

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 4 October 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 12 October 2017**
Time **10.00 am**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:

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 NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 14 September 2017 (P.11 - P.12), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

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

4. MATTERS OF URGENCY

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

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 14th September, 2017 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	B Phillips
	M A Barningham		C Rooke
	D M Blades		A Wake
	K G Hardisty		D A Webster
	C Patmore		

Also in Attendance

Councillor	R Kirk	Councillor	Mrs J Watson
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Apologies for absence were received from Councillors S P Dickins and Mrs B S Fortune

P.11 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 17 August 2017 (P.9 - P.10), previously circulated, be signed as a correct record.

P.12 **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) 17/01532/OUT - Outline application for (some matters reserved) 2 dwellings with garages and associated infrastructure at Land off Back Lane, Main Street, Alne for Mr T W Clark

PERMISSION GRANTED

(The applicant's agent, Ken Wood, spoke in support of the application).

(Gary Thorne spoke objecting to the application.)

- (2) 17/00495/FUL - Five dwellings at Land east of Bedlam Hill, Borrowby for Mr Nigel Speight

PERMISSION GRANTED

(The applicant, Nigel Speight, spoke in support of the application.)

(Tim Saunders spoke objecting to the application.)

- (3) 17/01020/FUL - Change of use of agricultural land; siting of 70 holiday lodges (caravans)(as amended 21 August 2017); construction of single storey leisure facilities building; circulation; car parking and landscaping at Woodland Lodges, Carlton Road, Carlton Miniott for Coppergreen Developments Ltd

PERMISSION GRANTED subject to additional conditions relating to occupancy of the lodges, external lighting and passing places on the access road.

(The applicant, Richard Sidi, spoke in support of the application.)

(Jane Mogridge spoke objecting to the application.)

- (4) 17/00519/REM - Reserved matters submission for details of layout, scale, appearance and landscaping for residential development of 175 dwellings at Land off Stillington Road, Easingwold for Kier Living

PERMISSION GRANTED subject to a condition that visitor parking spaces are not to be allocated to any specific dwellings.

(The applicant's agent, Richard Mowat, spoke in support of the application).

- (5) 17/01431/OUT - Outline application (all matters reserved) for the construction of 5 bungalows at Land east of Langbaourgh Ridge, Guisborough Road, Great Ayton for Mr & Mrs P Scrope

PERMISSION REFUSED

(The applicant, Mr P Scrope, spoke in support of the application.)

(Mr Bill Pye spoke objecting to the application.)

- (6) 16/01987/OUT - Outline application (considering appearance, access, layout and scale) for the demolition of buildings and the construction of 3 dwellings at The Garage, Low Street, Husthwaite for Mr & Mrs Walker

PERMISSION GRANTED

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

(Mr Borrows spoke objecting to the application.)

- (7) 17/01331/OUT - Outline planning application, including access, with all other matters reserved for a single residential dwelling at Land at Bye Green, Low Street, Husthwaite for Mr Thomas Carter

PERMISSION REFUSED

(The applicant's agent, Alex Cowling, spoke in support of the application).

- (8) 17/01296/FUL - Side extension and front porch at 1 Moor Rise, Knayton for Mr Peter Johnson

PERMISSION GRANTED because the development would not be a prominent and inappropriate feature on the host building and within the street scene and will not cause harm to the setting of the Conservation Area

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

(The applicant, Peter Johnson, spoke in support of the application.)

- (9) 17/00006/TPO1 - Hambleton District Council (Scruton) Tree Preservation Order 2017 No.6 Owner: Mr Richard Dennison at Land North Of Lime Tree Cottage, Hamhall Lane, Scruton

That TPO 2017/16 be CONFIRMED

(Anthony Wood spoke on behalf of Scruton Parish Council supporting the confirmation of the Tree Preservation Order.)

- (10) 17/00877/FUL - Construction of 45 retirement living apartments, 8 affordable apartments, provision of communal facilities, car parking, substation at Land east of White House Farm, Stokesley for McCarthy & Stone Retirement Lifestyles Ltd

DEFER to allow the applicant to address the comments of the highway authority and parking, access and accessibility issues.

(Linda Yare spoke objecting to the application.)

- (11) 17/01561/FUL - Detached bungalow with associated access and parking at Rear of 131 Long Street, Thirsk for Mr Mark McColmont

PERMISSION GRANTED subject to additional conditions to limit the use of the new access to 135 Long Street and the new bungalow, and to require the pedestrian mitigation measures to be implemented if the archway access is used by the new bungalow.

(Andy Watson spoke objecting to the application.)

- (12) 16/01871/FUL - Alterations and extension to public house and construction of 3 dwellings with garages at Black Swan, Main Street, Thornton le Moor for Mr C Sayer

PERMISSION GRANTED subject to a Section 106 Agreement to ensure that profit from the housing is invested in the public house in lieu of Condition 4

(The applicant's agent, Derek McKenzie, spoke in support of the application).

(Peter Pybus spoke objecting to the application.)

- (13) 17/01347/FUL - Dwelling with detached garage and associated external works at The Byres, Thrintoft for Mr Andrew Hutchinson

PERMISSION GRANTED

- (14) 17/01539/FUL - Detached dwelling for Mr P Dixon at Glencoe, Thrintoft

PERMISSION GRANTED

- (15) 17/01341/FUL - Proposed pig finishing house at Wellington Farm, Ingleby Arncliffe for Mr Andrew Dickins

PERMISSION GRANTED

The meeting closed at 5.15 pm

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 12 October 2017. The meeting will commence at 10.00am.

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 12 October 2017

Morning session starting at 10.00am Thursday, 12 October 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/01574/FUL Miss C Cornforth Bedale Page no: 11	Installation of a piece of public art For: Hambleton District Council At: Bedale Golf Club, Bedale RECOMMENDATION: GRANT
2	16/01142/OUT Mr T Wood Brafferton Page no:15	Outline planning application for up to 28 dwellings and means of vehicular access with all other matters reserved For: Brafferton Manor Farmers At: Land to the east of Boroughbridge Road, Brafferton RECOMMENDATION: REFUSE
3	17/00611/FUL Mr K Ayrton Brompton Page no: 25	3 detached dwellings and new access to Plots 2 & 3 For: Mr & Mrs A Maynard At: Land to the east of 15 Lead Lane, Brompton RECOMMENDATION: GRANT
4	17/01328/FUL Miss L Chambers Easingwold Page no: 33	12 dwellings, garages and associated infrastructure For: Daniel Gath Homes At: Land to the north of Raskelf Road, Easingwold RECOMMENDATION: REFUSE
5	17/01260/OUT Miss L Chambers Easingwold Page no: 39	Construction of a detached dwelling with associated garage and access For: Mr Andrew Tooze At: 1 Oulston Road, Easingwold RECOMMENDATION: GRANT
6	17/01466/FUL Mrs J Forrest Easingwold Page no: 45	First floor and two storey side extension to dwelling For: Mr & Mrs Kay At: 12 Apple Garth, Easingwold RECOMMENDATION: REFUSE

Afternoon session starting at 1.30pm Thursday, 12 October 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	17/01180/FUL Mr P Jones Great Ayton Page no: 49	Extra care housing comprising 57 apartments with communal lounge, dining, kitchen, laundry, offices, garden and car parking area, 12 detached bungalows with single garages and private drives, new access road and new surface water drain and attenuation pond For: Tolent Construction Ltd, Housing and Care 21 and Bennet Ltd At: Cleveland Lodge, Great Ayton RECOMMENDATION: GRANT
8	17/01351/OUT Mr K Ayrton Rudby Page no: 65	Outline application with all matters reserved for five dwellings For: Mr D Bainbridge At: OS Field 2719, Stokesley Road, Hutton Rudby RECOMMENDATION: GRANT
9	17/01247/OUT Miss L Chambers Sandhutton Page no: 73	Outline application for 5 dwellings and associated infrastructure all matters except access are reserved For: Johnson Properties Thirsk At: Three Tuns Garage, Brentwood House, Sandhutton RECOMMENDATION: GRANT
10	17/01350/FUL Miss C Cornforth Seamer Page no: 81	Construction of a replacement dwelling For: Mr & Mrs Evershed At: Debevane, Hilton Road, Seamer RECOMMENDATION: GRANT
11	17/00696/FUL Mrs H Laws Snape Page no: 89	Construction of a detached dwelling For: Mr & Mrs Simms At: Cedar Garth, Meadow Lane, Snape RECOMMENDATION: GRANT
12	17/01440/TCC Mrs H Laws Snape Page no: 97	Application for prior notification for the installation of 17.5m high mast, 3 antenna, 2 transmission link dishes, 2 equipment cabinets, 1 electricity meter cabinet and ancillary development For: Cornerstone Telecommunication Infrastructure Limited At: Land at Prices Paving & d Tile Ltd., Meadow Lane, Snape RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
13	16/00950/FUL Mr T Wood Sowerby Page no: 103	Residential development of 25 bungalows and associated works following demolition of warehouse buildings, access from Victoria Avenue For: Blue Oak Homes (Yorkshire) Ltd At: Former Buffer Depot, Sowerby RECOMMENDATION: REFUSE
14	16/01138/S106 Mr P Jones Stokesley Page no: 115	Variation of Section 106 Agreement associated with application 14/02578/OUT – affordable housing requirements For: Cecil M Yuill and Gentoo Homes At: White House Farm, Stokesley RECOMMENDATION: GRANT
15	17/00578/FUL Miss L Chambers Topcliffe Page no: 123	Revised application for alterations to existing chapel to form 3 apartments For: The Methodist Church, Thirsk and Northallerton Circuit At: Topcliffe Methodist Church, Church Street, Topcliffe RECOMMENDATION: GRANT
16	17/00579/LBC Miss L Chambers Topcliffe Page no: 131	Listed Building Consent for alterations to existing chapel to form 3 apartments For: The Methodist Church, Thirsk and Northallerton Circuit At: Topcliffe Methodist Church, Church Street, Topcliffe RECOMMENDATION: GRANT
17	17/01552/OUT Mrs H Laws Well Page no: 135	Outline planning application with all matters other than access reserved for 2 detached dwellings of single storey scale with rooms in the roof For: Messrs Bradley & Robert Elsworth At: Land adjacent to Northfield, Bedale Road, Well RECOMMENDATION: GRANT
18	17/01276/FUL Mr K Ayrton Well Page no: 145	Construction of a single dwelling For: Mr E Sherwin At: Land Adjacent To Cumbrae, Flask Lane, Nosterfield RECOMMENDATION: GRANT

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Parish: Bedale
Ward: Bedale
1

Committee date: 12 October 2017
Officer dealing: Miss Charlotte Cornforth
Target date: 16 October 2017

17/01574/FUL

**Installation of a piece of public art
At Bedale Golf Club, North End, Bedale
For Hambleton District Council**

This application is referred to Planning Committee as the applicant is Hambleton District Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application seeks permission for the installation of a piece of public art on the grass verge on the B6285 (North End) immediately to the south of the new Bedale bypass roundabout adjacent to Bedale Golf Club.
- 1.2 The site is approximately 100 metres from the western boundary of the Bedale Conservation Area. Two Grade I listed buildings, St Gregory's Church and Bedale Hall, are located to south east of the site (approximately 230 metres and 250 metres respectively).
- 1.3 Opposite the site (to the north), planning permission has been granted for the construction of a new car park to serve visitors to the town.
- 1.4 The design of the public art is to represent a herd of deer to reflect the history of Bedale Park as a mediaeval deer park.
- 1.5 The eight deer would be manufactured from corten steel, a steel alloy that develops a stable rust-like appearance if exposed to the weather for several years. They would be positioned on galvanised upstands fixed into concrete beneath the ground, with soil then backfilled over the upstands and concrete. There would be four larger deer and four smaller deer, roughly life sized.
- 1.6 The rationale for the public art is to add to the interest on the fringe of the town and to encourage people to visit the town centre following completion of the bypass, thereby benefitting the local economy. There is also the potential to follow a town/heritage trail project which is currently being developed by the Bedale and Villages Community Forum.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning or enforcement history.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 – Sustainable Development
Core Policy CP2 – Access
Core Policy CP13 – Market Towns Regeneration
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Development Policy DP1 – Protecting amenity
Development Policy DP3 – Site accessibility

Development Policy DP4 – Access for all
Development Policy DP19 – Specific measures to assist market town regeneration
Development Policy DP28 – Conservation
Development Policy DP32 – General design
Supplementary Planning Document – Bedale Conservation Area Appraisal (2010)
National Planning Policy Framework (2012)

4.0 CONSULTATIONS

- 4.1 Town Council – Recommends the application for approval
- 4.2 Highway Authority – Questions with regard to the location and maintenance of the art piece have been resolved and there is no objection to the proposal. The art piece is to be placed in the adopted highway and therefore a licence from the Highway Authority is required before any work can commence.
- 4.3 Public comments and site notice – no comments received to date

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the proposed design and its impact upon the character and appearance of the surrounding area; (iii) the impact on heritage assets; (iv) the impact upon the amenity of neighbouring occupiers; and (v) highway safety

Principle of development

- 5.2 Policy DP19 is supportive of improving spaces and the public realm to assist market town regeneration. The site is opposite the recently approved car park which would provide the opportunity for those travelling along the diverted A684 to stop and visit Bedale whilst also reducing the pressure for parking spaces and congestion within the town centre. It can therefore be viewed as part of a wider range of proposals, including the proposed trail, linking this part of the fringe of Bedale with the town centre.
- 5.3 The proposed public art is considered to improve the quality and appearance of this utility grass verge and improve the public realm on the fringe of Bedale.
- 5.4 It is therefore considered that the principle of installing a piece of public art in this location is acceptable.

Design, character and appearance

- 5.5 Policy DP32 requires new development to take account of local character and settings and to promote local identity and distinctiveness. Those objectives would be achieved by the historic reference to Bedale Park. It is considered that due to their positioning, scale, form and use of materials, the proposed herd of deer would have a natural appearance appropriate to the semi-rural surroundings and would not be dominant or detract from the relatively open character of the surroundings.

Heritage assets

- 5.6 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. 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 Bedale Conservation Area.

- 5.7 The applicant has stated in their supporting statement that a variety of options for the siting and design of the public art were considered to ensure that they would not cause substantial harm to the nearby Grade I listed buildings of St Gregory's Church or Bedale Hall, or the Bedale Conservation Area.
- 5.8 Due to their positioning, scale, form and use of materials, it is considered that the public art will not dominate views to and from the two nearby Grade I listed buildings or the Conservation Area. The impact on the significance of the heritage assets is considered to be negligible in this instance. It is therefore considered that the proposal would preserve the setting of the two Grade I listed buildings and the character and appearance of the Bedale Conservation Area.

Neighbour amenity

- 5.9 Due to its scale and distance from residential properties, the public art would not have a material adverse impact upon the amenity of nearest occupiers by being overbearing in presence, causing loss of light or loss of privacy.

Highway safety

- 5.10 The herd of deer would be set back from the B6285 within the grass verge and would therefore not impinge upon highway safety. No objections have been raised by the Local Highway Authority.

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 development hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Location Plan (Scale 1:1250) received 18.07.2017, Block Plan (Scale 1:350) received 18.07.2017, Elevation plan of deer (received 19.07.2017) 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 CP1, DP1, CP16, DP28, CP17 and DP32.

Informative

1. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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Parish: Brafferton
Ward: Raskelf & White Horse
2

Committee Date: 12 October 2017
Officer dealing: Mr T J Wood
Target Date: 16 August 2016
Extension of time (if agreed): 21 September 2017

16/01142/OUT

Outline planning application for up to 28 dwellings and means of vehicular access with all other matters reserved
At land to the east of Boroughbridge Road, Brafferton
For Brafferton Manor Farmers

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The 1.2 hectare application site is roughly rectangular and lies on the north side of the village of Brafferton. The land is undeveloped and in use as grazing land. It falls gently from north west to south east, bounded to the north by The Old Parsonage and to the south by Brafferton Manor. To the east is open agricultural land. To the west are roadside trees growing within a grass verge that is higher than the highway. On the west side of Boroughbridge Road is the modern residential development of St Peters Close; this was formed by new build and conversion of former agricultural buildings.
- 1.2 Other than the trees that stand on the western boundary and the gentle undulation of the land there are no special characteristics within the site. The site lies outside the Development Limits defined around the joint villages of Brafferton and Helperby. The Brafferton/Helperby Conservation Area abuts the site at its south west corner. The site is in Flood Zone 1 and is therefore considered to be at the lowest risk of flooding. Drainage of surface water is proposed to mimic the greenfield run-off rates. Foul water is proposed to discharge to the public sewer in Boroughbridge Road.
- 1.3 The application forms show the provision of 28 market dwellings giving no detail of the size of the dwellings and no indication that affordable housing units are proposed. Whilst a plan for the layout of housing has been submitted this is only indicative as the details of all matters other than access (appearance, landscaping, layout and scale) are reserved for later approval. However, with 28 dwellings, the proposal would achieve a density of 24 dwellings per hectare (dph). Neighbouring developments have both lower and higher densities on St Peter's Close the density is 22 dph, Balk Avenue 27 dph and Manor Drive 31 dph.
- 1.4 The proposal seeks approval in detail for access to the land. A plan shows the provision of a 5.5m wide access from Boroughbridge Road with visibility splay of 2.4 x 43m along the channel lines of the major road to the south and 2.4 x 90m to the north. Two trees would be removed for the formation of the access and hedgerow removal would also be required to secure the visibility splay to the north.
- 1.5 A Statement of Community Involvement has been prepared noting that a consultation letter with information and questionnaire was sent to 78 dwellings and businesses, the Parish Council and the Ward Member. The statement records that 22 responses were received, with 57% of those replying giving either full or broad support to the proposal. Whilst little support was recorded for the layout (fewer than 20% of respondents expressed support for it) the need for additional housing to include starter homes and semi-detached dwellings received most support with lesser

support for detached and town houses and less for retirement and older persons' housing than for starter homes and semi-detached dwellings.

- 1.6 The planning statement submitted alongside the application seeks to argue that there is a need to provide more housing within the district and specifically notes the December 2015 appeal decision at Stillington Road, Easingwold, in which the appellant argued that at least 637 dwellings per annum were required to meet the district's Objectively Assessed Needs (OAN) for housing.
- 1.7 Since the submission of the application the Council's Rural Housing Enabler has been in correspondence with the newly formed Brafferton Community Benefit Society that seeks to deliver (amongst other things) a community led housing scheme of eight dwellings. The applicant's agent has confirmed that they wish to assist and make land available for the Community Benefit Society to develop affordable housing for local people. The agent also notes that the scheme remains a proposal for 28 dwellings.
- 1.8 The application was supported by a Planning Statement, Ecological Report and Tree Survey and Transport Statement including detail of the proposed access.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is 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 CP3 - Community assets
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 CP9A - Affordable housing exceptions
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
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies 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 DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATION

4.1 Brafferton Parish Council – Objects, raising concerns on four matters:

- (i) The access is unsafe; too close to a bend that limits visibility to vehicles travelling north;
- (ii) Sewer capacity – concern of overloading and increased use of storm overloads discharging to the River Swale;
- (iii) The proposed density is too high and out of character, increasing the number of dwellings in Brafferton by about one third; and
- (iv) The housing mix should reflect needs for smaller and affordable homes.

The Council also notes that there is poor mobile phone coverage in the area.

4.2 Highway Authority – No objection subject to conditions. Advises that the footways on the site frontage would need to be widened to benefit pedestrians and secure the required visibility.

4.3 Yorkshire Water – Objects on the ground that the Flood Risk Assessment is not satisfactory as currently shown. The report indicates sub-soil conditions do not support the use of soakaways, however, no proof of soil testing is provided in the report. Additionally, the report indicates a direct connection to watercourse would be impractical due to crossing third party land, with this regard some proof of investigations is required. A pond to the east of the site should also be included in the report as an option. There is no capacity in the foul water sewer for any surface water.

If planning permission were to be granted, conditions should be imposed to require the approval of details of discharge of surface water. (No representations are made in the response in respect of the proposed discharge of foul water to the sewer in Boroughbridge Road.)

4.4 Natural England – No comment on the proposal other than to note it is not likely to result in significant impact on statutorily designated nature conservation sites or landscapes.

4.5 Ministry of Defence – No safeguarding objection.

4.6 Environmental Health Officer – Objects on the ground that the applicant's preliminary assessment of land contamination is insufficient and a phase 1 assessment should be provided. In the absence of sufficient information to make an informed decision the application is recommended for refusal.

4.7 Yorkshire Wildlife Trust – Objects. Notes that the ecological assessment provided does not include a Great Crested Newt (GCN) survey, which is recommended due to the proximity of a suitable pond. The presence of a GCN is a material consideration and could affect the layout and density of the development. More information is required.

