings.
- 5.7 The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.8 The NPPF in paragraph 55 suggests isolated new homes in the countryside should be avoided but describes certain circumstances where it may be acceptable. These include:
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

- 5.9 In addition to the direct benefits to the heritage assets, the environmental improvements would include the following, which are discussed in more detail later in the report: the effect of the development on the appearance of the site; the impact on residential amenity as a result of the removal of the commercial building, which would also substantially benefit the setting of a listed building.
- 5.10 In order to justify the additional dwelling proposed, to facilitate the redevelopment of the existing listed buildings, the applicant has been asked to provide evidence to show the abnormal costs associated with the development in an attempt to justify the additional unit. Additional viability information has been submitted by the agent, which shows that the abnormal costs associated with the redevelopment of the site, including the demolition of the existing building and the costs of the refurbishment of the listed buildings has a significant impact on the viability of the site. Taking into account the existing use value of the site, the cost of the development and the abnormal costs involved, Officers are satisfied that the proposed redevelopment of the site with its incumbent benefits of the protection of the listed buildings, the significant improvement to the setting of the listed building and the removal of the existing un-neighbourly use, would not be viable if fewer than 4 units were provided (net increase by one unit).
- 5.11 It is considered that the benefits of bringing the listed buildings back into use and improving the appearance of the site and the setting of the listed building, without needing to construct a separate new building to create the additional dwelling unit, outweigh the unsustainable location of the site for the creation of one additional dwelling.
- 5.12 On balance it is considered that the social and environmental benefits identified in line with national and local policy justify the creation of an additional residential unit outside the Development Limits and the principle of the development is therefore acceptable.

#### The loss of the commercial use

- 5.13 The existing workshop building has not been used recently but was operated as a vehicle repair garage for classic vehicles by the previous occupier of the bungalow. This was a commercial enterprise which the applicant has confirmed ended approximately two years ago. It is considered that whilst the building is not currently used at present, it could be brought back into commercial use. The aim of LDF Policy DP17 is to encourage the retention of employment sites and uses for the economic wellbeing of rural communities such as Kirby Wiske. There are exceptions however, one of which is where the removal of a use would result in a substantial benefit.
- 5.14 In this instance it is considered that the continued use of the building for commercial purposes in such close proximity to three existing dwellings and other neighbouring properties in a predominantly residential village, could give rise to adverse impacts resulting from noise, odour and vehicle movements.
- 5.15 In addition, the position of the existing building in such close proximity to Daffodil Cottage and Jasmine Cottage, causes harm to the setting of these listed buildings and the removal of the building and its use would significantly benefit their relationship with the streetscene and surrounding village.
- 5.16 It is not considered that the proposed removal would conflict with Policy DP17.

#### Character and appearance and the rural landscape

- 5.17 The existing buildings are in a poor state of repair and have a generally run down appearance. Much of the site is dominated by an inappropriate commercial building, set within close proximity of the listed buildings. The removal of unsightly additions to the listed buildings would improve their appearance; the replacement with relatively small scale and well-designed extensions would allow them to return to effective use without harm to their overall character and appearance.
- 5.18 The bungalow is not of a high standard of design and is of no visual merit within the village. There would be no objections to its removal. Instead however, the development proposes an extension to create first floor accommodation on the same footprint. The resultant structure would be more in keeping with the traditional cottage style of development adjacent to the site and within the wider village.
- 5.19 The proposed development would not encroach any further into the adjoining rural landscape than the existing buildings and would have no greater visual impact than the existing development; indeed the removal of the commercial building would improve the site's appearance. The proposal is therefore in accordance with LDF Policies CP16 and DP30.

#### Residential Amenity

- 5.20 The site lies close to existing residential properties, which lie to both sides and opposite, all fronting onto Post Office Lane. 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).
- 5.21 The semi-detached dwellings of Daffodil and Jasmine Cottages are already in existence although have not been occupied by many years. The cottages were built well before the dwelling at Churchstead House to the east, which was built more than 30 years ago, and many other properties within the village.
- 5.22 The side elevation of Daffodil Cottage and front elevation of Jasmine Cottage face eastwards and lie close to the boundary, giving the opportunity for overlooking towards the side elevation of Churchstead House. The main part of the two storey dwelling at Churchstead House, is separated from the shared boundary with the cottages by the flat roofed garage of that property, providing some distance to reduce the impact. No new window or door openings are proposed and therefore there is currently an opportunity for overlooking and there would be no intensification of use as a result of the development. The difference is that these dwellings have been unoccupied for many years and clearly returning them to a residential use will have an impact on the residents as they have had no neighbours for such a long time.
- 5.23 There are no additional extensions on this elevation that would have an overbearing impact on the amenity of the residents of adjacent properties.
- 5.24 No additional windows are proposed in the extension to the existing bungalow that would result in overlooking and there would be no overbearing impact as a result of the increased height.
- 5.25 The removal of the existing commercial building would benefit residential amenity in the locality as discussed within paragraph 5.14 above.
- 5.26 The proposed development would be in accordance with LDF Policy DP1.

#### Design



- 5.27 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."
- 5.28 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.
- 5.29 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.
- 5.30 The Design and Access Statement accurately describes the character of the surrounding area as being predominantly in residential use with low-lying and gently undulating landscape beyond. The design philosophy underpinning the scheme is to restore the significance of the Listed Buildings and return them to a sustainable use, whilst retaining as much of the historic fabric as possible. In addition it is hoped to 'remodel' the bungalow so that the resultant building better reflects the character and appearance of the area and reduces the harmful impact on the heritage assets.
- 5.31 The other development options considered were the conversion of the bungalow into a single dwelling but, as discussed in paragraph 5.10 above, this has proved not to be a viable option.
- 5.32 The proposed alterations and extension to the bungalow completely alter the appearance of the dwelling, but this would not be unacceptable given that it is considered to be of poor design and out of context with its surroundings. The proposed building increases the bulk and massing of the structure and the maximum height is increased by approximately 1200mm, but the resultant cottage style is more in keeping with the traditional character of Kirby Wiske and reflects the local context as required by Policy CP17.
- 5.33 The proposed extensions to the listed cottages are relatively small in scale, reflect the existing character and appearance of the dwellings and would be finished in sympathetic materials in accordance with LDF Policies CP17 and DP32.

#### Heritage assets

- 5.34 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.35 On assessment of the application it is considered that it would lead to less than substantial to heritage assets. That harm would be the addition of several extensions to ensure the space within the dwellings is upgraded and useable. This is discussed in more detail within the listed building application report, which is the following item on this agenda.
- 5.36 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.37 The removal of inappropriate extensions and the return of the cottages to their original use would be in accordance with NPPF paragraph 134. The removal of the adjacent commercial building would also significantly improve the setting of the listed buildings and the proposed works are considered to be in accordance with LDF Policies CP16 and DP28.

#### Flood Risk

- 5.38 The site lies within flood zones 2 and 3; the bungalow is located within flood zone 2 although the existing floor level is above the estimated flood zone 2 level. As the proposal includes an additional dwelling it is important for the Local Planning Authority to undertake the sequential test, which is to steer new development to areas with the lowest probability of flood risk.
- 5.39 In this case, the proposed development has some unique characteristics and proposes: to bring two listed buildings back into use; to remove a commercial building, which harms their setting; and to improve the appearance of an existing poorly designed bungalow; all of which must be balanced against the risk of flooding.
- 5.40 There is local concern about the potential for flooding in the vicinity of the site. A flood risk assessment has been received, which concludes that surface water drainage management will reduce the risk of flooding in the vicinity. The scheme proposes to install underground attenuation beneath the parking area that would achieve a higher standard of surface water drainage than currently exists and reduce the risk of flooding by aiming to achieve greenfield levels of surface water run-off.
- 5.41 Bearing in mind the viability of the site's redevelopment as stated above in paragraph 5.10; the development not increasing the footprint of development (in fact, removing the commercial building); and due to the improved surface water drainage it is not anticipated that the proposed development would increase flood risk or endanger the residents to any greater extent than already exists. A condition is recommended requiring the submission of a flood plan relating to warning and evacuation in the event of flooding in order to protect the proposed residents of the new dwellings. The Environment Agency and Council's Drainage Engineer are satisfied with this approach in this case.

#### Ecology

- 5.42 A bat and barn owl survey confirms there are no potential habitats within the building.

#### Highway Issues

- 5.43 The Highway Authority has no objections to the proposed use of the existing access.

### **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. 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.

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. 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 shall be carried out to the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment received by Hambleton District Council on 9 May 2017.
6. There must be no ground raising in the area defined within Flood Zone 3, and all spoil/arising from the application site are to be removed from the floodplain.
7. The dwellings hereby approved shall not be occupied until warning and evacuation procedures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved procedures shall be implemented and retained.
8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference EVO 515/01. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered EVO 515/01; 05; 06; 07; 08; and 09 received by Hambleton District Council on 14 March 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP17, DP1 and DP32.
5. To prevent flooding and to reduce the impact of flooding on the proposed development and future occupants in accordance with LDF Policies CP21 and DP43.
6. To ensure that flood flows are not displaced onto others as a result of the proposed development in accordance with LDF Policies CP21 and DP43.
7. To ensure the safety of the occupants in the event of flooding in accordance with LDF Policies CP21 and DP43.
8. 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 in accordance with LDF Policies CP2 and DP4.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
10. 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.

#### 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:

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

**Parish: Kirby Wiske**

Ward: Thirsk

**8**

Committee date: 22 June 2017

Officer dealing: Mr H Laws

Target date: 30 June 2017

**17/00625/LBC**

### **Listed building consent for alterations and extensions to cottages**

**At: Seven Lodge, Post Office Lane, Kirby Wiske**

**For: Mr Jason Hurley**

#### **1.0 SITE, CONTEXT AND PROPOSAL**

1.1 The application for listed building consent relates to the alterations and extensions that are proposed to be undertaken to the grade II listed cottages known as Daffodil Cottage and Jasmine Cottage, as discussed within the previous item on this agenda.

1.2 The site lies on the southern edge of Kirby Wiske and is accessed from Post Office Lane, which is an unadopted track leading from the main village street opposite the Church.

1.3 The dwellings, which are semi-detached lie one behind the other, with Daffodil Cottage providing the frontage to Post Office Lane. Pedestrian access to Jasmine Cottage lies at the eastern side of Daffodil Cottage, whilst the vehicular access serving both dwellings and the other buildings to the rear, lies at the western side.

1.4 The dwellings date from the late 18<sup>th</sup> or early 19<sup>th</sup> centuries; are brick buildings with a pantiled roof. The windows are Yorkshire sliding sash windows with flat brick arches although there are examples of unsympathetic replacements. The listing description describes the cottages as being a rare example of a once common building type.

1.5 The dwellings have been unoccupied by many years and it is proposed to undertake internal and external alterations to return them to a habitable state.

1.6 Details of the proposed alterations include:

- The removal of the existing lean to structures on the east elevation;
- Replacement of windows that cannot be retained with single glazed replicas;
- Restoration of existing fireplaces and cooking ranges; and
- Removal and replacement of staircases.

1.7 Following the removal of the existing lean to sections, an extension is proposed on the same footprint, at both two storey (gabled offshoot) and single storey height to provide additional accommodation for both properties. In addition the eaves of a low level section of Jasmine Cottage would be raised to provide more head-height within the internal space, which would require an alteration to the existing sloping roof pitch.

1.8 The works also include the retention and repair of the existing roofs.

#### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 None.

#### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP28 - Conservation  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – No comments have been received specifically relating to the listed building application.
- 4.2 Historic England - The proposed repair and reoccupation of the Grade II listed Daffodil Cottage is welcome as it appears from the application that the building has not been invested in for some time. Both Daffodil (front range) and Jasmine Cottage (rear range) are important examples of a characterful, vernacular building type and together are an increasingly rare example of simple domestic buildings. Conversely, the previous uses and lack of investment have retained many historic features such as Yorkshire sliding sash windows, fireplaces and a cellular layout internally.

The application proposes alterations to the internal plan-form and the removal of a staircase within Daffodil Cottage. Removal of historic staircases and internal walls should be exceptional and requires very clear justification. In the case of Daffodil Cottage, the simple two-room layout is characteristic of its modest eighteenth-century origins.

Historic England has concerns regarding the applications on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 128, 132 AND 134 of the NPPF.

- 4.3 Public comments – No comments have been received specifically in respect of the listed building application.

#### **5.1 OBSERVATIONS**

- 5.1 The main issue to consider is the effect of the alterations and extensions on the character and appearance of the grade II listed buildings.
- 5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.3 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 5.4 The dwellings have been unoccupied by many years but are still clearly capable of being repaired and returned to habitable use. A structural assessment has been received, which confirms that the condition of the walls and roof is generally good and only localised repairs are necessary.

- 5.5 The proposed development proposes to retain all features that are not beyond repair such as the roof, the fireplaces and the windows. It is likely that many of the windows will be beyond repair and therefore there would be no objection to the provision of replacement windows, identical in all respects including single glazing, as proposed.
- 5.6 The scheme also proposes to remove the existing staircases in both cottages and install new staircases in different positions within both of the cottages. Historic England has expressed some concern at the loss of these features. Due to the age and lack of occupation there is much of the internal arrangement still apparent, including the staircases. These features therefore form part of the significance of the listed buildings, as identified by the Heritage Statement accompanying the application. It is important therefore to ensure that special regard is had to the desirability of preserving these features as required by Section 66 of the Act.
- 5.7 The staircase of Jasmine Cottage is unlikely to be original as it lies within part of the lean to additions and its loss would therefore cause less than substantial harm. The staircase of Daffodil Cottage however is likely to be original and its removal therefore would cause substantial harm.
- 5.8 Paragraph 133 of the NPPF states that where substantial harm would be caused to a heritage asset (such as in this case the removal of the staircase) or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if all of the following apply:
- The nature of the heritage asset prevents all reasonable uses of the site; and
  - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
  - The harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.9 The supporting information provided with the application contends that the staircases are in poor condition and require replacement. It is stated that the staircases would not meet modern standards due to their narrow width, tight bends and narrow tread. One of the concerns of Historic England is that the simple two-room layout, characteristic of the modest eighteenth century origins of the cottages would be lost. The proposed layout does retain this feature although creates a break in the wall to access the room to the rear and provides an additional room to the side to form a utility room. The doors and windows remain in their original position and the original layout remains dominant and easily recognisable.
- 5.10 It is considered that the general approach to the alterations is positive, despite the loss of the staircases. The link at first floor level between the frontage building and that to the rear would not be highly visible from ground level and can therefore be achieved discretely. It would allow for better use of the space to provide a suitably sized home. The two storey gabled extension to the rear would follow the existing footprint. Whilst there is an alteration to the roof, the frontage building is considered to be the more significant of the group.
- 5.11 It is considered that, bearing in mind the length of time the cottages have been vacant, the proposed scheme is extremely sympathetic to their original character and appearance and would bring the properties back into use without the loss of features unless they are in such poor condition that they can no longer be retained and the Local Planning Authority is satisfied this is the case. The proposed development satisfies the requirements of LDF Policies and the advice within the NPPF.

## 6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations consent 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. 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.
3. Prior to the development commencing, details of the cross section of the window frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.
4. Prior to their removal, written and photographic records shall be made and submitted to the Local Planning Authority of the existing staircases at Daffodil Cottage and Jasmine Cottage.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered EVO 515/01; 05; and 09 received by Hambleton District Council on 14 March 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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 ensure that the appearance of the windows are appropriate to the character and appearance of the Listed Building in accordance with LDF Policies CP16 and DP28.
4. The staircases are considered to be of historic significance and, as such, records should be retained in accordance with paragraph 141 of the National Planning Policy Framework.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.



**Parish: Northallerton**  
Ward: Northallerton North and Brompton  
**9**

Committee Date: 22 June 2017  
Officer dealing: Mr Peter Jones  
Target Date: 13 July 2017

**17/01189/DPA**

**Demolition of portal clad, steel framed building  
at Unit 7, County Business Park, Darlington Road, Northallerton  
for Hambleton District Council**

**This application is referred to Planning Committee for decision because the Council is the applicant**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application is a notification for prior approval under Part 11, Class B of the General Permitted Development Order for the demolition of a steel portal framed building which currently houses Green Farm Supplies.
- 1.2 The site is located within the County Business Park, accessed off Darlington Road.
- 1.3 Full planning permission is not required in these circumstances as the works are considered to be Permitted Development. However, the notification allows the Local Planning Authority to consider whether the method of demolition and any proposed restoration of the site require detailed control.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
National Planning Policy Framework

## **4.0 REPRESENTATIONS AND CONSULTATIONS**

- 4.1 Northallerton Town Council –
- 4.2 Highway Authority –
- 4.3 Environmental Health Officer – No objections.
- 4.4 Public comments - The application was advertised by site notice on the 16 May 2017 and expired on the 06 June.

## **5.0 OBSERVATIONS**

- 5.1 The notification procedure gives powers to the Local Planning Authority for the prior approval of works and programmes for demolition works and those powers refer to the method of demolition and any proposed restoration of the site.

- 5.2 In view of this narrow legislative scope, in this case the main issues are considered to be the potential impact on amenity in terms of dust, noise and ground borne vibration
- 5.3 A planning application for the demolition of buildings in employment use without replacement would give rise to questions concerning policies intended to safeguard employment land and uses. Such considerations are beyond the scope of controls in this instance, which are limited to the method of demolition and any proposed restoration of the site. However, the demolition is intended to make way for additional parking for the Evolution Business Centre and therefore supports employment.