4.8 Public comments – Seven representations have been received. Five objections make reference to:

- Overdevelopment of a greenfield site;
- Loss of greenspace on the edge of the village;
- Housing should take place on the land off Back Lane including the allocated site;

- Housing need does not support a scheme of 28 dwellings no need for additional housing;
- Lack of infrastructure to accommodate needs of residents of the additional homes (lacking public transport, lack capacity at the village school, lack of childrens play park, lack of post office, poorly maintained roads);
- Setting a precedent for development of other greenfield sites;
- Increased traffic;
- Dangerous access with poor visibility;
- Traffic calming required to reduce traffic speeds;
- Overlooking to main rooms in the neighbouring property to the north, The Old Parsonage;
- The layout should be designed to look on to the village street not away from it;
- Development would remove rural views enjoyed by neighbours;
- Construction impacts on amenity of neighbours;
- Occupiers will not contribute to village life; and
- Impact on house prices due to increased supply.

Support has been expressed by two respondents, one giving no reason, the other stating:

- A hope that the development will enhance local facilities; and
- The opinion that the scheme would not be of detriment to the area.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered are (i) whether the scheme is sustainable development that can be supported despite the fact that it is a departure from the Development Plan; (ii) whether the proposal is within the scope of the Interim Policy Guidance to enable support for the development; (iii) affordable housing and the suggestion of a community-led housing initiative; (iv) design and community engagement; (v) ecology; and (vi) whether the application should be considered favourably because of a local under-supply of housing.

Sustainability and the Development Plan

- 5.2 The Planning and Compulsory Purchase Act 2004 states at Section 38(6) that if regard is to be had to the Development Plan in any determination; that determination shall be in accordance with the plan unless material considerations indicate otherwise. Section 38(5) requires that where policies in the Development Plan conflict, that conflict must be resolved in favour of the last adopted document.
- 5.3 As noted above it is necessary to considered whether material considerations may outweigh the policies of the Local Development Framework.
- 5.4 The site is outside the Development Limits of Brafferton and Helperby a settlement that is a Service Village within the hierarchy of the CP4. 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".

Interim Policy Guidance (IPG)

- 5.5 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.
- 5.6 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.7 The first IPG issue to consider is whether the proposal would support local services. The settlements of Brafferton/Helperby are identified together as a Service Village in the Settlement Hierarchy in the Core Strategy and in the 2014 update. Brafferton and Helperby are therefore considered a sustainable location for small scale development by the IPG. The question of scale is considered below but the Service Village designation means that the village can be considered an appropriate location for housing that otherwise accords with the IPG.
- 5.8 The IPG advises that small scale would normally be considered to comprise up to five dwellings but that the number in each proposal must be considered on its own merit taking into account the scale and unique character and appearance of the settlement. As noted by correspondents, the adjoining village of Brafferton is relatively small, however it should be considered alongside Helperby. The proposal of 28 dwellings would nonetheless be an uncommonly large development for the two villages. The last development of comparable scale, Balk Avenue, comprises 27 terraced and semi-detached dwellings and bungalows, completed in the 1980s. The proposal would therefore be substantially larger than any other housing development undertaken in Brafferton and Helperby in recent years. Both in terms of land take and the number of new buildings the St Peter's Close scheme opposite the site is considerable smaller than the proposed development.
- 5.9 Furthermore, and like Development Plan policies, the second IPG criterion requires development to reflect the built form and character of the village while the third criterion expects it to avoid any detrimental impact on the natural, built and historic environment. The indicative plan shows how the development could replicate the general layout of Manor Drive with two cul-de-sacs with dwellings set at a splay at the

northern end. The development however would not reflect the historic pattern of development in the village that is characterised by frontage development to the streets with clusters of dwellings to the rear. The scale of development proposed would not lend itself to a form of development that continues the historic street pattern and pattern of development. The position and orientation of The Old Parsonage to the north and Brafferton Manor to the south of the site provides a further challenge to achieve a layout that responds to and respects the form of development. The scale of development proposed and detailed on the indicative plan is considered to be likely to give rise to the harm to the setting of those properties that benefit from the spacious surroundings and openness and undeveloped appearance of the land beyond their curtilages.

- 5.10 It is acknowledged that layout is reserved for future consideration, so the illustrative layout cannot be treated as definitive at this stage. However, it does show that in order to achieve as many as 28 dwellings, the site would have to be laid out in a way that has insufficient regard for the built environment of Brafferton and its rural setting. The proposed development is therefore neither small scale nor sympathetic to character of the settlement and therefore does not conform to the second and third criteria of the IPG.
- 5.11 With the exception of some twentieth century additions that would not conform to current design expectations, Brafferton exhibits a typical porous boundary between its built area and the surrounding countryside. The scale and density of development envisaged and shown in the illustrative layout would present a sudden and unsympathetic transition to the adjacent countryside and therefore would fail IPG criterion 4.
- 5.12 As noted the layout would affect the setting of Brafferton Manor, a substantial dwelling that due to its prominent position with large gardens at edge of the settlement and a gateway feature to the Brafferton Conservation Area, is important to the setting of the Conservation Area, and the layout would also affect the setting of the Conservation Area as the openness of the grazing land beyond the northern boundary of the Conservation Area would be removed. This loss of open aspect from the Conservation Area would not preserve or enhance the character of the Conservation Area and is therefore contrary to the provisions of the LDF Policies CP16 and DP28. The scheme would restrict views of the open countryside at the edge of the settlement that from the highway and footway through the line of trees on the Boroughbridge Road frontage and is therefore contrary to the second, third and fourth criteria of the IPG due to the scale, harm to the setting of the Conservation Area and impact on the loss of openness of the countryside.
- 5.13 In terms of the proposal's impact on infrastructure, the fifth IPG criterion, the footway width between the site and the centre of the village is severely restricted between the garden wall of Brafferton Manor and the wall of the dwelling and garden wall and railings of Old Manor House. The width of the footpath does not meet current design standards and this would become more apparent if it had to cater for as many as 28 more dwellings. Concerns have been raised by neighbours relating to the speed of traffic. It is considered that the limited forward visibility for motorists coupled with the narrow footway is such that the quality of the route for pedestrians is substantially reduced. An alternative route for pedestrians is available to link the site to the services within the settlement via a public footway through St Peter's Close to School Terrace. A footway on the application site frontage could be formed to a crossing point of Boroughbridge Road to link to St Peter's Close.
- 5.14 There is doubt regarding the capacity of the facilities to dispose of surface water from the site. However the applicant controls substantial areas of land to the east and lower than the application site. It is therefore reasonable to conclude that appropriate

drainage provision could be made and that the scheme would not result in pollution or cause flooding. There is no evidence to conclude that the scheme would exceed the capacity of other infrastructure or that where expansion of infrastructure could not be provided to meet the needs of residents within the development (such as education or health facilities) prior to the occupation of the development.

- 5.15 Concern has been raised in the responses of neighbours at the lack of children's play facilities in the village. The policy of the LDF requires appropriate recreation facilities are available to meet the needs of new development, DP37 and the Open Space, Sport and Recreation Supplementary Planning Document identifies that for housing schemes of more than ten units amenity green space and play areas for children will be required. The needs for children's play should therefore be addressed in any proposed layout. The application is silent on this matter, although the illustrative layout includes a small area between plots 13 and 14 that may be intended to serve as amenity space. However, given that layout is yet to be considered it remains possible that appropriate play facilities to meet the needs of new occupiers could be included. On the evidence available it is considered that the scheme can achieve the requirements of the fifth criteria of the IPG.

Affordable and community-led housing

- 5.16 The application indicates that the development would include "an element of affordable housing, the percentage of which is to be negotiated with the Council". No other of affordable housing has been made. The site lies within the hinterland of Easingwold where the proportion of affordable housing required by Policy CP9 is 50%.
- 5.17 Discussion between the applicant, the Council's Rural Housing Enabler and the newly formed Community Benefit Society in Brafferton/Helperby has resulted in an undertaking to allow the Community Benefit Society to run the affordable housing that could be provided on the site. The Community Benefit Society seeks to provide affordable housing for local people, and aim to provide eight dwellings to meet local needs. No specification of the Community Benefit Society proposal has been provided and it is not possible to confirm whether it would meet the requirements of the Council's policy. The LDF does not contain policies relating to Community Led Housing, although Policy CP9A allows for Rural Exception Sites for the provision of affordable housing to meet local needs. Any proposal for a special type or means of delivery of housing would have to be considered on its merits. However a response to a request for clarification of the detail of the offer of land for Community Led Housing has not been forthcoming. It remains that there is no formal proposal for the provision of any affordable housing or housing to be provided through a community initiative. Even if a proposal was made to deliver the eight units sought by the Community Benefit Society this would be 28% of the total of 28 dwellings and would fall well short of the 50% target set out in the Policy CP9. As a consequence it is considered that only very limited weight can be given to the matter of Community Led Housing in the absence of clear detail.

Design and community engagement

- 5.18 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." This has already been discussed in the preceding paragraphs of this report.

- 5.19 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.
- 5.20 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.”
- 5.21 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.
- 5.22 The Design and Access statement was prepared in May 2016 and does not incorporate detail of why the proposal has been made in the form presented or whether alternative forms of development were considered, it does, however, acknowledge that the reserved matters details would be influenced by the outcome of the consultation exercise that has been undertaken (in accordance with the Council’s SCI prior to the submission of this outline application).
- 5.23 The Statement describes the character of the surrounding area noting the relationship to the village and the countryside and the Conservation Area status of Brafferton. The value of the trees on the site frontage is recognised and the layout of the access allows for the retention of the larger trees. The statement does not include any evidence of other development options being considered.
- 5.24 The Statement does, however, confirm that invitations to comment on the emerging proposal were sent to 78 nearby residential addresses and to the Parish Council. Recipients were asked to state whether they (a) fully supported, (b) broadly supported, (c) did not support, or (d) were undecided about the proposed development. The applicant received 21 answers to these questions and claims 57% support from those who either fully supported (five respondents) or broadly supported (seven respondents). The views of the 57 residents who did not reply are, of course, unknown.

Ecology

- 5.25 There are no records of features within the site of importance to the natural, built or historic environment. There is potential for GCN’s to have access to the site. A pond over 250m to the north east of the site beyond arable farm land has the potential to support a population of GCNs. The ecology report submitted with the application finds that the use of the pond for angling and separation distance of over 250m of agricultural land makes any amphibians in the pond unlikely to access the application site. A further pond closer to the site but on the west side of Boroughbridge Road is noted to have some potential to have a GCN population. The report advises that if following additional survey work a population of GCNs is found in this pond to the north then this may have a bearing on the on the design of the site layout. A condition is identified as appropriate to control the development to protect any GCNs.

Supply of housing

- 5.26 The planning statement submitted alongside the application seeks to argue that there is a need to provide more housing within the district and specifically notes the December 2015 appeal decision at Stillington Road, Easingwold, in which the appellant argued that at least 637 dwellings per annum were required to meet the district's Objectively Assessed Needs (OAN) for housing.
- 5.27 Since the preparation of the applicant's statement the Council has published a Strategic Housing Market Assessment, reporting a OAN of 274 dwelling per annum. The applicant's agent notes that the updated OAN has not been the subject of independent examination and argues that its use is therefore premature. However, the most significant factors influencing the reduced OAN are revised population and household growth projections published by the Office of National Statistics and the Department of Communities and Local Government. It is therefore considered that the methodology, which is being used in the preparation of the new Local Plan, is robust and may be relied on safely in determining this application.
- 5.28 As an additional consideration, the Government has published a consultation paper (Planning for the right homes in the right places) which indicates a significant further reduction in the annual needs for new homes in Hambleton. A "Housing need consultation data table" published alongside the consultation paper states the indicative assessment of housing need based on the proposed formula in the consultation document for 2016 to 2026 and states the annual requirement for Hambleton to be 226 dwellings. Whilst very little weight can be afforded to the Government's consultation proposal of itself, it follows thorough consideration and advice provided by the Local Plan Expert Group, and confirms that current thinking does not support the over-inflated OAN figures that were put forward in appeals in previous years.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposal is contrary to the Local Development Framework Core Strategy Policies CP1, CP2, CP4, CP16 and CP17 and cannot receive support through the Council's Interim Policy Guidance (IPG) as the proposal is not small in scale, and fails to respect the character of the settlement of Brafferton or the setting of the neighbouring properties of Brafferton Manor and The Old Parsonage. The scale of development proposed and detailed on the indicative plan is considered to be likely to give rise to the harm to the setting of those properties that benefit from the spacious surroundings and openness and undeveloped appearance of the land beyond their curtilages. The development would not reflect the historic pattern of development in the village that is characterised by frontage development to the streets with clusters of dwellings to the rear. The scale of development proposed would not lend itself to a form of development that continues the historic street pattern and pattern of development. The scale and density of development envisaged and shown in the illustrative layout would present a sudden and unsympathetic transition to the adjacent countryside and therefore would fail the requirements of the IPG.
 2. The failure to preserve or enhance the character and appearance of the Conservation Area is in conflict with the Local Development Framework Core Strategy Policies CP16 and DP28 the scheme would harm the setting of the Conservation Area due to the scale, form and density of the proposed development.
 3. The scheme provides no affordable housing, the applicant has not provided evidence to show that the scheme would be unviable if affordable housing was provided and the proposal is therefore contrary to Local Development Framework Policy CP9 and

would not meet the needs of the local community contrary to Local Development Framework Policy DP13.

Informative

1. Hambleton District has a housing land supply greater than 8 years and is therefore substantially in excess of the 5 years plus buffer required by the NPPF. Accordingly additional development proposed in this application, contrary to the Development Plan, cannot be justified as being necessary.

Parish: Brompton
Ward: Northallerton North & Brompton
3

Committee date: 12 October 2017
Officer dealing: Mr K Ayrton
Target date: 13 October 2017

17/00611/FUL

**Construction of 3 detached dwellings and new access to Plots 2 & 3
At land to the east of 15 Lead Lane, Brompton
For Mr & Mrs A Maynard**

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 located on the eastern edge of the settlement of Brompton. It is approximately 0.34 hectares in size, rectangular in shape, and currently grazing land. The site is close to a road junction, with a frontage onto Lead Lane and a shorter frontage onto Stokesley Road. Lead Lane links Stokesley Road to the centre of Brompton. The site is at a higher level than Lead Lane. The land also rises up as it extends back from Stokesley Road.
- 1.2 There is residential development to the west which extends along Lead Lane. The adjacent property is a large detached property owned by the applicant. The dwelling is located within the Development Limits for Brompton. However, the application site falls beyond them. There is further residential development to the north, which extends along Stokesley Road. The dwellings are predominantly bungalows, although there is also a public house (Green Tree Inn) that is two storeys in height. The land to the south east is open countryside.
- 1.3 The application is in detailed form for the construction of three detached dwellings. The scheme was amended during the consideration of the application, which resulted in one of the dwellings being reduced in size. The proposed mix includes a three-bedroom dwelling and two four-bedroom dwellings. The existing access would serve the western most dwelling, with a new access being formed to serve the other two dwellings.
- 1.4 The edge of the Brompton Conservation Area adjoins the western boundary of the application site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility

Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council – Requests refusal of the application on highway grounds due to the intensity of traffic that the development would cause at an already busy location at the entrance/exit to the development. There needs to be a reduction in height of the proposed dwellings should the Planning Authority be minded to approve the application, or bungalows instead of houses.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to a condition to secure the submission of a contaminated land risk assessment.
- 4.4 Public comments – None received

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character and appearance of the surrounding area, including the setting of the Conservation Area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site is outside the Development Limits of Brompton. 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 is intended to bridge 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, Brompton is identified as a Service Village, which is at the top end for the purposes of the IPG. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement or on every site. Considering the status as a Service Village and the nature and form of the site, the scale is considered to be acceptable.

Character and appearance

- 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 environment and built form. This is consistent with other policies in the Local Plan.
- 5.8 The proposed layout plan demonstrates how the siting of the dwelling would respect the linear form of development along Lead Lane and not be viewed as an isolated element in the rural landscape to the south east. The junction of Lead Lane and Stokesley Road form logical limits to this part of the settlement.
- 5.9 The relatively low density of development would allow for generous plots, consistent with those in the surrounding area. This allows for large front gardens with the dwellings set well back from the road frontages. Opportunities for landscaping are also created.
- 5.10 The agent has submitted a detailed sectional drawing. This shows how the levels fall towards Stokesley Road, resulting in the ground floor level of the eastern most dwelling being approximately two metres lower than the eastern most one.
- 5.11 The main design challenge for the site is to deliver a dwelling that responds positively to the corner plot, having taken into consideration the two road frontages, site levels and relationship with the adjoining bungalow. This was highlighted to the agent and they amended the scheme by introducing, a smaller three-bedroom dormer bungalow with a reduced ridge height and more active eastern gable end. It is considered that the revisions submitted successfully meet these requirements.
- 5.12 The appearance of the dwellings is generally traditional and similar to others in the vicinity, most notably the property to the west of the site. The proposed design is considered to be in accordance with the design policy requirements.

Neighbour amenity

- 5.13 The size and shape of the site allows the dwelling to be positioned to achieve an acceptable level of amenity for current and future occupiers. There are no amenity issues raised by the proposals for the occupiers of any existing nearby properties and as such the proposed development is considered to comply with the requirements of Development Policy DP1.

Highways

- 5.14 The Parish Council has raised concerns about the use of the local junctions. However, the scheme is on a small scale, introducing only a limited number of additional vehicle movements. It is also noted that the local highway authority has raised no objection to the proposed development. The proposals are considered to have no significant detrimental impact on road safety.

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 2C, 3A, 4C and 5A received by Hambleton District Council on 13 March 2017 and 24 September 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 and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. No 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.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in

writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6; (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the highway and shall not be able to swing over the highway; (iii) The access extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10; and (iv) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
8. There shall be no access or egress by any vehicles between the highway and the application sites (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along both channel lines of the Lead Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing SCH844 DWG No. 2 REV A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. 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. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the

development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.

13. 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 13 above.
14. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.
5. 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.
6. In accordance with policy DP3 and in the interests of highway safety
7. In accordance with policy DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
8. In accordance with policy number DP3 and in the interests of road safety.
9. 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.
10. 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.
11. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
13. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

14. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

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 or by telephoning 01609 779977.

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

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Parish: Easingwold
Ward: Easingwold
4

Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date: 21 September 2017

17/01328/FUL

12 dwellings, garages and associated infrastructure
At Land to the north of Raskelf Road, Easingwold
For Daniel Gath Homes

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 located on the north side of Raskelf Road, approximately 130m from the junction with Thirsk Road. It comprises an existing domestic plot, known as Bellwood Cottage, a paddock and part of the domestic rear garden of Ash Lea.
- 1.2 The site is bounded by hedging and there are some mature trees on the northern boundary. The southern part of the paddock, between Ash Lea and Bellwood Cottage, is within Development Limits, the boundary for which closely follows the rear of existing built form rather than the full extent of plots. As such the northern section of the site is beyond Development Limits.
- 1.3 Full planning permission is sought for the demolition of Bellwood Cottage and the erection of twelve dwellings. These would be a combination of two, three and four bedroom properties, the majority being two storey but two units would be bungalows.
- 1.4 A single access would be taken from Raskelf Road to serve the development with space for turning and parking of vehicles provided within the site. The seven properties across the site frontage, within Development Limits, would have in-curtilage parking spaces to the rear while the five plots to the rear, beyond Development Limits, would be served by garages and private drives.
- 1.5 Minor improvements have been secured to the proposed layout to achieve better separation distances between properties.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 01/50214/O – Outline application for residential development; Refused 9 August 2001.

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 DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
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 DP33 – Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council – Wishes to see the application approved.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Lead Local Flood Authority – Information provided with the application does not demonstrate practical SuDS, recommends additional information is provided to the satisfaction of the planning authority prior to any planning decision.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Yorkshire Water – No objection.
- 4.6 Public comments – One neutral comment about levels of on street parking and their potential impact on the proposed access.

5.0 OBSERVATIONS

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

Principle of Development

- 5.2 The southern portion of the site is within defined Development Limits and the principle of residential development on that portion of the site is supported by Local Development Framework (LDF) policies. However the remainder of the site is beyond Development Limits and as such the development of a further five dwellings on this part of the site would be a departure from the development plan, which would require exceptional justification. There is no suggestion from the applicant that the seven dwellings proposed across with site frontage and within Development Limits would be unviable without the five proposed to the rear, beyond the Development Limits, so they can only be assessed on their merits.
- 5.3 The submitted planning statement makes a number of assertions that local and national policy offer support to the proposal, namely that national policy seeks support for sustainable development, particularly where the local plan is out of date and that the age of current local policy and strict implementation of the Development Limits are not NPPF compliant.
- 5.4 Part of the site (excluding Bellwood Cottage, with a reduced curtilage, and land to the rear of Ash Lea), was put forward as part of the call for sites for the new local plan and was assessed as a preferred site capable of accommodating seven dwellings. The local plan preparation is at too early a stage to be given weight in decision making and as such this cannot be a material consideration in determining the application. It is therefore necessary to assess the potential adverse impacts and public benefits of the proposed development in order to determine whether justification for such a departure can be made.