#### Amenity

- 5.4 The site is located close to a number of workplaces which could be noise sensitive. However, it would be unreasonable to seek to prevent demolition on account of the noise it might cause; if there is potential for significant noise it might warrant the imposition of appropriate planning conditions. Furthermore, the site is within an industrial estate, where there are a number of relatively noisy uses. The scale and form of building to be demolished is not such that the demolition operations are likely to lead to a loss of amenity to the occupiers of any neighbouring property.
- 5.5 The demolition has the potential to create dust which could detrimentally impact on the amenity of nearby occupiers. However, the demolition contractor can be required to provide a mitigation plan to ensure that dust levels are kept within a tolerable level prior to commencement of works.
- 5.6 Dust, Noise and Vibration controls can be presented in the demolition contractor's method statement and included in their Environmental Management Plan, which would form part of the demolition contract.

### **6.0 RECOMMENDATION**

- 6.1 That subject to the receipt of any outstanding consultations Prior Approval is **GRANTED** for the demolition of the building, subject to the following conditions:
1. The works proposed within the Notification shall be carried out within a period of five years from the date of this decision.
  2. No demolition shall take place until a Demolition Method Statement has been submitted to, and approved in writing by, the Local Planning. The approved statement shall be adhered to throughout the demolition. The statement shall provide for the following: (a) access to the site for HGVs and plant and materials; (b) the parking of vehicles of site operatives and visitors; (c) loading and unloading of plant, materials and debris; (d) storage of plant, materials and debris arising from the demolition the development; (e) erection and maintenance of security hoarding where appropriate; (f) wheel washing facilities; (g) measures to control the emission of dust and dirt during demolition; and (h) HGV timing/routing to avoid sensitive areas.

#### Reasons:

1. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. To protect the amenity of the locality especially for people living and/or working nearby, in accordance with Local Planning Policy.

#### Informatives:

1. In order to comply with the above condition, the Demolition Method Statement should comply with guidance found in BS5228 Noise Vibration and Control on Construction and Open Sites.
2. To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities.

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**Parish: Pickhill with Roxby**

Ward: Tanfield

**10**

Committee date: 22 June 2017

Officer dealing: Mrs H Laws

Target date: 27 June 2017

**17/00962/MRC**

**Removal of condition 9 (requirement for affordable housing provision) attached to 15/00905/OUT (Outline Planning Permission for the construction of 8 dwellings)**

**At: Chapel Farm, Pickhill**

**For: Mr Barningham**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 Outline planning permission was granted in December 2015 for the construction of eight dwellings on this site including (as required by LDF Policy CP9) the provision of affordable housing. The current application requests the removal of condition 9 of the outline permission, which secured that provision.
- 1.2 The application seeks to remove the requirement to include affordable housing within the development in line with the November 2014 Ministerial Written Statement "Small-scale developers". When permission was granted in December 2015, the Ministerial Statement had been ruled unlawful by the High Court and it was therefore not taken into consideration in the Council's decision. However, the Court of Appeal has since reversed that ruling and the Ministerial Statement is therefore a material planning consideration.
- 1.3 The site lies within the village of Pickhill to the rear (west) of the terrace of dwellings at Hillcrest covering an area of 0.5 hectares. To the north, the site abuts dwellings that front onto the main village street and also three of the dwellings on Melltown's Green; to the south the application site abuts the dwelling at Honley House; to the west lies agricultural land. A mature belt of trees lies outside but along the western and southern boundaries of the site.
- 1.4 The site is L-shaped with a small width of frontage onto the main village street. The existing vacant Methodist Chapel, which fronts onto the street, is included within the application site. The application includes detailed proposals for this building including a proposed change of use to a two-storey, four-bedroom dwelling with a rear extension. A separate planning application for this specific scheme has been submitted and granted permission last year.
- 1.5 The application site to the rear of the Chapel is currently occupied by poultry sheds, which are now vacant and falling into disrepair. It is proposed to remove all of the poultry sheds, create an access road from the village street, adjacent to the Chapel and construct nine dwellings. The application is for outline permission with all matters reserved except for the proposed access. An illustrative layout has been submitted proposing a cul de sac form of development of detached and semi-detached dwellings that would generally lie parallel to Hillcrest.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/01028/FUL - Conversion and extension of former chapel to a dwellinghouse; Granted 13 August 2015.
- 2.2 15/00905/OUT - Outline planning permission for the construction of eight dwellings (including access): Granted 18 December 2016.

### **3.0 RELEVANT PLANNING POLICIES**

#### 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP9 - Affordable Housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012  
Affordable Housing Supplementary Planning Document  
Ministerial Written Statement "Small-scale developers"

### **4.0 CONSULTATIONS**

4.1 Parish Council – No comments received.

4.2 North Yorkshire Police Architectural Liaison Officer – No comments.

4.3 Public comments - None received.

### **5.0 OBSERVATIONS**

5.1 Matters pertaining to the principle of development and impacts on the character and form of the village, neighbour amenity, trees and highway safety were dealt with in the earlier approval (15/00905/OUT). There are no proposed changes to the content of the application in respect of those issues and it is considered that there are no significant changes to the policy position relating to them, assessed in the attached extract from the previous report at Appendix 1. The main issue to consider now is affordable housing provision.

#### Affordable housing

5.2 The application is for the removal of condition 9 so that the development would no longer include the provision of affordable housing. LDF Policy CP9 requires development in locations such as this, of two or more dwellings to provide a 40% proportion of affordable homes. The November 2014 Ministerial Statement removed this requirement by seeking to exclude developments of ten or fewer dwellings from the requirement to include any affordable housing but allows Councils to adjust the threshold in designated rural areas to seek cash contributions towards affordable housing for sites of 6 to 10 dwellings. This Council has adopted the lower threshold in designated rural areas, which includes the parish of Pickhill with Roxby, and it therefore would apply in this case. A financial contribution equating to 40% on-site provision would be required for the dwellings over the threshold of five (requiring a contribution equivalent to 1.2 affordable dwellings). This provision is offset by applying the vacant buildings credit introduced by the Ministerial Statement to any floor space converted or demolished to make way for development. The buildings are not currently in use and therefore the credit can be applied.

5.3 The development plan remains the starting point for considering this matter and a 40% affordable housing contribution through direct provision on the site is usually required by LDF Policy CP9 for developments of two or more dwellings outside Service Centres. However, the Ministerial Statement is a significant, and more recent, material consideration and the Council has consistently applied its provisions since the Court of Appeal ruling.

5.4 The vacant buildings amount to 1,393 sqm of floor space; the proposed floor space to be created would be in the region of 1,130 sqm (layout and scale are not matters included at this stage but an illustrative layout has been provided). The total floor

space of the new buildings would be smaller than the floor space of the existing buildings to be replaced and therefore the provisions of the vacant buildings credit override the requirement for an affordable housing contribution in this case. However, in order to ensure this, a condition imposing an upper floor limit of 1,393 sqm is recommended.

- 5.5 The removal of affordable housing from the scheme is regrettable but fully in line with national policy and therefore is accepted.
- 5.6 The recommendation set out below effectively copies over the original conditions of the approval, omitting the condition relating to affordable housing and adding one setting an upper floor limit to match the floor space to which the vacant buildings credit applies.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from 15 December 2015 (before 15 December 2018) and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from 15 December 2015 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed buildings and spaces including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
  3. 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.
  4. 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.
  5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  6. 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.

7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. 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.
8. No development shall take place until a tree report has been submitted to the Local Planning Authority to assess the impact of the proposed development on the trees that lie along the western and southern boundaries of the application site. Thereafter any recommended works, approved by the Local Planning Authority, shall be undertaken in accordance with the approved details.
9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
11. 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.
12. 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: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (d) The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6 var.; (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; (f) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and (i) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 22 metres measured along both channel lines of the major road Hill Crest from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. 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 buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) tactile paving; (b) vehicular, cycle, and pedestrian accesses; (c) vehicular and cycle parking;



- (d) vehicular turning arrangements; (e) manoeuvring arrangements; and (f) loading and unloading arrangements.
15. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  16. 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 in writing to their withdrawal.
  17. 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.
  18. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
  19. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan GA/00 received by Hambleton District Council on 28 April 2015 unless otherwise approved in writing by the Local Planning Authority.
  20. The total residential floor space hereby permitted shall not exceed 1,393 sqm.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 commences.
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. 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.

5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. The trees are of some local amenity value and worthy of protection in the context of new development in accordance with LDF Policies CP16 and DP30.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
11. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
12. 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.
13. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
14. 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.
15. In accordance with Policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
16. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
17. 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.
18. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
19. 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.
20. A residential floor space in excess of the vacant buildings credit applicable to the development would generate a need for an affordable housing contribution in line with Development Plan policies.

### 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:

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

## APPENDIX 1

Section of Planning Committee Report for Application Reference: **15/00905/OUT**

### 5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwellings on the character and appearance of the village, the provision of affordable housing, the impact on neighbour amenity, the impact on trees, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted outside of 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). 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 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 is intended to bridge 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.
- 5.5 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.

- 5.6 In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "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. The site lies within the centre of Pickhill, which has facilities including a school, church and pub. Criterion 1 would be satisfied.
- 5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant LDF Policies. The proposal for a total of 8 new dwellings is larger than the normal maximum of 5 dwellings noted within the IPG. The guide goes on to state that "each development must be considered on its own merits taking into account the scale and unique character and appearance of the settlement" and therefore allows for larger developments if they reflect the existing built form and character of the village.
- 5.8 Pickhill is traditionally characterised by linear development; the development of the large cul de sac of Melltown Green is not in the traditional character of the village and not the type of development envisaged by the IPG, which aims for more organic and incremental growth.
- 5.9 The proposed layout shows a cul de sac development of 8 dwellings, both detached and semi-detached, positioned along one side of the proposed street that extends beyond the Chapel. This would be a less traditional form of development for the village of Pickhill and would not be an example of 'organic growth'. However, the illustrative layout is not for approval and alternatives may be possible such as a development that would reflect the current agricultural use of the site (for example a converted farmstead in appearance) rather than a suburban style of development. It is therefore considered that the proposed number of dwellings could be achieved in a different form, although this could entail smaller dwellings.
- 5.10 Supporting information submitted with the application considers that to artificially limit the number of dwellings on the site would adversely impact on existing services within the village including the school and the pub. Whilst it is accepted that a larger development would provide greater support for local services, the same support could be provided by a number of smaller developments and therefore the argument should not advance the case for an inappropriate scale or form of development.
- 5.11 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on the site of the disused poultry farm, which is falling into disrepair and is unsightly. Albeit an agricultural use, the site has more in common with the village than with the rural landscape beyond. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.12 As such, and noting that the proposed number of dwellings could be achieved in a number of ways, it is considered that the development proposed, and the limited loss of openness, can be designed at the reserved matters stage to appropriately respect

the general built form of the village. There is no identified harmful impact to the built or historic environment.

- 5.13 The site is still partly in use as a poultry farm and several of the comments received by local residents is in respect of the noise and smells resulting from the operation. The buildings are in close proximity (approximately 20m) of the neighbouring dwellings, and although there are no current complaints with the Council's Environmental Health section, there have been in the past. The use is felt to be inappropriate adjacent to a residential area.
- 5.14 LDF Policy CP9 requires development in locations such as this of 2 or more houses to provide a 40% proportion of affordable homes. The applicant has agreed to this requirement and an appropriate condition is recommended.
- 5.15 The indicative layout illustrates a single access road through the site with dwellings to one side, forming an L-shape. There would be adequate distance between the existing and proposed dwellings for there to be no loss of amenity as a result of overlooking or overshadowing, so although the layout is indicative and would not be formally approved, it suggests that a layout to protect residential amenity could be achieved.
- 5.16 A mature belt of trees lies along two sides of the application site. The indicative scheme shows that there is adequate space within the site for development to take place beyond the canopy. It is recommended that a condition be imposed requiring the submission of a tree survey with the reserved matters submission to ensure there would be no adverse impact on the health and stability of the trees.
- 5.17 The access is the only matter for consideration at this stage. The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.
- 5.18 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015. The sum payable can only be calculated at the reserved matters stage, when the floor space of each dwelling is known.
- 5.19 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of layout, scale, design and materials will have no adverse impact on landscape character, residential amenity and highway safety.

**Parish: Sandhutton**

Ward: Thirsk

**11**

Committee date: 22 June 2017

Officer dealing: Caroline Strudwick

Target date: 27 June 2017

**17/00794/FUL**

**Construction of one detached dwellinghouse**

**At The Paddock, Sandhutton**

**For Mr and Mrs Kane**

**This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The 2,325sqm triangular shaped application site is to the south of the property known as The Paddocks. The site is on the western site of the A167, at the south end of the village, outside the Sandhutton Conservation Area.
- 1.2 Opposite the site is the Three Tuns Garage, and to the south of this is the access to the Sandhutton Herb Growers site. The site has a mature hedge to the south east and south west boundary. The village lies to the north and east of the site, to the west is level agricultural land and a pig fattening unit.
- 1.3 This application seeks permission for the construction of a three-bedroom bungalow with the creation of a new access towards the southern corner of the site off the A167. The original scheme proposed a brick detached garage in the north eastern corner of the site. There were concerns regarding the prominent position of this on the frontage, this element of the scheme has now been removed.
- 1.4 The shape of the dwelling is an "H", with the bedrooms and bathrooms in the southern leg and the kitchen and family room in the northern leg. The middle section would accommodate the entrance, a study and a living room. Through discussions with the agent the middle section has been dropped from the original ridge height to below the ridge heights of the two legs of the H. These break up the ridge line of the development, and introduce some subservience and variety.
- 1.5 Improvements have been secured as follows: the ridge height of the middle section has been dropped and the garage has been removed in its entirety from the scheme.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP2 – Access  
Development Policies DP10 - Form and character of settlements

Development Policies DP28 - Conservation  
Development Policies DP3 - Site accessibility  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP9 - Development outside Development Limits  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – A series of questions were submitted and have been answered by officers. The Parish Council's views on the application are awaited.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Public comments – One objection has been received, stating that the access will encroach on the entrances to the businesses opposite; and that the development of this site would set a precedent for further development beyond Development Limits.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of allowing the dwelling proposed in this location; (ii) the impact upon the character and appearance of the area; (iii) highway safety; and (iv) neighbour amenity.

##### Principle

- 5.2 The village of Sandhutton does not have any Development Limits as defined within policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for sites 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) 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".

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

- 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 is intended to bridge 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 2014. Within this updated hierarchy Sandhutton has been designated as a Secondary Village.

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 As Sandhutton has been designated a Secondary Village in the Settlement Hierarchy 2014 it is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". It is noted that development of the site would extend the built form of the village in line with development on the east side of the A167, rather than extending it out in isolation.

5.6 It is important to consider the likely impact of the proposed development with particular reference to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be within a paddock which contributes to the rural character and setting of the village. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

#### Character, appearance and built form

5.7 It is considered that the construction of a dwelling opposite a vehicle repair garage and adjacent to an existing dwelling would have minimal visual impact upon the rural character of the area. The design achieves a progression of height and with the dropped ridge height in the centre of the building adds interest and a break in the otherwise uniform roofline. This appropriately creates a transition from open countryside to the built form of the village. The development would form a logical end (or beginning) to the village as the built form would mirror the position of the vehicle repair garage to the east.

5.8 As such it is considered that the development proposed would appropriately respect the general built form of the village. It is also considered that the development is

capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.

- 5.9 The general design and materials are considered appropriate to this site and the extensive landscape screening the boundaries would help to integrate the new development within the area. The existing boundary planting is to be retained and a landscape condition recommended to ensure satisfactory planting and boundary treatment to the south east and south west boundaries.

#### Highway safety

- 5.10 The applicants have held extensive discussions with officers of the Highway Authority and advise that the position of the access has been selected entirely on the Authority's advice. It is considered that, subject to conditions recommended by the Highway Authority, that the access is appropriate.

#### Neighbour amenity

- 5.11 Due to the siting of the proposed dwelling and the level of landscape screening to the boundaries it is considered that the proposal would not have any significant harmful impact upon the amenities of the neighbours through overlooking or loss of privacy.

### **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 2017:01/06 Rev C, 01/07 Rev C, 01/02 Rev C & 01/01 Rev D received by Hambleton District Council on 01 June & 7th April 2017 unless otherwise approved in writing by the Local Planning Authority.
3. 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 has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirement: The crossing of the highway footway shall be constructed in accordance with the approved drawing reference 2017:01/06 Rev.C and Standard Detail number DC/E9A. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 2017:01/06 Rev. C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. 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. 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

6. 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.
7. 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 without express permission on an application made under Part III of the Town and Country Planning Act 1990.
8. No part of the existing boundary hedge along the south western and south eastern boundaries of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.8m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP16, DP28, CP17 and DP32.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
8. 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.