- 5.5 The scheme proposes a mix of house types that would contribute towards identified housing need in the District with 75% of the units being two and three bedroom dwellings, including two two-bedroom bungalows (16%).
- 5.6 In terms of tenure, all of the units are proposed for private sale and it is not proposed to provide affordable homes either on site or by financial contribution. If the application were limited to the part of the site within Development Limits, the number of dwellings (seven) would be below the threshold for provision of affordable housing in policy CP9. The policy position for the part beyond Development Limits is that CP4 and CP9A only support schemes that are 100% affordable housing and therefore to accord with LDF policy all five dwellings in the northern part of the site should be affordable. Furthermore, if the entire site were to come forward as an allocation in the new Local Plan it would be likely to include a requirement for affordable housing because the proposed threshold for inclusion of affordable housing in the emerging local plan is ten units.
- 5.7 The development would have some public economic benefits in terms of employment during construction, although this would be short term, and the principle economic benefits would be private. It is suggested by the applicant that the scheme offers the opportunity to support a small to medium sized enterprise rather than a volume housebuilder and that this should be taken into account due to the greater viability pressures on smaller operators. However, this cannot be taken into account because planning permission goes with the land and the identity of the developer is not a material consideration. The applicant also suggests that the site has greater infrastructure costs that make viability problematic for a smaller housebuilder if affordable housing is also made a requirement, however, no evidence has been submitted in support of this claim and it therefore cannot be given any weight in deciding the application.
- 5.8 The site frontage is within a residential area and has close links to the range of services the Service Centre of Easingwold offers, including good transport links to other areas. The scheme would contribute to housing needs in the area, including providing a high proportion of smaller units, including two bungalows, for which there is a high demand. It is evident therefore the proposal has some identifiable benefits. However, the absence of any affordable housing on the northern part of the site, beyond Development Limits, where LDF policies normally require 100% affordable housing (i.e. five units in the proposed layout) is not only a failure to achieve an identifiable benefit but also in clear breach of policy.
- 5.9 While accepting that the NPPF gives a presumption in favour of sustainable development, particularly for housing, and that a five year housing supply is not a ceiling and therefore a reason to refuse otherwise appropriate applications, it must be acknowledged that there is a substantial public benefit to a plan led system, as identified by the NPPF. LDF policies can appropriately direct future development if they are coherent and broadly NPPF compliant. The Council has reviewed its approach under CP4, introducing greater flexibility in rural areas under Interim Policy Guidance, and updating the Settlement Hierarchy to allow for greater development opportunities in villages; this responds to the need to boost the supply of housing and maintains a high degree of consistency with the NPPF. The Council has a housing land supply of more than five years plus buffer that is required by the NPPF; the most recent evidence shows a supply of more than eight years. With regard to larger settlements the approach remains principally allocation-led within the plan and locational sustainability is, again, NPPF compliant. Contrary to the applicant's claim, Development Limits have been demonstrated to serve a legitimate planning purpose, namely to prevent the unplanned outward spread of development. An example of support for this approach is seen in the recently dismissed appeal at St Paulinus

Drive, Romanby that confirms that LDF restrictions on sites beyond Development Limits do not conflict with the NPPF.

- 5.10 The Easingwold area is in the fortunate position of having ongoing delivery of a wide range of housing schemes but it is recognised that this should not prevent further delivery if it can be demonstrated that a given site is sustainable and preferable in other respects. However, this would be equally true of additional delivery of affordable housing and the applicant's suggestion that there is an oversupply of affordable homes in Easingwold does not correlate with their assertion that more housing should be supported generally. The identification of a site as a preferred option for development in the plan making process does not mean applications should be submitted prematurely, but equally there must be robust reasons for refusing an otherwise acceptable site.
- 5.11 It is acknowledged that the provision of bungalows is a benefit to the scheme that would necessitate a larger footprint and may therefore reduce overall numbers than might otherwise be achieved; however the other costs identified by the applicant as being prohibitive of including affordable housing are not considered to be abnormal but rather necessary to achieve a policy compliant proposal – i.e. high quality design or surface water attenuation. These are normal development costs that should be reflected in the land value. The public benefits of the scheme are acknowledged but are limited and do not justify a fuller assessment of the scheme as part of Local Plan process. In contrast, the public disbenefits are evident: unplanned outward spread of development accompanied by a failure to deliver affordable housing as required by policy CP9A and pre-empting development under the emerging Local Plan without achieving its expectations of affordable housing.

Highway Safety

- 5.12 A single point of access is proposed into the site from Raskelf Road with a minimum of two parking spaces per property proposed within the site, some as in-curtilage bays and others within garages. Concern has been raised by a neighbouring occupier about the speed of traffic on Raskelf Road and existing levels of car parking making visibility for those exiting the site dangerous, and potentially made worse if future occupants added to the parking on Raskelf Road.
- 5.13 The Highway Authority has confirmed, as per the Manual for Streets, that parking within visibility splays on main roads is common but does not create significant problems in practice as drivers' edge forward carefully until they can achieve the necessary visibility to see the next gap in traffic to pull out. The Authority does not raise any objection to the proposal, subject to standard conditions.

Drainage

- 5.14 The application has prior to the publication of this report been supplement by details of the proposed surface water drainage scheme to serve the development. Consultation with the Lead Local Flood Authority at North Yorkshire County Council is ongoing on this additional information. They had previously advised that this information is required prior to determination for major applications of this nature. The NPPF requires planning authorities to ensure that sustainable drainage systems for the management of runoff are in place for major development unless demonstrated to be inappropriate and that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. Without advice that the supplied information is suitable for the development proposed this would warrant refusal of the application. It is anticipated that an update on this matter will be supplied to the Committee meeting.

Design

- 5.15 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."
- 5.16 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.
- 5.17 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."
- 5.18 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.
- 5.19 The applicant's planning statement describes the surrounding area as characterised by a range of architectural styles, house types and use of materials, as well as a variety in plot sizes and layouts. The paddock is noted to be of an overgrown appearance defined primarily by mature hedging and trees to the northern extent of the site.
- 5.20 No site features worthy of retention were identified, the existing bungalow at Bellwood Cottage is assessed as being asbestos clad and of poor quality construction. The applicant considers its appearance does not enhance the surroundings and therefore its demolition would not be detrimental to the character of the area. Existing sheds on the site are also identified as suitable for demolition due to their dilapidated appearance.
- 5.21 Community views were sought by leaflet drop, public consultation event and engagement with local councillors. Following consultation the applicant received 12 representations, principally relating to design, housing mix, drainage and highways impacts, which are addressed as part of the statement. The public responses received appear to be broadly supportive of the development.
- 5.22 The design statement outlines a range of other proposals that were considered, with differing numbers of units. These options were discounted due to the implications for site density and the ability to provide a range of house types, including bungalows which evidently require a larger footprint. The variety in house types proposed would address the range in housing needs but also creates interest and detail that would not otherwise be achieved by a more uniform approach.
- 5.23 Overall the proposed design is of appropriate quality, introducing properties of traditional materials and design features that would respect the residential nature of Raskelf Road. The layout allows for minimum privacy distances to be achieved while introducing properties that front the highway as per the existing vernacular with

internal access and turning facilities to serve properties within the site. The proposed development would sit well within the existing built form of Easingwold and would not detract from its character.

6.0 RECOMMENDATION

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

1. The proposed development is beyond Development Limits, does not meet any of the exceptions to Policy CP4 and does not provide any public benefit, namely affordable housing, that would justify unplanned outward spread of development, there are therefore no material considerations that would justify approval. Additionally the Council has a housing land supply substantially in excess of the 5 years plus buffer required by the NPPF, accordingly the approval of additional development contrary to the Development Plan cannot be justified as being necessary.
2. The scheme provides no affordable housing, the applicant has not provided evidence to show that the scheme would be unviable if affordable housing was provided and the proposal is therefore contrary to Local Development Framework Policy CP9 and would not meet the needs of the local community contrary to Local Development Framework Policy DP13.
3. Insufficient information has been provided to demonstrate that sustainable drainage systems for the management of surface water runoff will be achieved on site, in conflict with Local Development Framework Policies CP21, the National Planning Policy Framework (NPPF) and House of Commons Written Statement HCWS161 that require Local Planning Authorities to ensure that sustainable drainage systems for the management of runoff are put in place for major development unless demonstrated to be inappropriate and that there are clear arrangements in place for ongoing maintenance over the lifetime of the development.

Parish: Easingwold
Ward: Easingwold
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Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date: 19 October 2017

17/01260/OUT

**Construction of a detached dwelling with associated garage and access
At Wayside, 1 Oulston Road, Easingwold
For Mr Andrew Tooze**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Wayside, 1 Oulston Road is one of a pair of semi-detached dwellings on the eastern side of the street. The plot has vehicular access to the front with a driveway to the side of the house leading to the detached single garage of 1 Oulston Road. The property is the first of two pairs of semi-detached dwellings of a similar style to the north of the site, to the south of the site is a detached bungalow with attached flat roof garage to side.
- 1.2 The site is adjacent to but not within the Easingwold Conservation Area, which encompasses a small number of properties on the western side of the street. The street has a suburban residential character with some mature trees opposite the application site; however there are no trees within the site.
- 1.3 The matters for approval at this stage are the principle of development and access, the remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.4 Permission is sought to subdivide the plot in order to introduce an additional detached dwelling to the side of the existing property. This would include demolition of the existing detached garage and single storey side extension on the south side of 1 Oulston Road. Indicative details of layout and appearance have been submitted. The existing access is proposed to be widened in order to form a shared access with parking proposed to the front of existing and new properties.
- 1.5 Improvements have been secured in the form of an indicative layout showing the full extent of the site, which better illustrates the proposed dwelling in context.

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 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 DP8 - Development Limits
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 DP33 - Landscaping
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see the application refused; considers it to be over development of the site.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No comment to make.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comments – following public consultation six objections have been received, these are summarised as follows:
- Overdevelopment of the site;
 - Loss of garage to existing property;
 - Out of character with surrounding area in terms of plot size;
 - Detrimental to the street scene;
 - Potential to increase surface water flooding;
 - Application does not propose affordable housing or housing for the elderly;
 - A bungalow would be more acceptable;
 - There is not a need for the house proposed;
 - Overlooking/loss of privacy;
 - Loss of a view;
 - Loss of amenity space to existing property;
 - Indicative house design is out of keeping with the area;
 - Loss of on-street parking to form access;
 - Increased accident risk due to new access;
 - Impact on the setting of the Easingwold Conservation Area;
 - Future extensions of the proposed property under permitted development rights could bring it closer to existing properties;
 - Loss of property value; and
 - Bins may be left at the front of the property.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) principle of development; (ii) access and highway safety; (iii) design; and (iv) impact on the Easingwold Conservation Area.

Principle of Development

- 5.2 The application site is within the development limits of Easingwold and as such, residential development is acceptable in principle, subject to compliance with other relevant policy requirements. The area is residential in nature with a variety of house types and styles reflecting development over different periods, the introduction of a further dwelling would again therefore be acceptable in principle.
- 5.3 The application does not specify the scale of the proposed development, an assessment of whether it would address identified housing need (i.e. for smaller two

and three bedroom properties) could only be made once the design has been finalised. Details of how surface water drainage will be dealt with are not available at this stage however Yorkshire Water raises no objections to the principle of development, drainage details could be secured and assessed as part of a reserved matters submission.

Access and Highway Safety

- 5.4 The assessment of North Yorkshire County Highways is that a suitable vehicular access from Oulston Road to serve both properties can be achieved along with sufficient parking arrangements made within the two plots. On that basis no objections have been raised subject to standard conditions.
- 5.5 While acknowledging that the existing arrangement for the semi-detached properties in the street is driveways to the side with detached garages set towards the rear, this is not uniform throughout the street. Some properties are served by attached garages with parking area to the front; others do not have dedicated in-curtilage parking provision. Parking provision within front gardens is apparent within the locality and would adequately serve the proposed dwellings. Concerns have been raised with regards to landscaping that could be utilised to soften the appearance of parking areas; this application does not seek to deal with landscaping and would be dealt with at reserved matters stage. Notwithstanding this, the indicative layout does denote borders to the front and side that could accommodate landscaping.

Design

- 5.6 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."
- 5.7 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.
- 5.8 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.
- 5.9 A supporting statement has been submitted. It describes the character of the surrounding area as a residential area of 20th and 21st century two-storey brick built dwellings on the edge of Easingwold. No site features worthy of retention were identified.
- 5.10 At this stage, the design proposed has not been finalised, however the statement identifies that traditional brick and clay pantiles would be appropriate materials in order to be in keeping with the character of the area, and features such as a bay window would be reflective of existing properties. It is apparent from the statement that design options are being considered but that the basis for this is the aim of reflecting local vernacular. This would be assessed in greater detail at reserved matters stage should this application be approved.
- 5.11 The plot the existing property occupies is substantial with a generous rear garden and wide side garden, being the first of a run of semi-detached properties the application plot has a notably wider side garden than those between the properties to

the north. The variety in house types in the vicinity are reflected in a variety of plot sizes and forms, as such there is not a uniformly characteristic plot size or layout that could be said to define the street. Subdivision and the introduction of an additional dwelling would not therefore be detrimental to the character of the area.

- 5.12 While the plot enjoyed by 1 Oulston Road at present would be evidently altered, parking and private amenity space would still be afforded for both the existing and proposed property. The development would not therefore be detrimental to the amenity of future occupants of either property.
- 5.13 The space available within the site is sufficient for an additional single dwelling to be accommodated while still achieving necessary separation distances in order to protect privacy and prevent overlooking. The finalised design will need to take account of window arrangements and room layouts but there is nothing to suggest at this stage that an appropriate layout could not be achieved, the scheme would not cause a significant detrimental impact on the amenity of neighbours. Issues raised by objectors including the loss of a view or property value are not material planning considerations and cannot be considered in assessing the proposed design.

Heritage assets

- 5.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Easingwold Conservation Area.
- 5.15 On assessment of the application it is considered that it would not lead to harm to heritage assets. The site is not within the Easingwold Conservation Area, but rather the boundary of the conservation area encompasses the Edwardian terrace of properties on the western side of Oulston Road. Those properties are identified in the Conservation Area appraisal as fine examples of their type, however the appraisal goes on to describe the remainder of Oulston Road as being later 20th Century suburban developments in very different in character to the Conservation Area. This assessment makes clear the reason the remainder of Oulston Road is not included in the Conservation Area.
- 5.16 The proposed development would be in keeping with the suburban form of Oulston Road and would not therefore diminish the setting of the Conservation Area.

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 location plan received by Hambleton District Council on 26/06/17 unless otherwise agreed in writing by the Local Planning Authority.
 3. This outline permission is for no more than one dwelling.

4. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
5. 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.
6. 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.
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: (a) The existing access shall be improved with 6 metre radius kerbs and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6d; and (b) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway, which shall be maintained thereafter to prevent such discharges.
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; and (d) measures to control the emission of dust and dirt during construction.

The reasons 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 Policies CP1, CP2 and CP17.
3. To limit the scope of the permission to that sought in the application.
4. To ensure that the design of the buildings are appropriate to the context and provides for the amenity of the future occupiers and neighbours without harm to highway safety and complies with the Local Development Plan particularly Policies CP1, DP1, CP17 and DP32.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

7. 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.
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.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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 this condition.

Parish:Easingwold

Ward: Easingwold

6

Committee Date: 12 October 2017

Officer dealing: Justine Forrest

Target date: 19 October 2017

17/01466/FUL

First floor and two storey side extension to dwelling

12 Apple Garth, Easingwold

Mr & Mrs Kay

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This application seeks to construct a first floor extension, and a small part of which is two storey extension, to the rear of the garage. The extension all lies to the east side of the red brick detached dwelling.
- 1.2 The extensions would be finished in red brick (London Brick Co Tudor red) and concrete roof tiles (Sandtoft double roman terracotta red smooth faced) to match those of the existing dwelling.
- 1.3 The private rear garden is enclosed by a boundary fence approximately 1.8m high with trees and mature shrubs. There are neighbouring properties on all sides.
- 1.4 The original plans did not comply with the detailed design expectations of the domestic extension SPD as the extension was at the same height and alignment as the existing property. The amended plans have provided a break in the position of the front wall and reduced the ridge height by introducing a hipped roof. The eaves height of the extension remains the same as the eaves height of the existing dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning history.

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 CP17 - Promoting high quality design
 - Development Policies DP32 – General Design
 - NPPF – National Planning Policy Framework – Adopted March 2012
 - Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

- 4.1 Parish Council – Parish Council - Have no objection to the proposal, expired 9 October.

4.2 Public comments - Site notice and neighbour notifications - Three neighbour responses have been received which are summarised as follows raising concern about:

- loss of daylight/sunlight.
- the potential for overlooking and loss of privacy.
- the dominant impact of the extension and the expanse of brickwork.

5.0 OBSERVATIONS

5.1 The main issues to be considered in this case relate to the impact of the proposal on i) the character and appearance of the dwellinghouse, ii) any impact on the streetscene and iii) the amenities of the nearby neighbours.

5.2 The proposed extensions are subservient to the main dwelling, the front elevation is of acceptable design and are proposed to be constructed of appropriately matching materials. It is felt that the proposed extensions will not have a harmful impact upon the character and appearance of the dwelling or the streetscene.

5.3 The main matters is the relationship of the size and position of the extension to the neighbouring dwellings. The Policy CP1 and the Domestic Extension Supplementary Planning Document requires extensions to protect the amenity of neighbours and gives advice how to achieve this protection and prepare acceptable schemes.

5.4 The proposed extension is close to the neighbouring properties to the east side. There are three immediate neighbours, the nearest being approximately 9m from the proposed extension. It is considered that the mass of the proposal would have a negative impact on the amenity of neighbours due to the height, width of a large expanse of brickwork that would have an overbearing impact on the nearest dwelling.

5.5 A daylight impact assessment has been submitted. This shows the extent of sunlight lost due to the dwelling as it exists with further simulations for the initial proposal and the revised proposal. The extent of the loss of light has been significantly reduced by the amended plans received on 29 September 2017, such that the shading in the example times does not shade the walling of the house so severely. The extension would however cast shadow over the garden room of 22 Thornlands that is not currently shown to be in shade. No shading is shown to other dwellings in the assessment. The assessment confirms the increased impact and supports the finding that the effect of the extension on the neighbours would be too dominant and create an impression of being 'hemmed in'.

5.6 The side first floor window to the proposed ensuite is shown to face onto the neighbour at 22 Thornlands and although there may be a perception of overlooking any actual loss of privacy would be minimal as the window is not to a habitable room and could be conditioned to be obscurely glazed.

5.7 Taking all of the above into account it is considered that although the proposal will not cause harm to the appearance of the dwelling it is likely to cause significant harm to the amenities of the neighbours due to the overbearing impact and loss of daylight. The application is therefore recommended for refusal.

6.0 RECOMMENDATION

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

1. The proposed development would have a significant detrimental impact upon the amenities of the immediate neighbouring residential properties due to the scale and position of the two storey extension, resulting in a loss of daylight and an unacceptable overbearing impact, contrary to Hambleton Local Development Framework policies CP1 and DP1 and the Domestic Extensions Supplementary Planning Document.