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:

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

**16/02364/REM**

**Reserved matters application for six dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to outline planning permission 15/00408/OUT for residential development At land north of The Paddocks, Main Street, Sessay For Daniel Gath Homes**

**1.0 SITE CONTEXT AND PROPOSAL**

- 1.1 The site lies towards the northern end of the village of Sessay. The land is currently fallow following the grant of outline planning consent and being placed on the market for residential development. The land was last used for agricultural purposes as part of a large field that extends to the north and east of the application site, the land has been used for arable production and over-wintering sheep on a fodder crop. To the south there are modern detached two storey dwellings, to the west of the site there are a mix of single and two storey dwellings of various ages. A mature agricultural hedge stands on the roadside boundary of the site.
- 1.2 The proposal seeks approval for a scheme with a single point of access from the village street to create a private drive to the 6 dwellings. The field hedge is to be retained but reduced in height to 1m to provide visibility and 1.5m elsewhere as required by condition 4 of the outline permission and with a few metres of removal to widen the point of access from the village street. Timber fencing is proposed to the boundaries of the site and between the properties.
- 1.3 The scheme proposes:

<b>Plot number</b>	<b>Bedrooms</b>	<b>Garage</b>
1	3	Single attached
2	3	Single attached
3	2	None
4	2	None
5	3 + first floor study	Single integral
6	3 + first floor study	Single integral

- 1.4 The scheme has been amended during the application to remove a detached double garage from the site frontage. Additional details have been provided of sewage, surface water, land drainage and overland flood flow management. A new drain to intercept water from the field to the east has been installed, the details show the drain connects with an existing system that terminates with an outfall to Old Beck about 0.9km to the north.
- 1.5 The site is outside Development Limits and beyond the area identified as a candidate conservation area.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00408/OUT - Outline planning permission was granted for residential development on 22 June 2015 as the scheme fell within the scope of the Interim Policy Guidance for the provision of development in villages.

- 2.2 The conditions required the range of matters of design, layout, drainage, highways, boundary treatments and construction site management.

### **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 CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Sessay Parish Council – Objects. The response itemised 11 matters of concern. Three relate to matters of drainage, others relating to provision of a footway, hedging, provision of street trees, detailing of chimneys, fenestration, detailing of the garage doors, natural clay tiles, re-siting of the detached garage at plot 6.
- 4.2 Highway Authority – No objection; requires details of the specification of the access as required by condition 9 of the outline approval. Other requirements of the highways conditions are met in the submission.
- 4.3 Yorkshire Water – Objects as the details show a surface water drain discharging to a manhole that is not on the public sewer record. Additional detail relating to the drain and its discharge point is required. Also note a public water main crosses the site but a stand-off distance is observed in this case.
- (Additional details have been received directing surface water via a drain to Old Beck rather than the sewer in the village street. An updated comment from Yorkshire Water is awaited.)
- 4.4 Ministry of Defence Safeguarding – No objection.
- 4.5 Environmental Health Officer – No objection. No significant impact on the local amenity is anticipated. Notes that further testing of soils to be used in gardens is required.
- 4.6 Drainage Engineer – No objection. The information in respect of surface water, provides for management of the surface water from the new development,

information on the future maintenance of the on and off-site systems and measures in place to manage surface water overland flows.

4.7 Public comments – Correspondence has been received from six neighbours raising the following concerns:

- The surcharging of sewers during heavy rainfall and the increased loading that would be caused by the new dwellings requires additional infrastructure;
- The capacity of the attenuation system is inadequate;
- The height of the water table is a factor leading to flooding; and
- The position of a detached garage at Plot 6 is unacceptable.

## 5.0 OBSERVATIONS

5.1 The principle of residential development on this site was established when the outline planning permission was granted. The current proposal provides details required to meet the conditions of that outline planning permission.

5.2 The issues to be considered relate to those matters that were reserved for later approval, these are set out in condition 2 of the outline permission namely: (i) the siting, finished floor level, design and external appearance of each building, including a schedule of external materials to be used; and (ii) the landscaping of the site. In view of the comments received, it is also wise to review the matter of flood risk.

### Siting, design and external appearance

5.3 No limitation of the number of dwellings that may be constructed was specified in the decision and no requirement was made for the provision of affordable housing. It is noted that the outline scheme illustrated five dwellings to be constructed. The details provide for six units of a mix of sizes as noted above.

5.4 The siting of the dwellings forms a row that continues the form of the village street, the dwellings are positioned sufficiently far back from the street to enable the provision of a private drive and retain the boundary hedge which is a significant feature of the site and the residential development to the south. The layout is consistent with the details presented in supporting documents at the outline stage and is considered appropriate to the form of the village.

5.5 The siting of a detached double garage has been deleted from the scheme, this responds to concerns raised both by neighbours and officers as it did not respect the character of developments close to the street in this part of the village.

5.6 The finished floor levels of dwellings have been set at 29.15m AOD. A survey drawing shows the levels on the centre line of the highway to range between 28.66 at the north of the site to 28.71 at the south of the site. The levels of land in the field are about 0.2m lower. The finished floor levels are therefore about 0.5m above the existing levels, higher than might normally be expected but appropriate to achieve drainage under gravity and mitigate against and residual flood risk.

5.7 The details of the dwellings are of traditional design and as incorporate chimney stacks and modestly proportioned openings. Upon completion of the development the north gable elevation of plot 1 would be the most prominent feature on arrival in the village. The provision of a single garage on the north elevation achieves as stepping up in height, to the full gable and incorporates chimney on the ridge giving both interest and avoids a large flat gable that might otherwise appear as an

overbearing feature when viewed from the north. Multi-red brick blends and pantiles are proposed for the dwellings.

#### Landscaping

- 5.8 The landscaping scheme relies heavily on the retention of the boundary hedge and supplementary tree planting (10 trees on the frontage and between the proposed dwellings).

#### Flood risk

- 5.9 The outline planning conditions 6 and 17 required the submission of the details of surface water drainage and for the foul and surface water systems to be kept separate. The details submitted have been extensively scrutinised and additional detail supplied to provide evidence of the efficiency of the scheme and the on-going management arrangements for both on site and off site drainage.
- 5.10 Recent storm events (in the last two years) have resulted in flooding in the village, in properties and on the application site. It is a matter of significant concern to residents and the Council to ensure that the development proposals do not exacerbate the problems of flooding. However, new development cannot be required to remedy pre-existing problems. Nonetheless in designing a scheme to provide surface water and foul drainage for the new dwellings the matter of land drainage and overland flows (particularly at the time of intensive rainfall) has required attention by the developer's drainage engineers. This has resulted in a proposal that has already been implemented to install a new catch drain on land to the east of the application site, to divert water that would have otherwise flowed over the application site on to the village street and in to neighbouring property. It is understood that since the drain has been installed the site, the village street and neighbouring property has not been flooded.
- 5.11 The design details have shown the surface water arising from the development site itself, as distinct from the overland flows or land drainage issues, can be attenuated and drained to Old Beck to the north of the village. There have been historic issues relating to foul drainage within the village; however this is known to Yorkshire Water, which has not raised objection in respect of the proposal to drain the site to the foul sewer. There is no evidence of a lack of capacity within the foul sewerage network or lack of capacity at treatment work. Advice from the Council's advisor is that the public foul drainage system is a combination of gravity sewer and pump stations with ultimately sewage from Sessay being treated at Dalton sewage works. During dry weather the foul drainage system functions satisfactorily managing the dry weather foul only flows. It is understood that the system is reactive to rain, so that during wet weather conditions surface water finds its way in to the foul sewerage system. This can increase the quantity of effluent in the public foul system beyond the capacity of the pumping station which can cause surcharging of effluent in the pump station and effluent backing up into the gravity elements of the sewerage system. Any upgrading work that may be planned by Yorkshire Water is a matter for the company as a statutory drainage undertaker and not a matter pertinent to the determination of this application.

## **6.0 RECOMMENDATION**

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

1. The development shall be commenced on or before 22 June 2020.



2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings received by Hambleton District Council unless otherwise approved in writing by the Local Planning Authority.

Job number 1652

Site plan 105 P05 received 12 Dec 2016

Plot 1 and 2 plan 110 P01 received 2 November 2016

Plot 1 and 2 elevation 130 P02 received 2 November 2016

Plot 3 and 4 plan 111 P01 received 2 November 2016

Plot 3 and 4 elevation 131 P02 received 2 November 2016

Plot 5 plan 112 P00 received 2 November 2016

Plot 5 elevation 132 P02 received 2 November 2016

Plot 6 plan 113 P01 received 12 December 2016

Plot 6 elevation 133 P02 received 12 December 2016

Drainage details 687-09-05-D received 26 January 2017 and maintenance statement received 24 January 2017 and off-site works received 12 December 2016

The reasons for the above conditions are:

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

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**Parish: South Otterington**

Ward: Morton On Swale

**13**

Committee date: 22 June 2017

Officer dealing: Miss L Chambers

Target date: 29 June 2017

**17/00808/FUL**

## **Change of land use to allow 59 pitches for touring caravans**

**At Otterington Caravan Park, South Otterington**

**For Mr G Dale**

**This application is referred to Planning Committee due to the scale of development.**

### **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 Otterington Caravan Park is located to the north east of the village of South Otterington, adjacent to Station Farm, which is also in the ownership of the applicant. The existing caravan site is located to the north of the farm buildings, covering an area of 22 acres and provides pitches for touring caravans and static holiday homes.
- 1.2 The landscape is relatively flat, characterised by agricultural fields bounded by hedgerows and trees. There is an existing tree belt screening the eastern boundary of the site from the east coast main line.
- 1.3 The area of land to which the application relates is to the south of the existing site and farm buildings. It is a 5 acre grassed field with hedging and trees to the southern boundary. The application site is approximately 200m north of Station Road, from which the existing access to the site is taken.
- 1.4 Permission is sought to use the land for the siting of 59 touring caravan pitches with associated roadway providing access to the pitches and landscaping both to the perimeter of the site and to form partitions between pitches.
- 1.5 Improvements have been secured as follows: the applicant has provided additional details of the non-mains drainage to be used as part of the development to overcome the need to deal with such details via condition.

### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 97/51352/P - Change of use of agricultural land to a site for 40 touring caravans and tents with access road; Granted 11 September 1997.
- 2.2 97/51353/P - Formation of a site for 40 place touring caravan/tent park (45 pitches) to include the construction of an amenity block with office accommodation and associated access roads; Granted 7 January 1998.
- 2.3 02/02125/FUL - Change of use of agricultural land to use as a site for 40 mobile holiday units; Granted 28 March 2003.
- 2.4 08/00243/FUL - Change of use of one holiday unit to residential accommodation for a manager; Refused 10 April 2008.
- 2.5 08/04061/FUL - Change of use of agricultural land to the siting of 26 touring caravans; Granted 13 November 2008.

### **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  
Core Strategy Policy CP21 – Safe response to natural and other forces  
Development Policies DP1 – Protecting amenity  
Development Policies DP4 – Access for all  
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 – expresses concern that caravans would be visible from the C10, narrowness of the C10 on the approach to South Otterington and road safety with increased caravan movements.
- 4.2 Highway Authority – No objection.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No objection subject to assessment of non-mains drainage.
- 4.5 Ramblers Association – No objection.
- 4.6 Public comments – None received.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) landscaping; (iii) highway safety; and (iv) non-mains drainage.

##### Principle

- 5.2 The National Planning Policy Framework (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.
- 5.3 Paragraph 28 of the NPPF states that “Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”. It goes on to say that support should be given to “sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities”.

- 5.4 The application site is beyond the development limits of South Otterington although is less than 1km from the village and therefore within walking distance. Policy CP4 states that proposals beyond development limits would require an exceptional case to be made in order to gain support, criterion i. allows for, amongst other things, development that meets the needs of tourism. The applicant identifies the proposal is for the purposes of tourism where patrons would expect a countryside location and would support an existing rural business considered to be sustainable.
- 5.5 South Otterington is a Secondary Village and as such offers a range of services that visitors to the site would have access to, including a public house and public transport links to the surrounding area. This would reduce the need for customers to travel solely by private car but would also allow the development to support neighbouring businesses.

#### Landscaping

- 5.6 The existing caravan park is well screened from the surrounding road network and east coast main line, it will be fundamental to the merits of this application to assess whether the use of an extended area of land could be accommodated within the landscape without detracting from its character. The existing farm buildings are visible from Station Road, given the proposed caravan use would include a large number of pitches and would be closer to the road there is the potential for the use to impact upon views. Concern in this regard has been raised by the Parish Council.
- 5.7 It is proposed to enhance the site boundaries with native tree and shrub planting, as well as introducing native planting in the form of internal belts within the site delineating pitches. Trees at a height of 3m are proposed, which would provide some immediate screening that would strengthen over time. The proposal is for touring caravans that are lower than static caravans elsewhere on the site and the visual impact of the lower touring caravans will be less than the static caravans.
- 5.8 A visual impact assessment has been submitted with the application, it notes that views of the proposed touring caravans would be limited due to the existing levels of screening and enhancements proposed. This reflects the situation with the existing caravan site. It is noted that small areas of trees and woodland are characteristic of the local landscape within villages and close to larger residences. As such, it is considered that the impact on the landscape be limited and therefore the proposal would be in keeping with the requirements of policies CP16 and DP30.

#### Highway Safety

- 5.9 The access serving the caravan park from Station Road already accommodates car and caravan traffic and would also serve the proposed 59 pitches; the Highways Authority consider the access to be suitable in terms of construction and visibility. The internal road, although a single lane, is relatively wide and well surfaced with passing places. The Highway Authority notes concern about additional traffic on Station Road, which is narrow in parts and on street parking in South Otterington and Thornton-le-Moor; however these are not considered severe and would not warrant refusal of the application.

#### Non-mains Drainage

- 5.10 The site is not served by the public sewerage network and as such Yorkshire Water recommend details of the non-mains proposals are suitably assessed but raise no objections. The applicant has indicated their intention to use a new septic tank to serve the proposed development in addition to the existing septic tank serving the site additional details of the proposed sewage treatment have been requested.

## 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) 0624-2 Rev A received by Hambleton District Council on 13 June 2017 and the location plan and other details received on 10 April 2017 unless otherwise agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. From the date of this decision the development must comply with the following requirements: (i) the caravans are occupied for the holiday purposes only; (ii) the caravans are not occupied as a person's sole, or main place of residence; and (iii) the site owner/operator maintains 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.
5. From the date of this decision and unless otherwise approved in writing by the Local Planning Authority in advance, there shall be no more than 59 touring caravans within the designated plots numbered 1 to 59 on the approved drawing (0624-2 Rev A).
6. There shall be no external illumination of the application site hereby approved without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
7. The development shall not be undertaken other than in accordance with a scheme of foul drainage to be supplied to and approved in writing by the Local Planning Authority and implemented in accordance with the approved scheme prior to the first use of development.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, 2, 4, 5, 16, 17 and 21.
3. In order to help assimilate the development within the rural landscape.

4. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc., and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
5. To enable the Local Planning Authority to assess the impact of any different number of caravans against the policies of the Local Plan.
6. In order to protect the rural landscape in accordance with LDF Policies CP16 and DP30.
7. In order to protect the environment from the adverse effect of pollution or flooding in accordance with the LDF Policies CP21.

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**Parish: Thormanby**  
Ward: Raskelf and White Horse  
**14**

Committee date: 22 June 2017  
Officer dealing: Caroline Strudwick  
Target date: 30 June 2017

**16/02262/FUL**

**Demolition of two houses and construction of five detached dwellings with associated highway improvements and revised site access**

**At Hillside, Wentworth Avenue, Thormanby**

**For Mr and Mrs A Hogarth**

**This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The 0.43 hectare site is located between Wentworth Avenue and The Old Black Bull on the north eastern side of the A19 in Thormanby. Thormanby is a predominantly linear settlement, developed along the A19 with the Old Black Bull and the Old Rectory at the top of the hill. There are lanes to the east and west of the main road. Back Lane runs along the rear, eastern, boundary of the application site. There is a pair of derelict semi-detached cottages on the site, with some agricultural outbuildings in a state of repair. The site is currently accessed directly off the A19, adjacent to the Old Black Bull.
- 1.2 The proposal site is elevated above the A19 with a brick wall forming the front boundary on the road. There is a large amount of over grown vegetation on site. There is a large paddock to the rear of the site, with large mature tree to the north east. The Old Rectory, to the southeast of the site is Grade II listed and St Mary's Church, 160m to the east of the site, is Grade II\* Listed. There is no designated conservation area in Thormanby. The White Horse and the Hambleton Hills are visible in the distance to the north east of the site.
- 1.3 Thormanby has public rights of way to Carlton Husthwaite 1.7km to the north, Husthwaite 2.5km to the east via a public footpath and. Sessay is 4.2km to the west via a public footpath.
- 1.4 This application seeks permission for the demolition of the buildings on site and full planning permission for five two-storey dwellings with a new access to be formed off Wentworth Avenue opposite White Horse View. The development of the site is limited to the south western area which measures 55m by 70m. This is larger than the 32m by 70m area which is currently occupied by the existing dwellings and outbuildings. The remaining land, to the north east is to stay as grazing paddock.
- 1.5 The scheme proposes the following two-storey traditional brick and pantile construction dwellings:

<u>Plot number</u>	<u>Bedrooms</u>	<u>Garage</u>
1	2 plus 1 <sup>st</sup> floor study	No
2	2 plus 1st floor study	No
3	3 plus 1 <sup>st</sup> floor study	Detached double
4	4	Detached double
5	4	Detached double

1.6 Thormanby does not have Development Limits.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 None.

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP3 - Site accessibility  
Development Policies DP29 - Archaeology  
Development Policies DP10 - Form and character of settlements  
Development Policies DP9 - Development outside Development Limits  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Thormanby Parish Meeting – No response received.

4.2 Highway Authority – Conditions are recommended relating to the construction of the access and site safety measures.

4.3 NYCC Heritage Services – No objection. The site lies within an area of archaeological interest and potential. Trial trenching has been undertaken and a report submitted. The development will not have a significant impact on archaeological remains associated with the medieval settlement at Thormanby.

4.4 Environmental Health Officer – No objection subject to conditions relating to assessment, remediation and verification relating to potential asbestos within buildings and hydrocarbons from parked vehicles and a former petrol filling station use of the site.