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Parish: Great Ayton
Ward: Great Ayton
7

Committee date: 12 October 2017
Officer dealing: Mr P Jones
Target date: 8 September 2017

17/01180/FUL

**Extra care housing comprising 57 apartments with communal lounge, dining, kitchen, laundry, offices, garden and car parking area, 12 detached bungalows with single garages and private drives, new access road and new surface water drain and attenuation pond
At Cleveland Lodge, Great Ayton
For Tolent Construction Ltd., Housing and Care 21 and Bennet Ltd.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located off the east side of Newton Road, approximately 400m east of High Green. The site is on the north side of the private access road to Cleveland Lodge, a grade II listed building. Cleveland Lodge lies approximately 100m beyond the site. The land rises gently at the eastern end. The site is bounded on the north and west side by a belt of trees. There are additional individual trees along the drive. The trees are subject to Tree Preservation Orders. A public right of way runs east-west approximately 150m to the south of the site. The area of the site is just over 1 ha.
- 1.2 To the north of the site, beyond the tree belt, the site backs onto bungalows on Roseberry Crescent and two storey houses on Farm Garth. Beyond the north-west corner of the site is a detached two-storey brick house with decorative brick work, possibly a former lodge. Opposite the site, on Newton Road, the existing development is mainly two storey housing, in terraces.
- 1.3 The application breaks down into two main areas: twelve bungalows at the north east end of the site and an apartment block at the south west end. Materials would be red and brown brick in a variety of tones, with a grey tiled roof. These materials would be offset by a lighter grey brick and dark grey cladding. A single panel of white render would highlight the main entrance.
- 1.4 The application includes the construction of twelve open market bungalows, which are intended to increase the viability of the scheme. These units, whilst open market, would only be available to those who are over 55 years of age.
- 1.5 The bungalows would be set out on a fairly standard layout on the north east end of the site, as the land begins to slope gently upwards towards Cleveland Lodge. The bungalows would be built as two bedroom units but with the option of the use of the roof space for additional accommodation if needed.
- 1.6 The apartment block would provide accommodation in accordance with the Extra Care standards set out by the County Council. The accommodation comprises:
- 35 one bedroom apartments;
 - 22 two bedroom apartments;
 - A commercial kitchen/café;
 - A lounge;
 - A hair salon
 - An assisted bath and shower room;
 - A manager's office;
 - A care office;
 - An electric buggy store and charging area; and

- A guest bedroom.
- 1.7 The development would be accessed from Newton Road via the existing site entrance with modifications to wall positions in order to improve access and visibility. Dropped kerb crossings would be provided to facilitate crossing of Newton Road. A total of 52 car parking spaces would be provided on site with 28 spaces being for the purposes of the Extra Care facility.
 - 1.8 The major part of the site is allocated in the Hambleton Local Development Framework under SH4 for very sheltered housing. The development extends eastwards approximately 70m beyond the allocated site, such that seven of the twelve bungalows would be located outside the allocated site.
 - 1.9 Northumbrian Water (NW) has a flood alleviation project on Cleveland Lodge land to the south of the application site, which is separate from the planning application but which is planned to be implemented alongside it.
 - 1.10 The application was submitted with ecological, historic environment, drainage, arboricultural and transport assessments along with a proposed travel plan for the site, a planning and heritage statement and a design and access statement.
 - 1.11 Improvements to the layout and the detailed design of the buildings were secured at the pre-application stage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01400/FUL - 44 extra care units with associated community facilities (Use Class C2) and a 40 bed residential care home (Use Class C2); Withdrawn 18 January 2016.
- 2.2 15/02049/LBC - Repositioning of boundary wall (to facilitate the access associated with application 15/02856/FUL); Pending determination.
- 2.3 15/02856/FUL - Retirement village (Use Class C3) comprising 80 apartments and associated community facilities (element of extra-care); Refused 25 November 2016, appeal in progress.

The reasons for refusal were:

1. The proposed development is considered to have a detrimental impact on the character, form and appearance of Great Ayton due to the three storey development form, massing and design of the proposed buildings. The proposals fail to accord with the requirements of Core Policy CP17 and Development Policies DP28, DP30, and DP32 which seek to protect heritage assets, the character and appearance of the countryside and to achieve high quality design.
2. The proposed development fails to accord with the requirements of Allocation Policy SH4 of the Hambleton District Local Development Framework, which sets out the context for the development of this site. The allocation seeks a development which is "Very Sheltered Housing" (independent housing with an element of close/extra care for the elderly). The proposals fail to provide a suitable form of sheltered accommodation and extra care facilities as required by the allocation.
3. The car parking provision is considered to be insufficient to provide for the car parking requirements for the site. Due to the width of Newton Road, and the level of on-street parking in the vicinity of the access point, any level of

overflow parking onto the neighbouring road is likely to result in congestion having a detrimental impact on road safety, contrary to the requirements of Core Policy CP2 and Development Policy DP3 and DP4 which seek to provide for the provision of sustainable forms of transport and ensure safe and easy access for all.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
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
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Core Strategy Policy CP21 - Safe response to natural and other forces
Allocation Policy SH4 – Cleveland Lodge, Great Ayton
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Objects on the grounds summarised below:

- The site is now very much larger than was originally envisaged (0.8Ha); each new application represents an increase in the area of the site;
- The bungalow dwellings create an albeit small estate which will exaggerate the traffic movements into Newton Road and the village;.
- Parish Council representatives in discussion with the applicant were told that the bungalows would be “sheltered dwellings” mirroring the sheltered apartments with two bedrooms and the like Three and four bedroom properties with garages are far from the spirit of such conversations;
- The access to the village centre is very much compromised by the narrow footways at the lower end of Newton Road. Discussion involved the possibilities of a path being created on the applicant's land by-passing the narrow and potentially dangerous pinch point. The potentially dangerous pinch point has been ignored by the applicant and NYCC in their consideration of creating “sheltered accommodation” which inevitably will include buggies and possible relatively infirm pedestrians accessing the village centre; and
- The attenuation pond to hold floodwater raises questions in respect of the viability of such a scheme when the floodwater from Roseberry estate combined drainage system includes sewage. Raw sewage in a holding attenuation pond; a holding tank would be more appropriate.

4.2 Highway Authority – No objection subject to conditions.

4.3 NYCC Heritage Service – No objection.

- 4.4 North Yorkshire Police Architectural Liaison Officer – Makes a number of recommendations about security which can be dealt with by condition.
- 4.5 Environmental Health Officer – No objection subject to conditions about external lighting and air extraction.
- 4.6 Northumbrian Water - At present, there is insufficient capacity within the public sewerage system to accommodate the surface water flows from the development site without increasing flood risk within the catchment where there are already properties that suffer flooding. However, there has been positive dialogue with the landowner regarding a collaborative surface water drainage solution which would not only reduce the flood risk to properties but would also provide a sustainable drainage outlet and storage for the development site. This scheme is referenced in the submitted Flood Risk Assessment, however as the full details have not yet been agreed, an appropriate condition is requested.
- 4.7 Ramblers Association – No objection.
- 4.8 Public comments – ten letters of objection have been received, citing the grounds summarised below:
- Detrimental impact on road safety on Newton Road;
 - No improvement over the previous refused application;
 - There is no capacity at the local health centre for this development;
 - Previous reasons for refusal still stand;
 - Too many materials would be used;
 - Security lights will be intrusive;
 - Trees will not receive sufficient water;
 - Insufficient car parking provision;
 - Local footways are too narrow;
 - Bus stops in the vicinity which lead to highway safety problems due to conflict with road users;
 - The proposal extends beyond the allocation site;
 - The bungalows are not needed to make the scheme viable; and
 - The village needs more family housing, not elderly persons housing.
- 4.9 Thirteen letters of support have been received, which are summarised below:
- Affordable apartments will be good for the village;
 - This scheme is much overdue and is in a beautiful location;
 - There are no other suitable sites within easy walking distance of the village;
 - The scheme will allow elderly to downsize and stay in the village;
 - Much better design than the refused scheme;
 - The development will be a boost for the local economy; and
 - The proposed attenuation pond will benefit this part of the village.

5.0 OBSERVATIONS

- 5.1 The majority of the site is within the Development Limits of Great Ayton where there is a good range of services available. The majority of the site is also allocated in the current Local Development Framework allocations document for very sheltered housing. The allocation notes that this is independent housing with an element of close/extra care, at a density of at least 70 dwellings/ha, and 50% affordable housing. As such the principle of development is not in question and the determination of the application should turn on detailed assessment of the proposal, including how closely it conforms to the Allocation.

- 5.2 The proposed development extends eastwards beyond the allocated site by approximately 70m. Overall the density would be approximately 70 dwellings per hectare. In formulating a scheme that responded to the identified needs of the community in order to create policy compliant scheme in terms of affordable housing the applicant has sought to increase the viability of the scheme to an acceptable level through the extension of the site beyond the allocation and the construction of open market bungalows. The applicants have indicated that they were unable to make the scheme viable and able to include the proposed level of affordable housing without the open market bungalows. It is not unusual for development proposals to extend beyond the allocation boundaries and it is considered that the proposal can continue to be assessed against the other relevant policies prior to final consideration of acceptability.
- 5.3 The key issues to be considered are: (i) whether the development would deliver appropriate affordable and extra care housing as required by Policy CP9 and the detail of the allocation; (ii) design and the likely impact on the setting of the Listed Building and the surrounding parkland; (iii) the likely effect on trees and ecology; (iv) residential amenity; (v) highway safety; and (vi) flood risk.

Affordable and extra care housing

- 5.4 The applicants have submitted a detailed affordable housing statement with the application setting out how the proposed development would work in terms of affordable housing and care provision.
- 5.5 There is a 50% requirement for affordable housing in the allocation and as such an expectation that 35 of the proposed 69 units are affordable housing.
- 5.6 The applicant proposes that 40 of the units will be affordable in terms of the Council's Supplementary Guidance on affordable housing, equating to 58% affordable provision.
- 5.7 The applicants propose the following breakdown of tenures:

Affordable Units

- 17 Apartments for affordable rent
- 23 Apartments for shared ownership

Market Units

- 17 Apartments for 100% open market ownership
- 12 Bungalows for 100% open market ownership

- 5.8 The applicants propose that rent levels and values for shared ownership would be set by the Council in conjunction with Housing and Care 21 who are a Registered Provider and will comply with the Council's adopted Affordable Housing SPD.
- 5.9 In terms of extra care and very sheltered housing provision again the applicants have set out a detailed statement explaining the nature and form of the proposed care offer within the development. Extra Care is defined as housing that supports older people to live independently in their own home. Extra care developments provide purpose built apartments in a community setting, with access to on-site care and support services that can be tailored to the occupiers needs. The applicant in designing this scheme has made provision for additional facilities including communal areas and on site catering, scooter storage and charging, a lift and access to a range of services on-site, including the provision of rooms to enable more specialist care to take place

on-site. The applicant's supporting statement advises that the proposals comply with the NYCC standards and that Housing and Care 21 are on the NYCC framework for the provision of Extra Care facilities. It is considered that the proposals go beyond the allocation requirements of "an element of very sheltered housing provision".

- 5.10 The applicants' statement sets out that the scheme is considered to provide extra care provision within the main block of development. This scheme and layout, incorporating communal areas, eating facilities and general and specialist care areas, allows for a variety of care packages and needs to be catered for within the development. The applicants state that the scheme would: (i) promote independence, enabling people to stay in the locality in their own homes; (ii) be empowering, with care and support coming to the individual; and (iii) be accessible, developing a well-designed and barrier free environment with scope for easy adaptation.
- 5.11 The bungalows would be limited to occupation by the over 55s and would be constructed as two bedroomed bungalows with the potential to expand upward to provide additional accommodation. The applicants consider that this element of the scheme will appeal to a different target market and would not compete directly with the extra care scheme. They consider that although independent, occupiers of the bungalows would take comfort from the proximity of the extra care building and the inherent security of the site; and would benefit from the public facilities and eventually the care available, including the subscription-based all-hours emergency call system.

Design and setting

- 5.12 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."
- 5.13 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.
- 5.14 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. (For major applications and others "likely to have any significant impacts") 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.

- 5.15 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.
- 5.16 Achieving a standard of design that respects the location, within the parkland of a listed building, is a criterion of the allocation, and policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promotes local identity and distinctiveness and is appropriate in terms of use, movement, form and space.

In this case the site is located within the parkland setting of a Listed Building and as well as the design issues outlined above, the effect on the setting of the Listed Building and the parkland setting must be taken into account.

- 5.17 The starting point for the design is clearly set out in the applicants' statement as being the allocation, which has plainly informed the value of the site and therefore the quotient of development required in order to make the development of the site viable. The allocation expects a development of 70 dwellings per hectare and the submitted proposal meets this requirement.
- 5.18 The design statement sees the site as being unique, being on the edge of the village and within a parkland setting. The statement identifies the important elements that contribute to the character of the area, including the listed Cleveland Lodge, the parkland associated with the Lodge and the TPO protected trees in the vicinity of the application site, which serve to both create the setting for the development but also separate the site from the otherwise adjacent residential areas on the edge of the village.
- 5.19 Given the context of the site, the development would not sit within a street-scene as such which would otherwise inform the design of the elevations. The second factor identified is the local vernacular architecture within the village, considered important in order to instil local distinctiveness into the design as required by development policies. The design statement identifies the colours, materials, grains and textures which have then been used to inform the development proposal. A matter of particular concern is the inclusion of light grey brick and dark grey cladding, intended to echo edge of village farm buildings which the applicants described as "farm buildings, more industrial in nature often built from grey concrete blocks at lower levels with dark cladding above". Whilst such features may exist locally they do not appear appropriate for development within the parkland of a listed building. This has been queried with the agent for the application and their response is awaited.
- 5.20 A community consultation event was held in March 2017 at the Friends Meeting House in Great Ayton. In advance of the meeting, a letter drop was conducted to the adjoining properties considered most likely to be affected by the proposal (number unknown) along with notification to councillors, relevant parties and a notice being displayed in the village library. The meeting was attended by an estimated 100 people, with over 40 comment sheets being completed and handed in.
- 5.21 The application is accompanied by a statement of community consultation which summarises the issues raised through the consultation and are summarised below:
- 5.22 The main issues raised were:
- The block of apartments is too large and not in keeping; the bungalows are too big;
 - The development is not what the village needs, there are lots of bungalows in the village and retirement flats;
 - Preference for a large social housing element to ensure housing available to all;
 - Concern the development is for over 55s only and general sale with no care;
 - Concern over the extent of private ownership and whether access principles apply equally;
 - Flooding and drainage issues;
 - Facilities in village are already inadequate;
 - The buildings will be obvious as trees are not in leaf for much of the year;
 - Urban style of design that does not respect the parkland setting;
 - Concern about the flood alleviation scheme and the potential for movement of the foundations to properties opposite;

- Safety concerns about crossing Newton Road, which is too narrow and congested for extra traffic;
- Not enough parking spaces are to be provided;
- Moving the highway by two metres would improve sight lines;
- Unsuitable location, particularly regarding access;
- Concern over space for buggies, use of the bus stop and school children waiting on Newton Road;
- A wall needs to come down to allow the road to be widened;
- An external exercise area, with outdoor gym equipment, is needed;
- A trim trail for elderly people would be nice; and
- Overdevelopment of site beyond the allocation in LDF.

5.23 The applicant's Statement of Community Involvement then goes on to explain how the applicant considers the scheme has addressed the issues raised and concludes that the scheme will provide:

- An extra care housing scheme in compliance with NYCC standards and meeting an established need within the community;
- Accommodation specifically designed for the user group;
- A variety of tenancy options for the apartments to ensure availability to all sectors of the community;
- A range of apartment sizes and bungalow options to suit most people's needs and aspirations;
- A range of communal facilities to meet the needs of the residents and the local community;
- An energy efficient and secure development compliant with Secured by Design principles;
- Retention of existing tree belts and major trees on the site;
- A purpose designed modern styled building that fits in with its surroundings but has its own identity, separate to that of the main Lodge building; and
- An improved entrance to the site easing traffic difficulties when buses stop and providing greater pedestrian safety.

Heritage Issues

5.24 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 (in this case Cleveland Lodge) or its setting or any features of special architectural or historic interest which it possesses.

5.25 The parkland, including the application site, is of importance to the setting of the listed building and contributes to the significance of the building. However, due to its position, the development would not be particularly visible in relation to Cleveland Lodge.

5.26 The parkland setting is not formally recognised, but is considered to be a non-designated heritage asset and requires a balanced judgement as to the scale of any harm or loss in terms of the significance of the parkland.

5.27 The tree cover is sufficient to screen the development from views from most directions. The key view point would be from the south where the development may be viewed from the nearby public footpath and it is important that the design is high quality and the scheme laid out so that the landscape becomes part of the design.

5.28 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. The content of Paragraph 135 of the NPPF also needs to be considered. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 5.29 The proposed development takes into account local character and setting and results in less than substantial harm to the significance of both the designated and non-designated heritage assets. In this case it is considered that the harm is outweighed by the public benefit of the proposal in delivering housing for older people for which there is an identified need.

Trees and ecology

- 5.30 The applicant has submitted a detailed arboricultural assessment in order to assess the impact of the proposed development on the adjacent tree belt, and other nearby specimen trees which are protected by a tree preservation order.
- 5.31 The arboricultural assessment identifies the trees potentially impacted by the proposal, including the trees which line the existing driveway to Cleveland Lodge and approximately half the depth of the tree belt bounding the site to the north. The assessment categorises the trees in terms of their health, vigour and contribution to the area. The report then goes on to assess the impact of the development on those trees and makes recommendations for removal and mitigation in order to maintain the overall level of cover and amenity offered by the trees.
- 5.32 The proximity of the proposed buildings, access road and parking areas are considered in the assessment along with the degree of impact on their health.
- 5.33 Eight trees would need to be removed in order to facilitate the improvements to the access from Newton Road and allow the establishment of the required visibility. Six trees are recommended for removal as part of the development including two healthy trees and four trees which are recommended for removal due to poor health. Other than the changes to facilitate a safer access, the tree removal would not significantly alter the overall appearance of the site or the character of the landscape. An appropriate tree planting scheme would adequately mitigate any harm caused by the necessary tree removals.
- 5.34 The arboricultural assessment identifies a number of locations where the development would encroach into the root protection areas of protected trees. However, the report concludes that whilst some minor canopy modification would be required in order to create the necessary separation between the development and the trees, the encroachment into the root protection area is minimal and not likely to result in a loss of structural integrity or have a significantly detrimental effect on their physiological condition.
- 5.35 The report sets out recommendations for more limited ground disturbing techniques to be used for some of the hard surfaced areas which encroach into the tree protection areas in order to prevent any detrimental impact on the health of the trees. The report also makes recommendations for root protection measures to be installed during the construction phase, in order to prevent harm to the trees.
- 5.36 The report concludes by setting out the parameters for the tree protection measures to be installed within the development of the site. It is recommended that these requirements are conditioned should the application be granted.

- 5.37 Whilst the development will have an impact on certain trees within the site, in particular due to the required removal to facilitate a safe access, these changes are not considered to have a detrimental impact in terms of the overall level of tree cover, or the character and form of the tree cover. The mitigation plan proposed would adequately offset any harm caused.

Residential amenity

- 5.38 Residential neighbours to the north facing the site would be a minimum of 30m away, measured building-to-building, and approximately 15m away when measured from the garden boundary. The greatest potential for impact is due to the relationship of the three storey element of the extra care building to the neighbouring residential properties. However, the separation distances are greater than 20m from the boundaries of these properties to the façade of the proposed extra care building, with a minimum building to building distance of 15m.
- 5.39 Taking into account the intervening tree belt, there would not be an unacceptable harmful impact on the amenities of nearby occupiers in terms of privacy or overshadowing.
- 5.40 A traditional lodge building at the north-west corner of the site would be slightly closer to the development. However, occupiers of the lodge would view the development at an angle and as a result the scheme would not be unacceptably harmful to their amenities, particularly taking into account an existing partly restricted outlook from the lodge into the roadside tree belt.
- 5.41 In conclusion, whilst the proposed development would change the outlook from some nearby dwellings, the proposed separation distances between the development and adjacent dwellings are considered to result in no significant harmful impact on residential amenity from the development.
- 5.42 The internal layout of the scheme is considered to allow for sufficient amenity space and separation distances for both the bungalow and extra care elements of the project.

Highway safety

- 5.43 The applicants have submitted a Transport Assessment and Travel Plan with the scheme, which informed the submitted Design and Access Statement. The applicants have set out an assessment of on-site parking needs, based on NYCC parking standards and best practice for this type of development.
- 5.44 The applicants propose a total of 28 car parking spaces for the extra care facility and a total of 52 spaces on the site as a whole. This translates to 48% provision of car parking for the extra care element of the development. However, the applicants argue that this element of the scheme requires a reduced level of car parking which is supported by the Highway Authority. Additionally, the applicant has made provision, within their travel plan, for the provision of additional spaces within the site, should this become necessary.
- 5.45 The application proposes amendments to the current access through the re-positioning of the walls either side of the existing entrance to facilitate the necessary visibility splays and allow the incorporation of footways and road crossing points. The existing access road would be retained as a footpath within the site, and a new access formed adjacent facilitating access to the bungalow development and to Cleveland Lodge.

- 5.46 The Highway Authority states that the submitted Transport Assessment has taken into consideration issues it raised through the course of the earlier applications on this site. The Transport Assessment recognises that this site is only served by limited public transport.
- 5.47 A pedestrian crossing point will be provided on Newton Road immediately to the north of the entrance and connected to the development by a footway adjacent to the access road.
- 5.48 The Highway Authority states that the provision of car parking facilities has been analysed in various recent similar applications and has been the subject of debate. This site incorporates sufficient space to provide additional parking spaces if required therefore any overflow parking could be contained within the site without drivers resorting to parking on the highway. The Transport Assessment offers to monitor parking levels as part of a Travel Plan and if necessary provide additional parking spaces within the site. This provides a way to ensure that there is no additional on-street parking resulting from this development.
- 5.49 One of the reasons for refusal of application 15/02856/FUL was that insufficient provision for parking had been made within the site and overspill parking on Newton Road was likely to result in congestion having a detrimental impact on road safety.
- 5.50 This application is considered to be different in some significant respects. Firstly, the number of units is less than that previously proposed. Secondly, as noted by the Highway Authority, should additional parking become necessary, it can be catered for within the site. Thirdly, the nature of the occupancy is considered to differ from that of the refused scheme, in terms of the level of care expected on the site and the resultant likely level of car ownership. It is therefore considered unlikely that there would be on-street overspill from the site onto the local road network.

Flood risk

- 5.51 As described above, the proposal is concurrent with a separate flood alleviation scheme by Northumbrian Water, to which the development would be linked. The application site is located in Flood Zone 1, which is the area of lowest risk from flooding. There is known to be a surface water flooding issue in nearby residential streets, although this is understood not to impact directly on the application site.
- 5.52 The proposed development would make use of a proposed drainage pond to be developed by Northumbrian Water in order to cater for surface water provision. No concerns have been raised in this regard by statutory consultees and it is therefore considered that the proposed development does not raise concerns about flood risk.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to a Section 106 agreement to secure the delivery of 40 units meeting the Council's definition of affordable housing and 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; E12E, D06C, D07D, D11B, D01D, D02D, D03D, D04A, D05A received by Hambleton District Council on 06 July and 21 July 2017, unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. 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, 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.
5. The development hereby approved shall not be commenced except in full accordance with an Arboricultural Method Statement and Tree Protection Plan previously approved in writing by the Local Planning Authority. The details submitted for approval should include (amongst other measures) full details of any works to the canopy of retained trees and a programme of supervision and inspections by an appropriately qualified arboricultural consultant. The development shall thereafter be carried only in accordance with the agreed details and scheme, unless otherwise agreed in writing by the Local Planning Authority.
6. 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.
7. Prior to the installation of any kitchen facility within the Extra Care unit a scheme shall be submitted to and agreed in writing to the Local Planning Authority, giving details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical. The scheme should specify the position of ventilation, fume or outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. The kitchen extraction system shall then be installed in accordance with the approved scheme.
8. Prior to the installation of any external lighting, full details of the lighting shall be submitted to, and approved in writing by the Local Planning Authority. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The external lighting shall then be installed in accordance with the approved scheme.
9. Prior to any construction works above ground level the applicant shall provides full written details of how the issues raised by the Police Designing Out Crime Officer are to be addressed. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police. The details should provide rationale and

mitigation in relation to any suggestions made in this report that are not to be incorporated.

10. 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 base-course 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.

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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirement: The access shall be formed with a minimum of 6 metre radius kerbs to the north side and 12 metre radius kerbs to the south, to give a minimum carriageway width of 5 metres, and that part of the access road extending 20 metres into the site shall be constructed in accordance with Standard Detail number A1.
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 43 metres measured along both channel lines of the major road Newton 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.
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 building(s) or other works until: (i) Details of provision of pedestrian crossing point on Newton Road have been submitted to and approved in writing by the Local Planning Authority; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority
15. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the pedestrian crossing point has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number16:
16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number #: (a) have been constructed in accordance with the submitted drawing (No. 17002 D (50) 01 Rev D; and (b) are available for use unless otherwise approved in writing by

the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

17. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include: (a) the appointment of a travel co-ordinator; (b) a partnership approach to influence travel behaviour; (c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site; (d) provision of up-to-date details of public transport services; (e) continual appraisal of travel patterns and measures provided through the travel plan; (f) improved safety for vulnerable road users; (g) reduction in all vehicle trips and mileage; (h) a programme for the implementation of such measures and any proposed physical works; and (i) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
18. 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. 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.
19. No works shall be carried out on site until an arboricultural method statement and tree protection plan has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the approved statement and plan.

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 CP16 and DP28.
3. In order to ensure that the appearance of the development is acceptable and to accord with the requirements Development Framework Policy DP32.
4. 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.
5. In the interests of the protection of trees, in accordance with Local Development Framework Policy CP16 and DP28.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

7. In order to protect the amenity of local residents and to accord with the requirements of Development Policy DP1.
8. In order to protect the amenity of local residents and to accord with the requirements of Development Policy DP1.
9. Reason: To satisfy Paragraph 58 and 69 of the National Planning Policy Framework and to enable the Authority to discharge its functions in accordance with Section 17 of the Crime & Disorder Act 1998.
10. 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.
11. In accordance with policy DP3 and in the interests of highway safety.
12. In accordance with policy DP3 and in the interests of highway safety
13. In accordance with policy DP3 and in the interests of road safety.
14. In accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
15. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
16. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
17. In accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
18. In accordance with policy DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.
19. In order to protect existing trees on the site and to accord with the requirements of DP31.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
 1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

3. With regard to condition 5, it is expected that the scheme of arboricultural supervision will include arboricultural inspections to show that surface water drain, porous drive, trenching and foundations have been installed in accordance with the approved tree protection measures, and a provisional order of supervisions by an arboricultural consultant, including notifications to the Local Planning Authority that the measures have been complied with at each stage.
4. With regard to condition 6, the landscaping scheme should include measures for additional tree planting within shelter belts to the north and east of the site, as well as open areas around the proposed buildings.
5. Level Crossing Safety: Railway safety is of paramount importance and it is noted that the proposed development is sited near to a footpath crossing over the railway. Network Rail would expect that the management of this development inform new residents of the railway crossings in the area and of the dangers of incorrect usage of the crossings. Network Rail would therefore ask that level crossing safety leaflets are included in information/welcome packs provided to the new residents at the site. These can be provided by Network Rail upon request from the developer. Further information is available at:

<http://www.networkrail.co.uk/levelcrossings>

Parish: Rudby
Ward: Hutton Rudby
8

Committee date: 12 October 2017
Officer dealing: Mr K Ayrton
Target date: 16 October 2017

17/01351/OUT

**Outline application with all matters reserved for five dwellings
At OS Field 2719, Stokesley Road, Hutton Rudby
For Mr D Bainbridge**

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 located on the eastern edge of Ruby and comprises agricultural land. It is rectangular in shape and approximately 0.90 hectares in size. The southern frontage of the site extends along Stokesley Road leading out to Skutterskelfe. This boundary accommodates a mature hedgerow with a small number of trees at the eastern end. There is a small gap in the hedge serving as a field access, opposite the junction to Rudby Lea.
- 1.2 There is residential development to the west of the site, which fronts onto Stokesley Road. The development is predominantly single storey and low density. This frontage development can also be found opposite the site, albeit this changes to a cul-de-sac arrangement, which extends behind the frontage development. Located to the south east of the site is a large cluster of farm buildings. Open countryside is beyond.
- 1.3 Rudby is located to the east of the larger settlement of Hutton Ruby. Whilst separate they have a close relationship, with Hutton Rudby accommodating the majority of services and facilities, which is reflected in their settlement status. Rudby is an Other Settlement and Hutton Rudby is a Service Village.
- 1.4 There are no matters for approval at this stage, with just the principle of residential development being sought. The matters of appearance, scale, landscaping, layout and access would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 78/1651/OUT - Outline application for a detached dwelling; Refused 23 February 1978.
- 2.2 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.
- 2.3 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets

Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

Hutton Rudby Neighbourhood Plan

3.2 The Chair of the Steering Group has confirmed that that it has substantially completed evidence gathering and has developed site selection criteria. Site assessment is on-going and housing priorities have been identified. These are:

- Alignment with HDC’s emerging policy on affordable housing proportion;
- The majority of market housing delivered as 2 or 3 bedroom dwellings in line with both need and community preference;
- Some provision of bungalows suitable for older residents; and
- Some provision of community led housing.

The Chair advises that self-build is not a priority housing type based on the findings of the Group’s evidence base.

Key future dates are:

- October 2017: Nominate preferred sites and start drafting plan policies;
- December 2017: Complete drafting of plan documents;
- January/February 2018: Statutory 6 week community consultation;
- March 2018: Submit to HDC for review and examination; and
- July 2018: Referendum.

4.0 CONSULTATIONS

4.1 Parish Council – Recommends refusal as this site is not on the preferred list of sites (in relation to the emerging new Local Plan). The Neighbourhood Plan is assessing the housing need in the village, which may not be five large houses. There is no provision for affordable housing which is the most requested in the village. There would be five new entrances onto a busy road out of the 30 mph limit. The Council would like to request a site visit.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health Officer – No objection subject to conditions.

4.4 Northumbrian Water – The application does not provide sufficient detail of the management of foul and surface water from the development. A condition securing further details is therefore proposed.

4.5 Public comments - 28 letters of objection received making the following comments:

- The proposal should be rejected until the Neighbourhood Plan has been agreed;
- The development does not fit in with the needs of the village;
- Concerns over 5 new accesses onto the main road, in respect of highway safety;
- Housing should be within the village on land currently available;
- Concern over land drainage;
- No affordable housing being delivered;
- Takes agricultural land out of use;
- The development is moving in the wrong direction;
- There is no demand with comparable sized properties currently unable to sell;
- The hill into Hutton Rudby is difficult to negotiate;
- Wasteful use of countryside land;
- It is a ribbon development;
- The site is not a preferred site in the new Local Plan;
- There has been enough development approved in Hutton Rudby to meet demand;
- The development is not small scale in relation to Rudby and would lead to infill development;
- It is unlikely that it will contribute to local services in any measurable way;
- The development will lengthen the eastern boundary to the village into the surrounding countryside. Potential for coalescence with Skutterskelfe; and
- One of the arguments being presented is to provide an opportunity for local builders - the Neighbourhood Plan would meet this requirement, in addition to the delivery of affordable homes.

17 letters of support received making the following comments:

- In favour of supporting small builders;
- If huge developments can be supported in Stokesley, there is no reason to resist a tasteful development in this location;
- There is a shortage of small areas available for self-build opportunities;
- All required services are close by; and
- Extending the 30mph zone may help reduce current speeding.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site adjoins the settlement of Rudby, which does not have any Development Limits. 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 is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 In the IPG Rudby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.5 The supporting text in the IPG specifically identifies Hutton Rudby and Rudby as a cluster. This is in recognition of the close proximity of the settlements and links between them. It is noted that some of the objections have identified the need to walk up and down a steep hill between the two settlements. However, this factor has already been taken into consideration when determining that Rudby can be clustered with Hutton Rudby. Therefore it is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.
- 5.6 There have been several objections, including comments from the Neighbourhood Plan Steering Group, raising concerns that the proposed development is premature and that the proposal does not accord with the findings of the Steering Group and the emerging requirements to be set out in the Neighbourhood Plan.
- 5.7 Paragraph 216 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.8 In this instance the Neighbourhood Plan is still at a relatively early stage, with a draft plan yet to be published. Therefore only limited weight can be given to it in the determination of this application, which should therefore be determined in accordance with adopted policy and guidance.

Character and Appearance

- 5.9 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. However, Rudby is considered to be of a form and scale capable of accommodating a development of five dwellings. Therefore even though the village is low down in the Settlement Hierarchy, the proposed development is not considered to change its character or form significantly enough to be harmful. This will of course also be dependent on consideration of the details submitted at the reserved matters stage.

- 5.10 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline form only with all matters reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses on the principle of development.
- 5.11 The shape of the application site and the layout of the residential development to the west of the site provides sufficient confidence that a development that responds positively to the built form could be achieved on the site. Whilst some of the supporting documentation, and indeed the submitted illustrative layout plan, indicates five relatively large dwellings at a very low density of development, it will be important that any scheme submitted at reserved matters stage accords with all policies in the Local Development Framework, most notably policy DP13, which encourage a mix of dwelling sizes and the inclusion of two and three-bedroom dwellings. This will have an influence of the design and layout of development.

Residential amenity

- 5.12 The proposed development would be linear in form, with part of it located opposite existing development on the other side of Stokesley Road. There is clearly scope within the site to deliver suitable separation distances to achieve an acceptable level of amenity for current and future occupiers.

Highway safety

- 5.13 Access is a matter reserved for further consideration. However, the Highway Authority has considered the principle of development and advised that there is no highway objection, subject to conditions. The development of this site is not considered to have any detrimental impact on road safety.

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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.
 3. 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. The crossings of the highway verge and/or footway shall be constructed in accordance Standard Detail number E6. b. Any gates or barriers shall not be able to swing over the existing highway. c. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. 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 metres down the centre line of each 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.
 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 in connection with the construction of the access road or building(s) or other works until details of (i) the provision of a footway on the site frontage linking the site to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
 6. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the footway on the site frontage linking the site to the existing footway on Stokesley Road has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 5.
 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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle accesses, 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.
 8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
 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 b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

10. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
11. 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.
12. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. 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. In the interests of road safety.
5. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
6. In the interests of the safety and convenience of highway users.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. In the interests of highway safety.
10. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
11. 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.
12. 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.

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 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: Sandhutton
Ward: Thirsk
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Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date: 19 October 2017

17/01247/OUT

Outline application for 5 dwellings and associated infrastructure all matters except access are reserved

**At Three Tuns Garage, Brentwood House, Sandhutton
For Johnsons Properties Thirsk**

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 vehicle repair garage and sales site, on the eastern side of the A167 at the southern extent of the village of Sandhutton. The buildings on the site are former agricultural buildings of corrugated sheet construction.
- 1.2 The site lies outside of the Sandhutton Conservation Area. There are no designated Development Limits to the village but the site is part of the village form, albeit at the edge of the village with open countryside beyond.
- 1.3 Outline approval is sought for demolition of the existing buildings on the site and redevelopment for five dwellings.
- 1.4 The matters for approval at this stage are the principle of development and access only, the remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved, although an indicative layout showing the proposed access and how dwellings could be accommodated on the site has been submitted.
- 1.5 Improvements have been secured in the form of additional details of the intended future operation of the existing business on the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/02105/FUL – Change of use of agricultural buildings and land to Class B1 and Class B8 uses; Granted 9 May 2005.
- 2.2 05/02130/FUL – Change of use of disused agricultural building to an MOT test centre and light vehicle repair garage; Granted 18 November 2005.
- 2.3 15/02223/FUL – Extension to car parking to the front and hard standing areas to front and side including change of use of agricultural land to car parking; Granted 29 July 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 – Priorities for employment development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 – Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP17 – Retention of employment sites
Development Policies DP13 – Achieving and maintaining the right mix
Development Policies DP30 - Landscape character
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – Requests additional information relating to sewerage, street lighting, and electrical supply capacity. Neither supports or objects.
- 4.2 Highway Authority – No objection subject to conditions relating to constructional details of the access, closure of the existing access, provision of parking and turning, construction site management and advice to the developer relating to the protection of the adjacent Public Right of Way.
- 4.3 Environmental Health Officer – No objection subject to condition relating to mitigation of contaminated land.
- 4.4 Yorkshire Water – No comments to make.
- 4.5 Ministry of Defence – No safeguarding objection.
- 4.6 Ramblers Association – No objection.
- 4.7 Public Comments – Following public consultation two comments have been received, one in support and one objection. The points raised are summarised as follows:
- Potential loss of privacy depending on the site layout;
 - Highway safety;
 - Existing issues with water supply and sewerage;
 - Disruption during construction; and
 - A request that the proposed dwellings are single storey.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) access and highway safety; (iii) loss of an employment use; and (iv) design.

Principle of development

- 5.2 The site falls outside of Development Limits, Policy CP4 states that all development should normally be within the Development Limits of settlements. 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 and 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 updated settlement hierarchy accompanying the IPG, Sandhutton is defined as a secondary 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 site is positioned on the southern edge of the village, however there are no defined Development Limits around Sandhutton and as such all developments in the village are a departure from the development plan. As such, if the site were developed it would not be isolated from the village, result in the coalescence of settlements or be detrimental to the open character of the surrounding countryside.
- 5.6 The application proposes five dwellings and would therefore meet with the IPG requirement for residential development to be of a small scale.

Access and highway safety

- 5.7 The existing access from the A167 is positioned to the south of the site, it is proposed to relocate the access further north to form a central access road serving five plots, although the specific details regarding internal layout would be determined as part of a reserved matters application should this be approved. The proposal shows a pedestrian route using the Public Right of Way (footpath) that is to the east of the site linking the village to the countryside to the south. This route whilst providing an amenity to the development, is not publicly maintained as a bound surface and would not benefit from a high degree of natural surveillance. A footway along the A167 should therefore be provided to link the site northwards to the village footways. The agent has been invited to show a footway on the access plan.
- 5.8 The Highway Authority raises no objection to the proposed access subject to conditions, including that the existing access is stopped up prior to the proposed access being brought into use. Concerns raised by an objector to the application suggests that five access points would be introduced to the A167; that is not the case with this application and any additional access points would therefore require separate planning permission.

Loss of employment use

- 5.9 Policy DP17 seeks the retention of existing employment sites, but does allow for exceptions including where there would be substantial planning benefit in permitting an alternative use. Prior to the existing B2 use, the site and buildings were in agricultural use, with the style of architecture reflecting this earlier use. While the changes in use over time as part of the employment use have sought to make better use of an existing situation, the comprehensive redevelopment of the site for residential purposes would offer the opportunity to introduce a higher quality architectural style and form. Replacement buildings would be of a higher quality than the existing and would enhance the environment in a particularly prominent site when entering the village from the south.

- 5.10 The existing tenant operating from the site is actively seeking relocation within the Thirsk area. It is noted by officers that prior to operating from Sandhutton the tenant had operated from Chapel Street in Thirsk. Relocating to Thirsk would be a sustainable location for an employment use, and would allow the business to continue without reducing employment opportunities in the local area.

Design

- 5.11 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."
- 5.12 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.
- 5.13 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."
- 5.14 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.
- 5.15 The Statement describes the character of the surrounding area as a 'tight knit' village of a principally linear form focussed on the A167 running north-south and Sandhutton Lane east to west. Historically the form of the village was certainly linear along Sandhutton Lane; this has changed somewhat as the village has developed over time, with expansion north and south along the A167. The proposed development would reflect this gradual outward development of the village along the A167.
- 5.16 No site features worthy of retention are identified and the statement does not detail any public consultation on the proposals being carried out to inform the application.
- 5.17 The statement does not include details of any other development options being considered but outlines the opportunities and constraints presented by the site and how these have informed the resultant proposals. These include the level of site coverage being marginally greater than the existing situation and that the proposed density of residential development would be in keeping with the surrounding area.
- 5.18 As the application is in outline only, detailed matters of scale, appearance and layout are not for consideration at this stage, however it is apparent from the indicative layout submitted that five plots can be laid out taking access from a single main access point. The potential for overlooking of existing neighbouring properties will be dependent on the finalised scale, layout and window arrangements, these would be considered in due course. The dimensions and shape of the site and the separation

distances to neighbouring dwellings suggest a layout that respects the character of the settlement and protects neighbour amenity could be achieved.

- 5.19 The supporting statement refers to the proposed properties being four and five bed dwellings; this would not accord with the requirement for a mix of house types that address local need, which is principally for smaller two and three bed properties. Again, this would need to be addressed at reserved matters when the design details have been finalised, but such a suggested preference for larger homes would not undermine the broad principal of the site being suitable for residential development limited to five units. While acknowledging there is an identified need for bungalows in the district, there are a range of house types in the village and so a mix of house types on the application site would reflect this, there is no reason to suggest that residential development on the site could only be acceptable if it were entirely single storey, as such a condition to require this is considered unnecessary.
- 5.20 Yorkshire Water has advised that they have no comment to make on this application. One of the public comments received indicates there are existing issues with water supply and sewerage in the area. It would not be reasonable for a new development to overcome existing issues, but it would be appropriate for details of a suitable scheme for drainage to be submitted via condition. A condition is therefore recommended in respect of both water supply and a drainage scheme.
- 5.21 Overall the proposed development is a small-scale and logical extension to residential development within the village of Sandhutton, which is a sustainable secondary village and there are no material planning considerations that would indicate the proposals should be resisted.

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 which ever 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 development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. 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 05/06/17 and the proposed site access plan submitted on 30/08/17 unless otherwise agreed in writing by the Local Planning Authority.
 4. The number of dwellings shall not exceed 5.
 5. 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.

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 details that have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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 on to the A167 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.

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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved access, vehicular parking, manoeuvring 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.

10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The

approved areas shall be kept available for their intended use at all times that construction works are in operation.

12. 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.

13. 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.