4.5 Public comments – Comments have been received from four households. Generally the comments are supportive of the development of the site in order to tidy it and improve it, visually. However the comments include some areas of objection as follows:

- An increase in traffic on the already narrow Wentworth Avenue will endanger young children and elderly residents;
- Adding a new access onto Wentworth Avenue will also affect the quality of life existing residents on Wentworth Avenue with the additional traffic;
- There are no amenities in the village so new residents have to use their own vehicles so this will generate more traffic;

- Developing the site will harm the many birds and bats in this area;
- The site used to be a petrol filling station, are the tanks still on site as an accidental disturbance could result in an environmental disaster;
- A request that the dropped kerb is not removed from the A19 entrance as this would seriously impact upon safe ingress and egress from the existing driveway at the Old Black Bull;
- The location of the garage to the proposed property immediately adjoining The Old Black Bull could be less intrusive and obstructive by simply relocating the garage within the confines of the plot; and
- A request that restrictions upon the hours of work on the site will be applied throughout development.

## 5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of residential development in this location; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) the potential for archaeology on site; (v) highway issues; and (vi) biodiversity impacts. It will then be necessary to consider the planning balance.

### Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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) 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 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 is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 Thormanby is defined as an Other Settlement and therefore not considered a sustainable location for small scale development by the IPG. Thormanby has very few services or amenities within the actual village, however given that the A19 runs through the middle of the village it does have excellent transport links. These links are not restricted to journeys in a private car. The village benefits from buses to four local schools, Sessay Primary School, Husthwaite Primary School, Easingwold Primary School and Easingwold Secondary School. As well as the school bus services the 30 and 30X service travels and stops in Thormanby 11 times a day (Monday to Friday) south bound. This service goes through to Easingwold and beyond to York, with some of the buses serving York Hospital. There are 12 buses a day south bound through to Thirsk Market Place (and Thirsk Secondary School). A reduced service is available in both directions on a Saturday.

- 5.5 The Corner Cupboard restaurant at Birdforth is just over a 1km away, north on the A19. There is a narrow footpath along to A19 to access this on foot. There is a public footpath which does increase this distance to 2km, however it does provide a safer, more pleasant route for walking. Carlton Husthwaite is approximately 1.7km to the north east which offers a pub, however it is acknowledged that this cross-field route on a public footpath is not lit and so would be less accessible in winter.
- 5.6 Husthwaite is deemed a service village in the 2014 Settlement Hierarchy. The village is approximately 2.5km to the east of Thormanby, again, via a public right of way which is unlit. By road the distance between Thormanby and Husthwaite is 4.2km. The village has a pub, primary school and village hall. It is acknowledged that Husthwaite is significantly beyond the 2km guidance distance statement in the IPG which allows for clustering. The cross-field public footpath to Husthwaite from Thormanby provides an attractive route for walking but is only of benefit to those able to make use of the public footpath.
- 5.7 It is acknowledged that this is not a location that meets all the IPG criteria. However, when taking into consideration the frequency of buses to York and Thirsk, both destinations which are served by train stations and the proximity of villages with services and facilities which provide a clustering role, assessable via footpaths it is considered that this site is a more sustainable location than suggested by the intervening distances to the nearest Secondary Village or Service Centre. It is possible to access local services and shops in neighbouring villages via footpaths, although little weight should be afforded to this because of the limited convenience and relative inaccessibility for the whole community. However, the bus services passing through the village on the A19 would allow school age children to independently travel to school on public transport. The bus service would also enable travel to work in Easingwold, Thirsk or even York. Bus services would allow access to other local services in settlements served by the buses, such as health care or leisure facilities in nearby towns. Whilst other relatively unsustainable locations may be found elsewhere, buses will only safely stop in 30mph areas, of which Thormanby is the only one on the A19 between Thirsk and Shipton.
- 5.8 This is a kerbside previously developed site, located centrally within the main street of the village. It forms a natural infill site as well as development facilitating the environmental improvement of the site. The site already has two dwellings, albeit, inhabitable. However there would be no planning obstacle to bring these back into use as dwellings. Taking into account the neglected condition, the location and the access to public transport it is considered that this is an exception case for development.

#### Character of the area

- 5.9 The site is within the development of the village and does form a natural infill to development. The site has a number of derelict dwellings and agricultural buildings on it and currently does cause harm to the street scene. It would be possible for the LPA to serve a S215 notice to ensure an improvement of the site, however, this would only go so far as cutting back the vegetation and making basic improvements to the dwellings, such as boarding up of windows. It is then reasonable to assume the maintenance would not continue and so a S215 notice would need to be served again when necessary.
- 5.10 The design of the dwellings are traditional. The most prominent of the proposed dwellings will be the three detached dwellings. These are all doubled fronted, with a projecting vestibule to the front elevation. It is a village with a mix of housing styles and the design of the dwellings will not look out of place in Thormanby. The proposed changes to create a widening of, and take access from, Wentworth Avenue

are considered to not result in a harmful change to the character of the residential area and would not result in a breach of LDF policies and the benefits of improving access would outweigh any harmful impact upon the local character (DP32 movement and form).

- 5.11 If consent is given, it is recommended that the permission is valid for 18 months rather than the typical 3 years. This would ensure that improvements to the site are made swiftly, to improve the contribution that the site makes to the area.

#### Residential amenity

- 5.12 None of the proposed dwellings have windows in the gable ends at first floor and so the opportunity for overlooking onto one another is not an issue. Whilst the site is elevated, the separation distances of the proposed dwellings to existing dwellings are considered sufficient to ensure existing residential amenity is protected.
- 5.13 It is considered that the plot sizes provide sufficient amenity space outside for future residents.
- 5.14 Concern has been raised by residents on Wentworth Avenue regarding traffic congestion rather than any overlooking or shadowing.

#### Archaeology

- 5.15 It was brought to the attention of officers by colleagues in NYCC Heritage Services that the proposed development site lies within an area of archaeological interest and potential. In response to this a series of trial trenching was carried out on site around the current development on site. The report following the trial trenching concluded that the results of the evaluation were generally modest but slightly surprising in that the survey revealed little in the way of archaeological remains in a location in the centre of a settlement with medieval origins. It is possible that this evidence has been disturbed by the activities of the former farm occupying the site.
- 5.16 It is recommended that should permission be granted that this consent is accompanied by condition which requires a scheme of archaeological mitigation to be submitted to the local authority. The County Archaeologist does not seek a watching brief condition to require the onsite presence of an field archaeologist during excavations, however the NPPF places the responsibility on LPAs to “identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into account of the available evidence and any necessary expertise” (paragraph 128).

#### Highway issues

- 5.17 Concerns have been raised by residents on Wentworth Avenue that the five dwellings will create additional traffic movements which will pose a safety threat to people. Wentworth Avenue is a narrow road, in which cars do park on the footway, obstructing it for pedestrians. However the application form confirms that proposal includes 18 parking spaces, and additional opportunity for parking on the private road exist, and so it would be unlikely that anyone living or visiting the houses would not be able to park within the site. The scheme proposes to widen Wentworth Avenue junction with the A19 to allow for better visibility. NYCC are satisfied with the improvement highway works put forward and have recommended conditions to ensure that this is carried out in advance of the works on site. The proposal would therefore not cause a loss of highway safety and the access element is considered appropriate in the terms of LDF Policies CP2, DP3 and DP4.

#### Biodiversity

- 5.18 An ecology and bat survey report was submitted in support of the application. The conclusions and recommendations within this report have been based upon daytime bat roost potential assessment and a bat inspection conducted on 13 September 2016 and dusk emergence bat surveys undertaken on 21 and 23 September 2016.
- 5.19 The report concludes that “No evidence of bat roosts at the site was observed during the surveys. However, it is noted that the surveys were conducted towards the end of the main summer bat activity period and also that no internal access to the buildings was possible during the surveys. Therefore, whilst no evidence of bat roosts has been observed at the site and the desk-study did not reveal any previous records of bats at the site; due to the ‘moderate’ bat roost potential of Buildings 1, 2, 4 and 5, a second dusk emergence survey would be required to enable a robust conclusion that bats do not roost at the site.” Nine months have elapsed since the report and it therefore recommended that prior to formal consent being granted by the LPA the second emergence study is undertaken and submitted for approval, with appropriate mitigation measures being conditioned as part of the approval.

#### The planning balance

- 5.20 The proposal does not meet all the IPG criteria; specifically it is relatively distant from a Service Centre or Secondary Village such that it does not meet criterion 1 of the IPG. The proposal is contrary to the Development Plan and the more recent guidance does not provide support. However, and despite the distances to settlements that can provide the range of services and facilities to support a sustainable community, the site is unusually well served by public transport on the A19, which can stop in the village because of the 30mph limit. This provides Thormanby with a unique advantage in terms of accessibility, such that an exception to policy and guidance may be possible. The scheme is considered to meet all other criteria of the IPG as it is a small scale of development that respects the form of the village, without harm to the natural, built or historic environment, without harm to the appearance of the surrounding countryside and within the capacity of the existing and proposed infrastructure.
- 5.21 Furthermore, if the proposal is implemented, it would achieve the comprehensive redevelopment of a site within the historic core of the settlement and overcome the harm caused by the decayed condition of the buildings and overgrown surroundings. It is acknowledged that these issues could be addressed by other means, including service of notices under S215 of the Town and Country Planning Act 1990 to remedy the harm to the amenity of the locality. However, such notices can only deal with the worst impacts and would need to be repeated if the problem were to recur. Furthermore, such measures cannot be used to put in place the ongoing stewardship that would ensure the long-term maintenance of the land and buildings.
- 5.22 On balance it is considered that the benefits of approval outweigh the harm in this case and an exceptional recommendation of conditional approval can be made. It is considered highly unlikely that the combination of public transport access and local amenity gains informing this recommendation would occur on any other site within the District.