14. The development shall not be brought in to use until a footway has been formed across the site frontage parallel with the A167 from the vehicular access point to connect to the footway to the north.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the design of the buildings are appropriate to the context and provides for the amenity of the future occupiers and neighbours without harm to highway safety and complies with the Local Development Plan particularly Policies CP1, DP1, CP17 and DP32.
3. 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) CP1, CP2 and CP4.
4. To limit the scope of the permission to that sought in the application.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
6. In accordance with Policy CP2 and in the interests of highway safety.
7. 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.
8. In accordance with Policy and in the interests of highway safety.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with Policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with Policy 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.

12. In the interests of a satisfactory form of development.

13. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

14. In the interest in providing safe and suitable pedestrian linkages from the site to the village for all users in accordance with Local Development Framework Policies CP1 and DP4.

Informatives

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

2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and

1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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 this condition.

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

Parish: Seamer
Ward: Hutton Rudby
10

Committee date: 12th October 2017
Officer dealing: Miss Charlotte Cornforth
Target date: 16th October 2017

17/01350/FUL

Construction of a replacement dwelling
Debeviane, Seamer
For Mr and Mrs Evershed

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The property of Debeviane is a detached chalet style bungalow dating from the 1960's with an attached carport. The dwelling has a conservatory on the façade of the property, which is located centrally on the dwelling.
- 1.2 The bungalow sits within a relatively large plot at an angle to the road frontage of Hilton Road and within the Development Limits for the settlement of Seamer. The angled siting of the dwelling has created a relatively large front garden looking onto the highway and open fields and a relatively small rear garden that is adjacent to neighbouring properties.
- 1.3 The application seeks consent for a replacement dwelling. Members should note that the new vehicular access is identical to that approved as part of application 16/02339/FUL.
- 1.4 The agent has provided details that state that rather than implementing and building the scheme that was granted planning consent earlier in the year 16/02339/FUL, the demolition of the existing dwelling and replacing it is more energy efficient and sustainable in the long term.
- 1.5 The proposed replacement dwelling would be slightly smaller (8 square metres) than the previously approved scheme and would be brought forward on the plot so that the main rear wall is further away from the neighbouring properties. The ridge height is as previously approved, with a steeper roof slope.
- 1.6 Revisions have been made reducing the length of the front living room by 0.5 metres and moving the dwelling back by 0.5 metres.
- 1.7 Therefore, at the closest point, the replacement dwelling at the north east corner would be 2.21 metres from the neighbouring property of Greenacres. However, the main bulk of the rear north boundary wall of the replacement dwelling is further away from the boundary (additional 1.1 metres) than previously approved.
- 1.8 The replacement dwelling will be positioned 6.13 metres at the closest point from the neighbouring property of St Helier to the west. The replacement dwelling would be positioned 9.24 metres from the front site boundary onto Hilton Road.
- 1.9 The proposed replacement dwelling will be constructed of a combination of stone and off white render, with a slate roof and aluminium windows and doors.

- 1.10 Members should note that a typical section and height comparison drawing accompanies this application, showing the existing bungalow, the existing planning consent (16/02339/FUL) and the proposed new replacement dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 80/0818/FUL – Planning permission granted 24.04.1980 - Extensions to bungalow to include a car port.
- 2.2 83/0565/FUL – Planning permission granted 26.01.1984 - Replacement vehicular access.
- 2.3 16/02339/FUL – Planning permission granted but not implemented 06.01.2017 - Alteration to existing roof height of single storey dwelling to create first floor accommodation and a single storey extension to front of the bungalow and the creation of a new access.

This application was the subject of local objection and was approved by Planning Committee Members on the 5th January 2017. This decision is therefore a material consideration of significant weight.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design

National Planning Policy Framework (2012)

4.0 CONSULTATIONS

- 4.1 Seamer Parish Council – object to the application

Comments submitted for the previous application 16/02339/FUL are still relevant namely; issues of daylight being blocked at adjacent properties. Furthermore, issues regarding overlooking, the shape and style of the property being out of keeping with properties within the village and highway and sighting issues to access the property.

- 4.2 Highway Authority – no comments regarding this application have been received but the comments and conditions from the previous application have been considered.
- 4.3 Northumbrian Water - no comments to make, as no connections to the public sewerage network are proposed in the application documents.
- 4.4 Public comments (from both the initial scheme and the amended drawings)

2 letters of support have been received and the grounds of support are:

- The proposal will remove an ugly property in the village and it will be replaced with a very up-market architect-designed property which will raise the quality of the village
- The proposal is far better in appearance than the previous scheme and will use locally sourced stone

- The design and style of property will have a significant aesthetical improvement to both the village and the area

3 letters of objection have been received and the grounds of objection are:

- The extra height would impair natural daylight and sunlight to neighbouring properties and be overbearing
- The proposed extension to the south is a lot larger than the existing conservatory
- The proposed new drive exit is no safer than the existing one
- Disruption from building work will be caused to neighbouring properties
- The proposal will have a detrimental impact upon the open character and appearance of the surrounding countryside
- The property is too large and would not be suitable on such a prominent plot

5.0 OBSERVATIONS

5.1 The main issues to consider are:

(i) the principle of development in this location; (ii) the impact upon the character and appearance of the surrounding area; (iii) the impact upon the amenity of neighbouring occupiers; and (iv) highway safety

The principle of development

5.2 The property is located within the Development Limits of Seamer. It is considered that the existing bungalow is not a high quality example of architecture and lacks any local distinctiveness. The replacement of the property with a high quality, distinctive property in contemporary architecture would, in principle be acceptable and in accordance with policy subject to detailed consideration of its character and appearance and other potential impacts.

Character and appearance

5.3 The plot is almost square in form and lies on a slight bend off Hilton Road. The dwelling sits at an angle within the plot. It is considered that the plot is of sufficient size to accommodate the enlargement of the dwelling as proposed.

5.4 The objections have raised issues with regard to the replacement dwelling not being in-keeping with the area and it being a dominant building. The proposal seeks a two storey dwelling, with pitched roofs. The property would be constructed from stone and off-white render under a slate roof with aluminium windows and doors.

5.5 The majority of the dwellings in this locality are single storey or one and a half storeys high. However, there is one property off Hilton Road, which is two storeys high, approximately 50 metres away to the west of the site.

5.6 The proposed dwelling lies at an angle to the nearest neighbouring property and as such there is no coherent building line as it does not align with any other properties in the immediate locality.

5.7 It is considered that the replacement dwelling would not be out of character in this location. It is acknowledged that the replacement dwelling would be a prominent feature adjacent to the highway, but the dwelling would be set well back from the

road and there is a relatively high front boundary hedge. Furthermore, the replacement dwelling is positioned within a relatively large plot which overlooks green fields to the south and east and would be adjacent to other dwellings within this area.

Neighbouring amenity

- 5.8 Due to the location and orientation of the replacement dwelling, any limited overshadowing impact from the development is to the side elevation of the neighbouring property (Greenacres) where there are understood to be no principle habitable rooms.
- 5.9 There are 3 relatively small windows to the first floor, rear of the replacement dwelling that would look mainly onto the side elevation of the neighbouring property of Greenacres. These windows serve a main bathroom and 2 en-suites. A condition will be imposed to ensure that these windows are obscure glazed. The main outlook for the property is to the south, over the property's own garden and open fields.
- 5.10 Due to the angled position within the plot, it is considered that the replacement dwelling would not have a material, adverse impact upon the amenities of neighbouring residents in terms of overlooking, loss of privacy and impact on light.

Highway safety

- 5.11 The Highway Authority assessed the previous scheme and considered the new vehicular access to be acceptable, subject to conditions. Objections have raised questions about the visibility splays. However, the Highway Authority has measured the splay and is satisfied that the requisite visibility requirements are met. The proposed development is not considered to be harmful to highway safety.

Conclusion

- 5.12 In light of the above considerations and the previous decision which is a material consideration of significant weight, it is considered that the proposal would not cause significant harm to the amenities of the neighbours or the character and appearance of the surrounding area.

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:

Location Plan S340 PL 001, Proposed Site Plan S340 PL 003 REV A, Proposed Block Plan S340 PL 004 REV A, Proposed GF Plan S340 PL 007 REV A, Proposed FF Plan S340 PL 008, Proposed North and South Elevations S340 PL 009 REV A, Proposed East and West Elevations S340 PL 010 REV A, unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available

on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
5. No part of the development shall be brought into use until the existing access on to Hilton Road 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 in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
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 are provided giving clear visibility of 47 metres in a westerly direction measured along the channel lines of the major road Hilton 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 this visibility area shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. The windows to the first floor hereby approved to the rear of the property shall be finished in opaque glazing and shall be maintained in this condition in perpetuity.

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, DP1, CP17, DP32, CP16 and the NPPF.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In accordance with policies CP2 and DP3 of the adopted Hambleton Local Development Framework and in the interests of highway safety
5. In accordance with policies CP2 and DP3 of the adopted Hambleton Local Development Framework and in the interests of highway safety.
6. In accordance with policies CP2 and DP3 of the adopted Hambleton Local Development Framework and in the interests of highway safety.
7. In accordance with policies CP2 and DP3 of the adopted Hambleton Local Development Framework and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with policies CP2 and DP3 of the adopted Hambleton Local Development Framework 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 protect the amenity of the occupiers of neighbouring property and to accord with the requirements of Development Policy DP1 of the Hambleton Local Development Framework.

Attention should also be given to the following informatives:

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 04.
 - (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
 - (ii) 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 highway.
 - (iii) 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.
 - (v) The final surfacing of any private access within «distance» metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
2. With regard to condition 05, these works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

3. With regard to condition 06, an explanation of the terms used above is available from the Highway Authority.

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Parish: Snape with Thorp
Ward: Tanfield
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Committee date: 12 October 2017
Officer dealing: Mrs H Laws
Target date: 20 October 2017

17/00696/FUL

**Construction of a detached dwelling
At Cedar Garth, Snape
For Mr & Mrs Simms**

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 located on the western edge of Snape village within the Snape Conservation Area. To the west of the site is Snape Castle, which is a Scheduled Monument; the inhabited portion of the castle is listed grade 1. Thorp Perrow estate is accessed off a private drive to the eastern boundary. Thorp Perrow and Snape Castle is a Registered Park and Garden and this borders the application site. There are a number of large, mature trees to the western boundary. The application site currently forms part of the garden of an existing dwelling known as Cedar Garth. A number of residential properties are located opposite (south of) the application site.
- 1.2 Outline planning permission was granted in January 2016 for the construction of a two storey detached four bedroom dwelling towards the western boundary of the existing curtilage of Cedar Garth. The approved dwelling would be accessed by the existing access point to Cedar Garth, with the approved dwelling located at the centre of the plot. Layout and access were matters approved at outline stage.
- 1.3 The current application is for full planning permission for the construction of a contemporary style of dwelling sited in a similar position within the same plot. Amended plans have been submitted in respect of the design to address specific site issues and local character. The proposed dwelling would have four bedrooms with the accommodation spread over three floors, the lower floor being set within the rising land and accommodating a workshop and sewing room.
- 1.4 The materials used include cedar cladding set above a stone plinth with a grey sheet metal roof.
- 1.5 A row of six mature lime trees lies along the western boundary of the application site, which, together with four other trees (three Himalayan birch trees and an Atlas cedar) are the subject of TPO 16/00001/TPO. The submitted scheme includes a proposal to remove an existing lime tree (T6) that is in poor health and replace it with another lime tree.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 81/0349/FUL - Detached dwellinghouse with domestic double garage; Granted 29 January 1981.
- 2.2 07/01100/FUL - Alterations and extensions to domestic garage to form a dwelling and creation of a new vehicular access; Granted 3 July 2007.
- 2.3 15/00588/OUT - Outline Planning Application for a dwelling (considering access and layout); Refused 19 May 2015

- 2.4 15/02116/OUT - Application for outline planning permission for a dwelling with some matters reserved (considering access and layout); Granted 8 January 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy 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 DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
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 objections but makes the following observations:
- Whilst Snape has a random mix of houses, this proposed property is certainly different to any within the village; and
 - The Parish Council would expect the site to continue to have the soft camouflage of trees and bushes around it.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Historic England – the application is for the construction of a detached dwelling within the grounds of the modern dwelling Cedar Garth. The application site is within the Snape Conservation Area and is to the east of the nationally important site of Snape Castle, which is both grade I listed and includes Scheduled archaeological remains. Historic England have previously commented (on a previous application) and recommended that the outline application should be withdrawn and a full planning application submitted with an accompanying heritage statement to assess the significance of heritage assets and the potential impact of the proposal on their significance. This revised application is accompanied by a heritage statement but does not take into consideration the potential for below ground archaeology associated with Iron-Age, Roman and medieval settlement within the vicinity. Historic England has concerns on heritage grounds.
- 4.4 Ministry of Defence – No safeguarding objection.
- 4.5 Public comments - No comments received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the likely impact of the proposed dwelling on the character and appearance of the village and heritage assets; (iii) an assessment of the design of the proposal; (iv) neighbour amenity; (v) the effect on the existing trees; (vi) highway safety; and (vii) developer contributions.

The principle of development

- 5.2 The application site is outside the boundary of the settlement although as the proposals would be well related to and close to the existing amenities, with development on all sides, the proposals would represent sustainable development as defined by paragraph 55 of the NPPF and Hambleton's Interim Policy Guidance (IPG), which allows for small scale development outside the settlement boundary, in locations closely related to existing facilities. In addition there is an existing, extant outline permission for the construction of a dwelling on this site and therefore, the principle of a dwelling is considered acceptable in this location.

Impact on the Conservation Area and other heritage assets

- 5.3 The character of this part of the Conservation Area has previously been altered by the siting of Cedar Garth, which is a two storey dwelling with a large footprint set back from the road frontage and positioned within a large garden plot. It is suggested that the construction of a dwelling at the western end of the garden would reinstate some of the character by reducing the plot to a size comparable to its neighbours. The layout shows the dwelling aligned with an east west axis to mirror Cedar Garth and reflects the relationship of Cedar Garth with its neighbouring property to the east, West Garth.
- 5.4 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. The site lies close to the listed Snape Castle and the development would therefore have the potential to affect its setting.
- 5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Snape Conservation Area.
- 5.6 As concluded during the consideration of the outline planning application in January 2016, due to the high level of screening at the site and the existing siting of Cedar Garth, along with the use of the existing access, it is not anticipated that any harm would be caused to the setting of any of these heritage assets and as such the development would be in accordance with LDF Policies and the advice within the NPPF.
- 5.7 Historic England is concerned about the below ground effect on potential non-designated archaeology associated with the nearby scheduled monuments. Outline planning permission was granted for a dwelling last year following consideration of a Heritage Statement at that time and therefore the principle of a dwelling has been established. It is recommended that a condition be imposed on any further planning permission now granted to require a written scheme of investigation to facilitate an exploration of the archaeology of the site prior to the commencement of any development.

Design

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework 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.
- 5.11 A detailed Design & Access Statement has been submitted, which explains the origins of the proposed design and its influence by gatehouses that would traditionally be found at the entrance to large estates.
- 5.12 The Statement describes the character of the surrounding area as less regimented than the majority of the village, which has dwellings positioned much closer to the highway and in a linear formation. The character of the application site is described as being domestic, as it forms part of an existing garden, but with a significant amount of mature landscaping and with rising landform, which screens much of the site from public view.
- 5.13 The site and proposed design is seen as an opportunity to provide an innovative, contemporary dwelling that addresses the special characteristics of the site, being in close proximity to the edge of the village and to existing heritage assets. The proposed siting and design also takes into consideration the rising land levels and existing landscape features which are to be retained (many of the trees being the subject of a Preservation Order).
- 5.14 The applicant's reasons for choosing the proposal from the available design options were to introduce a dwelling into the streetscene that would reflect the distinctive characteristics of the site with the use of an innovative and contemporary style. The prominence of the three storey element to the front elevation has been addressed by the use of a rising ramped access, the rising landform and the existing and proposed landscaping, providing screening for the resultant massing of this small section of the dwelling that would be visible from the front of the house. The proposed three storey element would therefore be discreet and would not be apparent from the street nor from the wider Conservation area.
- 5.15 It is important that the materials used are of a high quality and appropriate to the village of Snape. It is proposed to use cedar cladding for the majority of the external elevations; it is proposed to use untreated cedar, which is lighter in colour initially but quickly weathers to a grey colour. It is the grey colour that would then be retained on the building resulting in a darker and more natural appearance adjacent to the trees. The use of a small amount of stone would link the building to the village where stone is a common material.

Impact on the amenity of neighbouring occupiers

- 5.16 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The only property that the application would impact upon directly would be the existing property of Cedar Garth. The proposed dwelling is

sufficiently separated from and would not impact on the amenities of Cedar Garth or the residents of any other properties and would accord with the requirements of LDF Policy DP1.

Effect on the existing trees

- 5.17 An arboricultural assessment has been submitted with the application, which concludes that none of the trees are required to be removed to allow the proposed development to be implemented. However, the tree assessment has identified that one of the protected lime trees (T6) is declining and likely to die and should be removed within the next year or so. A replacement tree is recommended to be planted in its place.
- 5.18 It is also proposed to remove an existing cherry tree that lies close to the access and is not the subject of a tree preservation order. The reason for removing it is due to its proximity to the road and the likelihood that branches may fail due to cracks visible on the stem. The tree is clearly visible within the Conservation Area and is of some visual merit but its removal for safety reasons outweighs any harm to the appearance of the surrounding locality.

Highway Safety

- 5.19 The proposed access for the dwelling was a matter considered when outline planning permission was granted in 2016. This has not altered with the submission of the current scheme. The Highway Authority has no objections and recommends the imposition of conditions. The proposed development is not considered to have any harmful impact in terms of road safety.

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 materials shall be used in the construction of the external surfaces of the development other than in accordance with the details of materials illustrated on drawing number HDC/3103/10.
 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. 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 dwelling whichever is the sooner, unless the landscaping scheme shown on the landscaping plan (L2.434.1 Rev.1) received by Hambleton District Council on 11 September 2017 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.
 5. 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.

6. No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) The programme and methodology of site investigation and recording; (b) Community involvement and/or outreach proposals; (c) The programme for post investigation assessment; (d) Provision to be made for analysis of the site investigation and recording; (e) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (f) Provision to be made for archive deposition of the analysis and records of the site investigation; and (g) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. 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 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HDC/3103/04C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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.
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 HDC/3103/04C; 05F; 07; 10; and L2.434.1 Rev.1 received by Hambleton District Council on 23 March and 11 and 26 September 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. 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. To safeguard the visual amenity of the locality by ensuring the retention of existing trees and planting of new landscaping in accordance with LDF Policies CP16 and DP28.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with LDF Policies CP16 and DP28.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
7. 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.
8. 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.
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 or by telephoning 01609 779977.

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

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Parish: Snape with Thorp

Ward: Tanfield

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Committee date: 12 October 2017

Officer dealing: Mrs H Laws

Target date: 20 October 2017

17/01440/TCC

Application for prior notification for the installation of 17.5m high mast, 3no antenna, 2no transmission link dishes, 2no equipment cabinets, 1no electricity meter cabinet and ancillary development

At: Land at Prices Paving and Tile Limited, The Stone Yard, Meadow Lane, Snape

For: Cornerstone Telecommunication Infrastructure Limited

This application is referred to Planning Committee due to the level of local interest in the proposals.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the northern side of Snape, outside the boundary of the Snape Conservation Area. The site currently forms part of a paddock that lies to the rear of the commercial business unit operating as Price's Paving and Tile Limited. The proposed mast would lie approximately 60m to the rear of the existing showroom. Agricultural land lies to the north of the site.
- 1.2 The position of the mast would lie within the north eastern corner of the paddock adjacent to the boundaries of the site, which comprise of timber post and rail fencing and trees.
- 1.3 It is proposed to install a 17.5m tall galvanised monopole mast with 3no. antennas and 2no. transmission dishes. Two equipment cabinets and a meter cabinet, coloured grey, would be sited at the base. The mast and cabinets would be enclosed within a 1.2m high timber post and rail fence.
- 1.4 The submission is an application for a determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the development. Siting and appearance are details included within the submission; these are the only matters that can be considered by the Planning Authority. The application includes supporting statements and an ICNIRP (International Commission on Non-Ionising Radiation Protection) Certificate of compliance. The mast would allow two mobile operators to pool their network infrastructure while running two independent networks. The aim of the mast is to provide new 2G, 3G and 4G coverage and would be able to accommodate more advanced technologies when they come on stream in the future.
- 1.5 A number of alternative options have been considered prior to the submission of this application; these include siting on the roof of the Snape Methodist Church (not high enough); Snape Sewage Works, Ings Lane (owner permission not given); streetworks on Meadow Lane (within Conservation Area and likely to have greater visual and neighbouring amenity impact); Castle Arms Inn (within Conservation Area and likely to have greater visual and neighbouring amenity impact); rooftop of Snape Castle (unsuitable due to historic importance); and Salmon House, Salmon Lane (too far south of village to provide required coverage).
- 1.6 A mast of 15m in height would be classed as permitted development in this location.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 – Access

Core Strategy Policy CP3 – Community assets

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP6 – Utilities and infrastructure

Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – The Parish Council acknowledges the significant concerns, with regard to health and safety issues, the environmental impact and the close proximity to the conservation area, expressed by many people in the parish in connection with this application. The Parish Council has, therefore, given further consideration to the application and in recognising the concerns expressed, it therefore has to register its objection to the proposed mast. Further, the Parish Council would like to see a more thorough investigation of alternative sites carried out. It is noted that some alternative sites have been indicated in the responses received by Hambleton District Council.

4.2 Highway Authority – no highway objections

4.3 Historic England – objects to the application on heritage grounds. The development site sits in a sensitive location outwith the boundary of the Snape Conservation Area but between the grade II listed Thorp Perrow Registered Park and Garden, the nationally important Scheduled site of Roman buildings and field system in Snape' and the nationally important Scheduled Snape Castle. Whilst prior approval means that the principle of development is not an issue, the Local Authority can consider siting and appearance. In this respect the applicant has to demonstrate that the chosen location is the only possible location and the appearance is the only possible solution and that neither cause 'harm'. The amended information does not include any assessment of heritage assets and therefore it is still not possible to establish whether the proposal will generate harm to the significance of designated and undesignated heritage assets. Similarly there is no clear assessment of alternative locations and the degree of harm to designated and undesignated heritage assets generated by the proposed development at those locations.

4.4 Natural England – no comments

4.5 MOD – no safeguarding objections

4.6 Public comments – a total of 34 letters of objection have been received from the local community whose comments are summarised as follows:

- It will not only be highly visible from our house and garden, but also it is too close to our property and those around it to be safe. Huge amount of radioactive waves are produced by these masts, which doesn't only concern me but I have two children and animals that will be in close proximity to it
- There is no need for more 'white space' to be provided by such a mast as we have fibre broadband in the village already. All the villagers that I speak to have enough coverage on their mobile phones
- If such a mast is required then why not erect it further out of Snape Village - we are surrounded by acres of fields, some with good hills.
- Grave concerns relating to the Radiation/Carcinogenic threat to surrounding properties and primary school
- Devaluation of property
- This tall construction is totally out of keeping with the character of the village, which is in a 'conservation' area, although I assume it will be outside of it but only just, they are by nature an industrial structure which does not fit in a village setting close to homes and our nursery/primary school
- The village has a certain ambiance, avenue of trees, castle, babbling brook, little bridges and old fashioned street lamps, it is a small picturesque village, a 17.5m mast will tower above all the buildings and is certainly not in keeping
- The coverage maps submitted show that significant coverage overlap will occur while leaving the village of Well still underprovided. The implication is that Snape has been chosen because a willing site host has been found even though a more effective location would be to the south west
- It will be out of keeping with the grade I listed castle and chapel as well as other older buildings in the immediate area
- Bats in the locality may be affected
- It will severely impact not only on the village but also on the grade I listed castle, the adjacent grade II listed Thorp Perrow gardens and the scheduled Roman settlement of Roman Buildings and Field System.
- We understand it is beneficial to have speedy and efficient mobile reception , however we have chosen to live in this very beautiful village and accept that there are compromises to be made.
- It is considered that Clarke Telecom have not done everything possible to consider alternative sites.
- The photos are mis-leading due to the locations from which they have been taken.
- The appeal decision in Uxbridge is totally irrelevant to this situation as Snape is a small picturesque village in a Conservation Area with a historic castle and many listed buildings. The mast would be seen from many parts of the village and would be completely out of keeping with the rural character of the village.

A petition of more than 90 names has been received stating that those who are most affected by a telecom mast should be the ones to decide whether the project should go ahead. If you feel the mast will cause health problems it becomes a material planning consideration and must be taken into account by the Council. The government funded Stewart report is very clear; no masts near schools (our's is less than 200yds); no masts near the homes of children or other vulnerable people (it would be surrounded by kids and the elderly). The Council needs to adopt, in full, the precautionary approach recommended by the Stewart Report. PPG8 is for guidance only as loss of amenity is a very valid planning issue. Worrying about the implications to one's health, particularly if visible from one's home, is going to affect

the person's quality of life – thus leading to a loss of amenity. We would also direct you to the Human Rights Act of 1998, an individual as a right to the enjoyment of their property. The environmental impact of a planning decision on a neighbouring property brings into play the right for respect for home, privacy and family life.

5.0 OBSERVATIONS

- 5.1 The issues are (i) the principle of a telecommunications mast and the provisions of the Code of Best Practice., (ii) the visual impact of the proposals on the character of the area; (iii) the effect on residential amenity; (iv) the effect on heritage assets; and (v) highway safety.

The principle of the telecommunications mast in this location and the Code of Best Practice

- 5.2 The NPPF supports an advanced, high quality communications infrastructure, as it is essential for sustainable economic growth and to enhance community facilities and services (paragraph 42). Paragraph 43 states that existing masts should be used unless the need for a new site has been justified. There are no existing masts within the vicinity.
- 5.3 The Code of Best Practice on Mobile Network Development in England (2013) is a material consideration in establishing the procedures of consultation, notification and determination of telecommunication applications.
- 5.4 As set out in the Code of Best Practice the consideration of alternative locations is an integral part of the process of assessing an application for the approval of the siting of a new mast. This exercise acknowledges the sensitivity of the location of such structures and serves to emphasise the importance of searching for the optimal location rather than just one that is acceptable. To properly address this issue, it is necessary to identify the alternative possibilities, if any, and then evaluate those potential candidates to arrive at the best location for the proposal.
- 5.5 The NPPF advises that Local Planning Authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 5.6 The applicant has considered 6 possible alternative locations within or close to the village of Snape and all have been discounted for reasons that there is no permission from the landowner, the required coverage could not be achieved or the mast would have a more harmful impact on the visual appearance of the village or the amenity of local residents than the proposed development.
- 5.7 It is therefore accepted that the sequential test has been adequately carried out and there would be no other sites that would be better placed given the rural nature of the area and the potential visual impact a mast would have on the countryside, and also giving consideration to the neighbouring commercial use and the adjacent field boundary trees which would help to assimilate the mast into its environment.

Visual impact on the surrounding area

- 5.8 LDF Policies CP16 and DP30 require new development to respect the openness and intrinsic character and quality of the landscape. The Code of Best Practice, referred to above, provides examples of where the visual impact of a mast can be greatly reduced. These include placing masts near similar structures, for example, industrial

and commercial premises; adjacent to an existing group of trees; using simple designs; and using appropriate colouring.

- 5.9 The mast would have a maximum height of 17.5m, which would be taller than the nearby trees. There are other vertical structures in the vicinity including trees and telegraph poles although none would be as tall as the proposed development. The reason for this is to allow the mast to 'see' over adjacent structures. A lower mast would not be effective.
- 5.10 The site lies outside of the village but not too far for it to lie within the open countryside, which effectively begins to the north of the paddock within which the mast would be sited. When viewed from the open countryside it would be seen within the context of the village rather than the undeveloped open countryside. The adjacent trees would not screen the mast from all viewpoints but would soften the impact and break up views allowing glimpses rather than long range views. The mast would lie approximately 60m from the Price's Paving showroom and closer still to an agricultural building on the neighbouring property so it is considered that its siting would not detract from the openness of the rural landscape and would be in accordance with LDF policies and government guidance.
- 5.11 The position of the mast is such that it would be visible above the rooftops of the houses that front onto Meadow Lane and would therefore be seen within the context of the Conservation Area. The views would generally be longer range views and glimpses and would be only of part of the mast rather than a large proportion of the structure. At its closest point the mast lies more than 120m from the street frontage. Existing telegraph poles and other street paraphernalia lie within the Conservation Area although are lower in height but have a much greater visual impact. It is considered that the position of the mast within the 'village fringe' is ideally placed in respect of its relationship to both the village and the adjacent countryside and would comply with LDF Policies CP16 and DP30.

Effect on residential amenity

- 5.12 LDF Policy DP1 requires development to adequately protect amenity, with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed mast would lie approximately 80m from the nearest domestic neighbour and would not therefore affect residents as a result of, for example, a loss of privacy or an increased sense of enclosure. Although the mast would be visible from several properties in the village it would not cause a loss of amenity contrary to Policy DP1.

Heritage assets

- 5.13 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.
- 5.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Snape Conservation Area.
- 5.15 The site lies outside the boundary of the Snape Conservation Area but is within close proximity of the Grade I listed and scheduled Snape Castle, the grade II listed Thorp Perrow Registered Park and Garden and the Scheduled Roman settlement of 'Roman buildings and field system in Snape' thereby the development has the potential to impact on the setting of these heritage assets.

- 5.16 The proposed mast lies approximately 520m to the east of the Castle and approximately 120m from the south eastern tip of Thorp Perrow. Any views of the mast would not be seen in the context of these heritage assets and will cause less than substantial harm to their significance. The harm would be that glimpses of the mast would be possible from Thorp Perrow and from close proximity to the Castle.
- 5.17 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. Consideration of the principle of the mast installation is not within the remit of the Local Planning Authority and matters such as the need for a mast in this location are not material to the decision. The coverage maps clearly show the installation of a mast in this location would infill a significant number of gaps in the network. As stated within paragraph 42 of the NPPF 'advanced, high quality communications is essential for sustainable economic growth' and therefore the proposed site is considered to provide an acceptable solution for the proposed development.

Highway Safety

- 5.18 Following the installation of the mast, access to the site would be limited to visits for inspection and maintenance. The intensification of the use of the existing access would not be significant and would not give rise to issues of highway safety.

Other matters

- 5.19 There is a significant amount of concern among local residents regarding the health risks of the proposed mast. Due to the inclusion with the application submission of an ICNIRP Certificate this matter cannot be included as a material planning consideration and is not relevant to the Local Authority's decision.
- 5.20 The Human Rights legislation includes provision for the protection of an individual's home and property from inappropriate interference by (local authorities) but makes provision for interference in the interests of the general public, provided that interference is undertaken lawfully, such as through planning legislation.

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 100A, 200A and 300AB received by Hambleton District Council on 27 June 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: Sowerby
Ward: Sowerby & Topcliffe
13

Committee Date: 12 October 2017
Officer dealing: Mr T J Wood
Target Date: 26 July 2016
Extension of time: 19 October 2017

16/00950/FUL

**Residential development of 25 bungalows and associated works following demolition of warehouse buildings, access from Victoria Avenue
At Former Buffer Depot, Sowerby
For Blue Oak Homes (Yorkshire) Ltd.**

This application is referred to Planning Committee as the application proposes development that differs from the requirements set out in the Allocations Document of the Development Plan and requires consideration of the planning balance of development viability, housing mix and access arrangements

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is situated at the western end of Victoria Avenue and north of Melbourne Place, with the more recent Admiral's Court development to the west. The land to the north of the site is occupied by a large industrial unit (Power Plastics) with residential properties on Racecourse Mews beyond.
- 1.2 The application site extends to approximately 1.037 hectares and is currently occupied by a large depot building and associated external hardstanding. The building is last recorded to have been used during the Foot and Mouth outbreak in 2001 as a distribution centre. The northern boundary of the site is currently delineated by a mature hedge, whilst there are a small number of trees/shrubs located around the site. The site is generally overgrown.
- 1.3 The site is currently accessible from Melbourne Place, a private road. It is not proposed that this be retained as a regular vehicular access to the site but instead as an emergency vehicular access and a permanent pedestrian access.
- 1.4 The site lies beyond the boundary of the Thirsk and Sowerby Conservation Area which abuts the southern side of the application site.
- 1.5 The application relates to the southern half of a site covering 2.84 hectares allocated for housing development under LDF Policy TH2 (Depots, Station Road, Thirsk). Policy TH2 states that the land is allocated for housing development subject to:
 - (i) Development being at a density of approximately 10 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 40% should be affordable);
 - (ii) Types and tenure of housing developed meeting the latest evidence on local needs;
 - (iii) Access to be taken from Racecourse Mews;
 - (iv) Provision of appropriate junction improvements with Station Road;
 - (v) Contributions from the developer towards necessary infrastructure improvements including footpath links to the Town Centre and better drainage facilities; and
 - (vi) Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 1.6 The application proposes 25 bungalows on the site for the over 60s controlled by condition. The applicant's design and access statement highlights that the scheme is laid out around a central communal area with a small cul-de-sac to the south west of

this. The landscape throughout the whole site is communal and there would be no private gardens other than a patio/garden area of about three metres width to the rear of each unit. A parking space would be laid out in front of each unit. Revision to the layout of the site has relocated a visitor parking area from near the entrance to the site to the central communal area. The road layout provides a turning area which could also be used by residents of Victoria Avenue. Vehicular access to the site is proposed from Victoria Avenue to its east boundary via an extension to the road. Use of the emergency access from Melbourne Place is shown to be controlled by removable bollards.

- 1.7 The applicant also proposes upgrades to Melbourne Place to improve conditions for existing residents and to promote it as an attractive pedestrian and cycle route for future residents.
- 1.8 Other than the three metre wide areas to the rear of each unit mentioned earlier, all open areas within the development would be communal. Much of it would be grassed, with areas to the front of the units planted, though the details of the planting scheme are not supplied. The central area is intended to be a meeting area for the residents. As such there would be a patio area at the centre with tables and chairs. Around this would be grass and a number of benches. Trees would be planted in this area and shrubbery would be positioned around the parking spaces.
- 1.9 With regard to the management of the development it is indicated that each bungalow, including its dedicated garden/patio area and parking, would be sold on a long leasehold basis, or as a freehold with a ground lease, and would be subject to a service charge agreement. Furthermore, terms of sale of each bungalow would not allow them to be extended. Ownership of the communal areas and soakaways would be retained by the developer to ensure continuity of access for maintenance. The applicant advises that the service charge would be used to manage and maintain the upkeep of the landscaped communal areas and the soakaways. It is anticipated that the maintenance regime would include weekly landscaping and maintenance of landscaped communal areas and visitor parking (as per seasonal requirements) and annual inspection and maintenance of soakaways.
- 1.10 The applicant has also produced a detailed technical note on highway access and a viability report to support a contribution to affordable housing lower than the 40% required by Development Plan policy, which is discussed later in this report.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

The application site

- 2.1 2/98/139/0272C - Certificate of lawfulness for storage and distribution (Use Class B8) relating to the site including the 2,350sqm building; Granted 25 February 2000.
- 2.2 12/01556/FUL - Demolition of 1 dwelling and depot building and construction of 47 dwellings with associated access, parking, public open space and landscaping; Refused 25 February 2013, Appeal Dismissed 6 August 2013.
- 2.3 The application included 33a Admirals Court, which would have been demolished to facilitate a new vehicular access from that road. The appeal Inspector noted that much of the dense development along the western and eastern edges of the site would integrate poorly with the existing neighbouring development and appear unduly cramped. The Inspector concluded that this harm would be made worse by the fact that the small area of on-site public open space would be of very poor quality and so have poor levels of amenity.

- 2.4 In relation to the access, the principal concern was the impact on living conditions in Admirals Court, a short, narrow cul-de-sac that currently carries a small amount of vehicular traffic. The Inspector agreed that 47 dwellings would generate a significant increase in traffic along this quiet road and those leading to it, resulting in harmful levels of noise and disturbance to residents.
- 2.5 The Inspector concluded, on the basis of the submitted viability assessments, that if the developer were to provide 40% affordable homes and the full amount of planning contributions sought by the Council, there would be insufficient incentive for them to build or for the owner to sell the land. This would fail to achieve the delivery of this site for housing development. Therefore, the inspector found, on balance, that the proposal made appropriate provision for affordable housing, education and public open space contributions; having regard to the evidence on viability.

Adjacent land

- 2.6 12/00170/FUL - Construction of six dwellings with associated parking and landscaping (on land to the north); Granted 2 July 2013
- 2.7 The development includes an access from Racecourse Mews that could also serve allocation site TH2 but the access would need to be extended over intervening land within the allocation site (but not within the site of the current application) in order to serve the current proposal.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP6 - Distribution of housing
 Core Strategy Policy CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste

Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains
Allocations Document Policy TH2 - Depots, Station Road, Thirsk
Affordable Housing Supplementary Planning Document (SPD); adopted 7 April 2015
Open Space, Sport and Recreation SPD; adopted 22 February 2011
Sustainable Development SPD; adopted 22 September 2009
Size, Type and Tenure of New Homes SPD; adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Sowerby Parish Council - Welcomes the application for 25 bungalows but do not wish the application approved because of concerns about the access.
- 4.2 Highway Authority - Objects and recommends refusal on the ground that Victoria Avenue is unsuitable for the traffic which is likely to be generated by the proposal because existing on-street parking results in insufficient carriageway and footway widths, with consequent danger to highway users.
- 4.3 Environmental Health Officer - No objection subject to a condition relating to land contamination. There existing housing closer to the adjacent commercial site currently occupied by Power Plastics Ltd. but there is no history of noise complaints related to it.
- 4.4 Yorkshire Wildlife Trust - No objection subject to recommended mitigation proposals and five year Ecological Management Plan being conditioned
- 4.5 Lead Local Flood Authority - Detailed comments with a number of matters considered to be acceptable within the submitted Flood Risk Assessment. The areas where further work is suggested include:
 - Drainage design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced;
 - Allowance should be made for a 10% increase in impermeable areas through activities such as building extensions and paving gardens; and
 - The Council must satisfy itself that ongoing maintenance of drainage features will be achieved over the lifetime of the development.
- 4.6 Corporate Facilities Manager (drainage and flooding) - Supports the findings of the LLFA (above). The details relating to ongoing maintenance will be required to show how the management company will remain viable and able to undertake the management role for the lifetime of the development.
- 4.7 Natural England - The development is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 4.8 Police Architectural Liaison Officer - Highlights crime and disorder issues in the area, assesses the development in terms of its likely effect on crime and disorder and identifies design solutions that would help to reduce vulnerability to crime. Raises concerns about the potential for problems on this site in respect of parking and an anti-social behaviour in the central communal area. Making this area private, with access restricted to its residents and their visitors only, would address those concerns.
- 4.9 Ministry of Defence - No safeguarding objection.

4.10 Public comment – 17 responses in total.

Six objections raising the following concerns:

- Policy TH2 requires two adjacent industrial sites to also be developed;
- 25 bungalows on a third of the allocation site is overdevelopment;
- The access from Station Road in the allocation should still stand, taking pressure off Victoria Avenue and Melbourne Place;
- The Transport Statement omits the level of traffic and car parking pressure on Melbourne Place from car owners in that road and overspill from Victoria Avenue;
- The access plans, including emergency vehicle access, is poorly thought out and will put more pressure on parking and viable car parking spaces;
- No car parking allocation has been given to Melbourne Place, where residents currently park across the street on a triangle of rough land and the only green space for children to play. This is not part of the development site but is owned by the developer;
- Cars parked as they are at present make the access too narrow for large vehicles;
- Construction traffic and heavy vehicles using the road making it unsafe;
- Unviable for the bin lorries to get down the street due to cars blocking the way;
- Concern over damage to protected lime tree and the engineering brick road, which are features of the Conservation Area;
- The access and sight-line onto Topcliffe Road is poor and dangerous, with cars having to edge out into Topcliffe Road to be able see clearly and too narrow for two vehicles to pass at the top of the road;
- The proposals for Melbourne Place are inadequate and do not include drainage;
- The Transport Statement is disingenuous suggesting that over 60s are retirees, when in the longer term people will be working into their 70s; and
- There is an outstanding issue with foul drainage from the site.

Ten representations in support but making the following comments:

- The site is an eyesore;
- Under-provision of car parking;
- Concerns that the removable bollards in Melbourne Place might disappear, allowing it to become a permanent access route;
- Impact on Melbourne Place and parking provision;
- Viability of the combined sewer in Melbourne Place;
- There are no allotments provided for in the plans;
- Removal of cobbles and scoria bricks at the end of Melbourne Place would be a loss to the Conservation Area;
- Routes for construction vehicles could impact on residents; and
- Melbourne Place should be a safe play area for the resident children.

One general comment raises comments about the level of parking and access for emergency services and refuse vehicles.

5.0 OBSERVATIONS

- 5.1 The inclusion of the application site within allocated housing site TH2 means that the principle of residential development and the loss of employment use are not in question. However, the degree to which the proposal conforms with the expectations set by policy TH2 is a major consideration, particularly in terms of the access arrangements.