## **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 18 months 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 16-1482 03A, 04, 07A, 05B, 06A, and 06B Layout received by Hambleton District Council on 1st June 2017 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, shrubs and boundary hedges to be planted within and around the site has been submitted to and approved in writing 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. No part of the approved boundary hedges along the plot and site boundaries shall be uprooted or removed and the hedges shall not be reduced below the approved height (details to be included in the landscaping scheme); other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
5. The development shall not be commenced until a second ecology and bat survey report, with details of second dusk emergency survey, has been submitted to and approved by the Local Planning Authority. The report should include details and locations of bat and bird nesting boxes to be attached to building and/or trees within the site. The development shall thereafter be completed and maintained wholly in accordance with the approved details.
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. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (b) The access on Wentworth Avenue shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1; and (f) That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until the existing access at the southern end of the site on to the A19 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created

without the written approval of the Local Planning Authority in consultation with the Highway Authority.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 25 metres measured along both channel lines of Wentworth Avenue from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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: (a) Widening and improvement of Wentworth Avenue between the junction with the A19 and the site entrance to provide 6 metre radius kerbs and a minimum carriageway width of 5.5 metres, including details of any retaining structures; (b) Provision of a 2.0 metre wide footway on the south side of Wentworth Avenue between the junction with the A19 and the site entrance; and (c) Provision of a crossing point on Wentworth Avenue with tactile paving to connect the footway as described in section b. above to the existing northern footway; and (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
11. 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: (a) Widening and improvement of Wentworth Avenue between the junction with the A19 and the site entrance to provide 6 metre radius kerbs and a minimum carriageway width of 5.5 metres, including details of any retaining structures; (b) Provision of a 2.0 metre wide footway on the south side of Wentworth Avenue between the junction with the A19 and the site entrance; and (c) Provision of a crossing point on Wentworth Avenue with tactile paving to connect the footway as described in section b. above to the existing northern footway.
12. No part of the development shall be brought into use until the approved vehicle parking and turning areas have been constructed in accordance with the submitted drawing (Reference Drawing No. 06). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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.
14. 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.

15. (A) No demolition/development shall take place/commence until a Written Scheme of 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) Community involvement and/or outreach proposals; (b) The programme for post investigation assessment; (c) Provision to be made for analysis of the site investigation and recording; (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) Provision to be made for archive deposition of the analysis and records of the site investigation; and (f) 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 (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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on CP1, DP1, CP16, DP28, CP17 and DP32 unless otherwise agreed in writing by the Local Planning Authority.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16.
5. In the interests of nature conservation in accordance with Local Development Framework Core Strategy Policy CP16.
6. In the interests of highway safety.
7. 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 the interests of highway safety.
9. In the interests of road safety.

10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In the interests of the safety and convenience of highway users.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

#### 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:

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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

**Parish: Well**  
Ward: Tanfield  
**15**

Committee date: 22 June 2017  
Officer dealing: Mrs H Laws  
Target date: 30 June 2017

**16/02527/OUT**

**Outline application for the construction of a detached dwelling (all matters reserved)**

**At: The Old Byre, Well**

**For: Mr & Mrs P Tolmie**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is currently vacant agricultural land that lies at the eastern end of the village of Well on the northern side of Church Street. The site is bounded by the road to the south; by the dwelling known as The Old Byre to the west; by the beck to the east; and other agricultural land to the north. The village play area lies on the opposite side of the road to the south.
- 1.2 The site covers an area of 0.1ha. A mature, well established hedgerow lies along the roadside boundary. The eastern side of the application site, closest to the beck, lies within Flood Zones 2 and 3, which are the areas of highest flood risk.
- 1.3 It is proposed to construct a single detached dwelling at the western end of the application site, on land within Flood Zone 1, the area of lowest flood risk. All matters are reserved and would be for a later application if this is approved.
- 1.4 Illustrative details have been requested and received to show the position of the proposed dwelling in relation to the Flood Zones. A surface water storage pond is proposed at the eastern side of the site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None

**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 objection but comments as follows:

Although flood risk assessment, concerned that there remains a danger – much care should be taken in this respect. No objection to development in this area but concern over possible flood risk to land and would prefer it if land to be developed was for more affordable properties rather than one large house.

- 4.2 Highway Authority – No objection, recommends conditions.
- 4.3 Environment Agency – The applicant has provided a layout plan confirming that the dwelling is located outside of flood zones 2 and 3. Based on this further information we are now in a position to remove our objection provided that all built development is located in flood zone 1, and subject to a condition.
- 4.4 Ministry of Defence – No safeguarding objections.
- 4.5 Environmental Health Officer - No objection; the risk of contamination affecting the development or end users is considered to be low.
- 4.6 Public comments - An objection has been received from residents of Church Street, which is summarised as follows:
- Church Street is narrow and struggles at times to cope with traffic at present;
  - The infrastructure needed to support additional housing is not in place; specifically the ability to pump sewage to the treatment plant; and
  - The site is near to a Conservation area where householders have limited rights to build - why should this application be viewed as any different?

## **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) the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) the effect on neighbour amenity; (iv) flood risk; and (v) highway safety.

### Principle

- 5.2 The site lies just beyond the defined Development Limits of Well. LDF Policy DP9 states that development will only be granted for development 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) 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 IPG Well is defined as a Secondary Village, which is considered a sustainable location. It is therefore considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

#### Character and appearance of the village and landscape

- 5.6 IPG criterion 2 requires development to be small scale. The development is for the construction of a single dwelling and therefore is small scale.
- 5.7 Criteria 3 and 4 require development to respect the built form of the village and the open character and appearance of the countryside. This part of Well is characterised by linear, frontage development and the site of the dwelling lies immediately adjacent to an existing dwelling and opposite the village play area. The character of the site is agricultural as it is currently an undeveloped field but, as it lies opposite the play area it does not appear to extend beyond the village in respect of its character and proximity and is not identifiable as open countryside. An area of undeveloped land, which is within Flood Zones 2 and 3 lies between the position of the proposed dwelling and the beck, maintaining the separation between the village and the group of dwellings and farm buildings on the eastern side of the beck.
- 5.8 As such it is considered that the development proposed, without the loss of rural landscape, as it is sited adjacent to and opposite existing built development, would appropriately respect the general built form of the village.

#### Neighbour amenity

- 5.9 The full effects of the proposed dwelling on the amenity of existing local residents would be properly assessed at the reserved matters stage but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwelling at The Old Byre, and would not therefore be contrary to LDF Policy DP1.

#### Flood risk

- 5.10 The application site falls within an area of flood risk but a large portion of the western side of the site lies within Flood Zone 1 and an illustrative layout has been received, which suggests that a dwelling can comfortably be accommodated outside of Flood Zones 2 and 3, where housing should normally be resisted. A flood risk assessment has been received, which concludes that a full drainage design will be submitted for approval prior to work commencing on site, including details of a storage pond.
- 5.11 Conditions are recommended to ensure that ground levels are not raised within the part of the site at risk and to ensure the work is undertaken on accordance with the submitted flood risk assessment.

### Highway safety

- 5.12 The Highway Authority has no objections and does not consider that the proposed development would adversely affect highway safety; conditions are recommended.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission 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. 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.
  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. 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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
  5. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1000mm, other than with the prior approval in writing by the Local Planning Authority.
  6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  7. There must be no raising of ground levels in Flood Zone 3. Prior to placing any material within the floodplain a scheme shall be submitted in writing to and approved by the local planning authority, setting out the location and amount of any spoil storage along with the timescales for that storage and the method of final disposal of the material. The development shall then be carried out in accordance with the approved scheme.

8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities, including the attenuation pond, have been submitted and approved in writing by the Local Planning Authority. Thereafter the use of the development shall not be commenced until the facilities have been constructed and brought into use in accordance with the approved details.
9. 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: (a) The details of the access shall have been approved in writing by the Local Planning Authority; and (b) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. 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: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these 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. 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.
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. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 7 February 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
5. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To ensure that the proposed development does not increase or exacerbate flood risk to others (i.e. does not result in the displacement of flood flows) in accordance with LDF Policies CP21 and DP43.
8. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with LDF Policies CP21 and DP43.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
10. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
14. 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.

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:

- 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

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

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