- 5.2 The other main determining issues to be considered are (i) the size, type and tenure of the dwellings; (ii) the design of the dwellings; (iii) residential amenity and car parking; (iv) drainage and flooding; (v) land contamination; (vi) heritage issues; (vii) biodiversity; (viii) sustainable energy; and (ix) open space provision.

Conformity with allocation policy TH2

- 5.3 The site forms part of the TH2 (Depots, Station Road, Thirsk) site which is allocated for housing development subject to the provisions detailed within paragraph 1.5 of this report.
- 5.4 The explanatory text to TH2 states that "because the site is an unusual shape, and positioning of access roads restricts the number of dwellings that could be built, the realistic capacity of the site has been reduced by applying a 10 dwellings per hectare density to the site overall, thus yielding around 30 units (compared with a density of 40dph, which would otherwise have been appropriate given the central location of the site, and which would have yielded 100 or more units)."
- 5.5 Consequently, developing the site for new housing is acceptable in principle subject to specific criteria contained within the Allocations DPD and site specific detailed site specific matters discussed below. The proposal is only for the southern part of the site as the land is in more than one ownership and despite dialogue between the adjoining landowners facilitated by officers of the Council the land has not been assembled to form a single application site. There is no indication that development proposals are being contemplated on the remaining land within the Policy TH2 allocation at this time.
- 5.6 Giving consideration to the six issues identified in the Policy TH2 allocation it is evident that:
- The density of the scheme (24 dwellings per hectare) is higher than anticipated in the allocation. The applicant explains that this can be achieved because their site does not have an irregular shape, unlike the northern part of the allocation site;
 - The proposal does not include 40% affordable housing. The applicant cites a viability justification for this;
 - The types of housing are restricted to bungalows for older people and therefore addresses this important aspect of the latest evidence on local needs;
 - Access would not be taken from Racecourse Mews, but via Victoria Avenue;
 - Because access is not proposed via Racecourse Mews, no improvements to Station Road are proposed;
 - Contributions required to fund infrastructure can be achieved via the Community Infrastructure Levy (CIL); this could be invested in projects such as improvements to footpath links to the town centre or better off-site drainage facilities; and
 - Contributions from the developer towards the provision of additional school places and local health care facilities as necessary would also be funded through CIL.
- 5.7 The proposal identifies Victoria Avenue as the primary access to the site for all purposes. This is contrary to the access via Racecourse Mews identified in policy TH2. Racecourse Mews is a two-way road capable of accommodating additional traffic. It is not of restricted width or congested by parked cars in the way experienced on Victoria Avenue.
- 5.8 Detailed design work undertaken to consider the use of Racecourse Mews shows that a suitable access would require land in the ownership of two further parties. The

applicant has not reached agreement for this with either landowner and indicates that payments to the landowners concerned would reduce the viability of the scheme.

- 5.9 Consideration of the suitability of Victoria Avenue shows it is of restricted width, such that traffic is limited to a single lane, that pedestrians share the road with vehicles and that vehicles can only travel along the road if they can negotiate parked vehicles. The facilities for pedestrians fall far short of current design standards.
- 5.10 The applicant's transport statement acknowledges that "existing residents of Victoria Avenue currently face issues associated with parking and turning in the street owing to lack of off-street parking. The proposed development includes measures to alleviate these issues including the provision of a turning head area and additional off-street parking."
- 5.11 The proposal includes two metre wide footways through the development. These are intended to connect to the existing footways in Victoria Avenue. However, the Victoria Avenue footways are narrower and are often partially obstructed by parked cars.
- 5.12 The site is close to Thirsk town centre. Pedestrian access from the new development to the wide range of facilities in the town centre on foot is realistic but the congestion on Victoria Avenue makes use by pedestrians unattractive.
- 5.13 Upgrades are proposed to the pedestrian access through Melbourne Place to include resurfacing and providing a shared surface environment with pedestrian signage. However the applicant has no stated rights over this private road and due to the uncertainties regarding their ability to carry out these works little weight can be attributed to this aspect of the proposal.
- 5.14 Cycle access can be achieved over the roadways, albeit with the same caveats of congestion, through Victoria Avenue or Melbourne Place to the town centre and to the railway station.
- 5.15 The age profile of future residents is set in the application to be age 60+. It is the applicant's case that the older people resident on the site would generate significant fewer vehicle movements. This is supported by evidence in a consultant's report that notes that on-street parking is reduced on Victoria Avenue during the day and that the periods of peak access for the scheme would be during the day. However, even if the applicant's argument was accepted, the increase in activity would cause further harm to the desirability of Victoria Avenue as a route for pedestrians and vulnerable users in particular. The increased use of Victoria Avenue would cause harm to the highway safety of existing and future users and is therefore contrary to the LDF Policies CP1, DP3 and DP4
- 5.16 The development would result in the loss of a site previously used for employment purposes. This was a matter before the Council when allocation policy TH2, proposing replacement with housing, was adopted. The supporting text to the allocation policy identifies that replacing the depots with housing should achieve environmental and other benefits, thereby justifying the allocation. The site is recorded as last used in 2001 and since that time has not been in active use. Accordingly redevelopment would not result in any loss of jobs or displacement of business.

Size, type and tenure of housing

- 5.17 The proposal shows a scheme of one bedroom units (four bungalows) and two bedroom units (21 bungalows). The dwellings would all exceed the minimum sizes required in the Nationally Described Space Standards and those set out in the

Council's Size Type and Tenure Supplementary Planning Document. The proposal addresses the need for smaller housing units that are single storey and meet the needs of older people.

Affordable housing

- 5.18 The applicant is proposing that no affordable housing is provided on the site as they consider that only a 0% affordable housing figure is viable. The scheme has been assessed by Kier as advisors to the Council on matters of financial viability. Kier has considered the evidence provided by the applicant but advises that modelling the costs and sales values of the scheme in September 2016 indicated that it could include six affordable dwellings, equating to 24% provision. It is acknowledged that there may have been changes in values since, but there remains a significant gap between the viability appraisals carried out by the applicant and by the Council's advisor. Therefore, a nil provision of affordable housing would not be acceptable. The shortfall in affordable housing provision is contrary to the LDF Policy CP9.

Design

- 5.19 The design of the units and the single-storey form of the development do not mirror the predominance of terraces of two storey dwellings in the locality. The design has instead been founded on the wish to create housing suited to older people and with a degree of overlooking of communal space. The "modern alms house" form has been encouraged on some sites to achieve a higher density of single storey dwellings suitable for the older population. The location of the site relatively close to Thirsk town centre lends itself to this form of development.
- 5.20 A judgement is therefore required between the demands of a high quality of development that respects local character and the provision of low rise development that meets a particular housing need.
- 5.21 It is considered that the scheme could have been prepared taking more account of the local context. There is no reference in the design statement that the character of the surrounding area was a significant factor in the layout of the proposal. The planning statement references the red brick and slates but does not refer to the street pattern of development but rather focuses on addressing the deficiencies of previous schemes that sought to achieve higher densities of development and resulted in refusal of permissions for the reasons explained in section 2 of this report.
- 5.22 A Community Consultation Event was held in October 2015. It is not clear how the response to this consultation has influenced the design as it only reported in the Design and Access Statement that the comments made were generally positive with attendees recognising the Lifetime Homes proposal as an improvement on the previous (and refused) planning applications.

Residential amenity and car parking

- 5.23 LDF Policy DP1 requires that amenity space is provided sufficient to meet the reasonable needs of residents. The scheme would provide small areas of garden for each dwelling in addition to a private parking space. There would be sufficient space for bins to be stored close to each dwelling. The communal area in the centre of the site that is proposed to be maintained by a facilities management company has the potential to provide an attractive and valuable amenity space for future residents.
- 5.24 The separation distances between the proposed dwellings and neighbouring dwellings are considered to be sufficient to give mutual protection to amenity. Plots 12, 13 and 14 would be close to the Power Plastic building that bounds the north of the site, however a fence is proposed and a hedge is shown to be retained on this

boundary to soften the visual impact and no noise impacts have been observed relating to the use of the building.

- 5.25 Parking space is proposed at a rate of one space per dwelling. A total of eight visitor parking spaces are also shown adjoining the central communal gardens. Additionally there is opportunity to provide further parking spaces on the frontage and alongside some of the bungalows as well as opportunity for on-street parking within the development.
- 5.26 The transport statement says that this is in accordance with North Yorkshire County Council guidance from 2003, however the scheme falls significantly below the current NYCC parking standards which require a minimum of two parking spaces per two or three bedroom dwelling. Additional parking space was shown at the entrance to the site to alleviate pressures on Victoria Avenue. However amendments have removed this space and the level of parking proposed is below the current NYCC design standards. Even if the parking had been provided for existing residents is considered that it would be unlikely to address the parking problems noted on Victoria Avenue as it would not be convenient to residents and would lack surveillance by the owners of the vehicles. The allocation TH2 did not require measures to provide a turning head or additional parking for Victoria Avenue, however the allocation proposed access via Racecourse Mews to avoid the difficulties of Victoria Avenue.
- 5.27 LDF Policy DP3 requires a level of car parking commensurate with road safety, the reduction of congestion and the availability of alternative means of transport to be provided. In this case the proposed parking within the layout is considered sufficient to avoid an adverse impact on road safety as sufficient parking space can be achieved to meet the needs of new residents and to do so without obstruction to footways. However as noted previously this would not address current on-street parking and congestion problems on Victoria Avenue an issue not addressed by the Allocation as the proposed access is via Racecourse Mews.

Drainage and flooding

- 5.28 A consultant's report submitted with the application notes that there is no positive foul or surface water drainage connection from the site, and assumes that there are no foul water producing facilities within the site and that roof and yard waters soak away in the surrounding grass areas within the site.
- 5.29 The proposal is for soakaways to be provided for each dwelling, to be maintained by a facilities management company. Road drainage is to be offered for adoption by NYCC as local highway authority.
- 5.30 Foul sewerage would be directed to the 150mm public sewer in Melbourne Place. It is assumed that a pumping station is not required but without additional survey work it is not possible to be certain and provision for one is shown in the layout. It is noted that the application for 47 houses refused and dismissed on appeal in 2013 included a pumping station, indicating that pumping may be required.

Land contamination

- 5.31 No detail of the extent of any pollution has been provided. A condition to require further investigation and necessary remediation would be appropriate in the event that permission is granted for residential development.

Heritage

- 5.32 There is no evidence of any heritage asset within the site. Surrounding property would be affected by the change in setting through the demolition of the shed on the

site and the redevelopment of single storey dwellings; this could be a beneficial change. The residential terrace to the south of the site on Melbourne Place and the terrace to the east on Victoria Avenue are identified as Buildings of Local Interest in the Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document. Although the pattern of development proposed is in stark contrast to the form of the development to the east the low height of the buildings, the fact that other developments to the west do not continue the historic form, and as the site is not on or close to a main thoroughfare significantly reduce the impact of the development.

- 5.33 The proposal entails the removal of buildings that do not respect the street pattern or form of historic development in this part of Sowerby and on balance it is considered that the development is not in conflict with the heritage policies of the LDF CP16 and DP28 or the NPPF.

Biodiversity

- 5.34 There is no evidence of any protected species within the site although there are areas of unimproved grassland. As noted in correspondence from the Yorkshire Wildlife Trust, there is potential for a net gain in biodiversity and a management plan should be required to demonstrate how this will be achieved if permission is granted.

Sustainable energy

- 5.35 As the proposal seeks approval for more than ten dwellings the provisions of DP34 apply requiring the proposal to generate 10% of its energy demand from on-site renewable sources or provide equivalent energy saving measures. There is no reason to believe this cannot be achieved, particularly when the opportunities for energy saving in modern construction techniques are taken into account.

Open space, sport and recreation

- 5.36 The Open Space, Sport and Recreation Supplementary Planning Document sets the expectation that the development of residential schemes of 10 to 79 units will include amenity space and equipped children's play space and may provide space for green corridors; park, gardens and greens, facilities for young people and teenagers and allotments.
- 5.37 The proposal is focused on providing homes for people aged 60+ and the layout of space is considered appropriate for that profile. The scheme provides no facilities for young visitors to the site.

The planning balance

- 5.38 The proposal seeks to provide housing to meet an identified need for older people who wish to live in single storey accommodation. The scheme is close to Thirsk town centre and the density of development proposed takes advantage of the sustainable location and the relatively regular shape of this part of the allocation site. The scheme would provide social benefits of new housing but no affordable housing is proposed, despite advice from Kier that this could be achieved. The access route proposed for vehicular traffic is compromised by the restricted width and congestion caused by on-street parking and no adequate alternative pedestrian or cycle access route is proposed. The ability to make improvements on Melbourne Place is uncertain due to lack of documented ownership rights. The harm to the safety of users of the road is a significant factor that is considered to negate the benefits of the new housing.
- 5.39 The construction work and later servicing of accommodation would provide a modest economic benefit and there are opportunities for biodiversity gains. However, it is

considered that the access to the site via Victoria Avenue is unsuitable to meet the needs of the development.

- 5.40 The lack of affordable housing is contrary to LDF Policies. It is unusual that it has not been possible to achieve a resolved position on financial viability of the scheme between the applicant's and the Council's advisors. The initial and maintained stance of the applicant that no affordable housing can be provided is questionable given the contrary advice from Kier. As the policy position has not changed since earlier refusals that considered development viability and that the requirement for affordable housing has been set out in the LDF policy it is considered that a lack of affordable housing and unsuitable access should lead to a recommendation of refusal of the application.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed access via Victoria Avenue is unsuitable for the traffic that would be likely to be generated by the proposal. Victoria Avenue has on-street and on pavement parking resulting in insufficient carriageway and footway widths with consequent dangers to highway users through shared use of the carriageway for pedestrians and vehicles and potential obstruction to emergency vehicles.
 2. The proposal provides no convenient and viable pedestrian access route as an alternative to Victoria Avenue. The limited amount of off-street parking available to residents of Victoria Avenue results in on-street parking and parking partly on footways, such that some pedestrians and users of mobility scooters, wheelchairs and pushchairs are required to use the carriageway. The proposed housing for the older person has an increased likelihood of users requiring mobility aids and overall will result in an increased risk particularly to vulnerable road users on a congested street.
 3. The proposal fails to provide affordable housing and has failed to provide evidence that the costs of the scheme make the provision of affordable housing unviable and is therefore contrary to LDF Policies CP9 and will not meet the needs of the local community as required by Policy DP13.

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Parish: Stokesley

Ward: Stokesley

14

16/01138/S106

Committee Date: 12 October 2017

Officer dealing: Mr Peter Jones

Target Date: 27 May 2016

Date of extension of time (if agreed):

Variation of Section 106 Agreement associated with application 14/02578/OUT – affordable housing requirements at White House Farm, Stokesley for Cecil M Yuill and Gentoo Homes

The application was deferred to allow the applicant to re-examine the viability of the scheme with a view to the provision of affordable housing.

1.0 UPDATE FOLLOWING DEFERRAL

- 1.1 Since Planning Committee deferred its consideration of the application the applicants have explored alternative mechanisms for the delivery of affordable housing. The applicants have also met with Stokesley Town Council in order that the Town Council has a clearer understanding of the issues around the viability of the scheme and for the Town Council to put forward its views with regard to the proposed affordable housing offer.
- 1.2 Due to the viability issues set out in the original report, repeated below, the applicants maintain that they can only afford to offer a single dwelling that would comply with the Council's policy in terms of affordable housing provision (4% of the total number). This dwelling is offered on the basis of affordable rent, along with a £15,000 commuted sum to be used for the provision of affordable housing.
- 1.3 As an alternative to this, and following discussion with the Town Council, the applicants have made a secondary offer of discounted housing for sale.
- 1.4 The offer has two options:
- Three units (12% of the total number) at 75% of market value; or
 - Four units (16% of the total number) at 80% of market value.

In each case the units would be two bedroom properties and the discount from the market price would apply in perpetuity, which could be secured through a legal agreement. It is understood that the applicants have delivered this form of housing elsewhere but only limited details have been made available.

- 1.5 The three or four units would also be offered on the basis of a local occupancy agreement, subject to similar clauses used in legal agreements for affordable housing in the District, i.e. first offered to residents of Stokesley parish, then to residents of adjacent parishes.
- 1.6 This secondary offer does not comply with Council policy because discounted market value housing is excluded from the local definition of affordable housing. However, it is put forward by the applicant as an alternative, seeking to address the Town Council's concerns.
- 1.7 Stokesley Town Council believes that there is currently a greater need for lower cost starter homes than for affordable housing in Stokesley, in particular when the recent permission for 113 affordable homes on the Tanton Road site is taken into account.

- 1.8 The Town Council has written in support of the idea of houses provided at a discount on market value, but it had understood that nine units would be provided. This is understood to be based on an offer the applicants had prepared before they undertook the site investigations which suggested abnormal build costs and the subsequent viability appraisal.
- 1.9 The applicant has expressed a preference for their revised offer of the discounted market value units over the policy compliant position of one affordable unit and a £15,000 commuted sum, with overage clause as previously recommended for approval at the June Planning Committee.
- 1.10 The Government has indicated a desire to see more low-cost housing for sale and has identified Starter Homes as a way of achieving this. Starter Homes must have a minimum 20% discount on first sale and cannot be priced higher than £250,000 outside London. A Written Ministerial Statement “Starter Homes” amended national planning policy in March 2015 to allow Starter Homes to be provided “on commercial and industrial land that is either under used or unviable in its current or former use, and which has not currently been identified for housing”.
- 1.11 The application site is not considered to be commercial or industrial land, having last been a farm and furthermore, by virtue of the outline planning permission for housing granted in April 2016 (14/02578/OUT) it has been identified for housing. Therefore it is not supported as a site for Starter Homes by Government policy. The applicants’ offer to apply the discount in perpetuity (rather than five years, which is the relevant period for Starter Homes) is better, however, it does not address the greater need for affordable rented housing and the small numbers of units on offer means it would make very little difference to the local market.
- 1.12 Due to the minimal additional benefit considered to be gained from the applicant’s revised offer it is considered preferable to proceed on the basis of the policy compliant position as reflected in the recommendation at paragraph 7.1. It may be possible for discounted market value housing to play a role in balanced housing provision in future, but that would need to be within a framework of consistently applied national and local policy, not by an exception negotiated through the planning application process.

2.0 SITE DESCRIPTION AND PROPOSAL

- 2.1 This application is for the variation of obligations agreed under a S106 agreement with regard to the provision of affordable housing on a site to the south of Westlands in Stokesley.
- 2.2 The original application (14/02578/OUT) sought approval of outline permission for agricultural land on the western outskirts of Stokesley, to the south of Westlands, to be developed for 25 houses. With the exception of access, all matters were reserved for a later stage of approval (i.e. appearance, layout, scale and landscaping).
- 2.3 The site is located to the south of Westlands on the western edge of Stokesley. The site is set within open farmland, bounded to the north by Westlands. The site is currently occupied by a range of modern and traditional farm buildings. The buildings are largely abandoned and in a partial state of dereliction.
- 2.4 The approval included the provision of 37.5% affordable housing (9 dwellings) to be delivered through a S106 agreement which was duly entered into. The applicant is now seeking to amend the percentage provision of affordable housing following site investigations which suggest more significant abnormal costs than those originally envisaged.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 The site is allocated for employment uses (Class B1) rather than housing, within the Council's Local Development Framework. The allocation sets out requirements for the development of the site.
- 3.2 The primary requirement is in terms of the economic use of the site, but it also sets out other more general development requirements, which are:
- (i) Access to the site being taken directly from Westlands;
 - (ii) Provision of landscaping at the western and eastern boundaries;
 - (iii) Contributions from the developer to local infrastructure (now superseded by the adoption of CIL); and
 - (iv) No development other than essential infrastructure and water compatible uses should take place within Flood Zone 3b, as defined within the Environment Agency Flood Maps.
- 3.3 02/01524/OUT - Outline application for the construction of a care home with day centre facilities and 36 apartments for the elderly; Refused 21 November 2002, appeal dismissed 27 October 2003.
- 3.4 11/01300/OUT - Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sq. m including means of access; Refused 11 May 2012, appeal part allowed and part dismissed 29 May 2013 (this was an application for a wider area than the subject site).
- 3.5 14/02578/OUT - Outline application for the construction of up to 25 dwellings; Approved 25 April 2016.

4.0 RELEVANT PLANNING POLICIES

- 4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Development Policies DP2 - Securing developer contributions
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Affordable Housing - Supplementary Planning Guidance - June 2008
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement "Starter Homes" - March 2015

5.0 REPRESENTATIONS AND CONSULTATIONS

- 5.1 Public comments - Two objections have been received to the application. These relate to the principle of the development, which has been decided and is not for reconsideration, and the proposed reduction in the percentage of affordable housing on the site.
- 5.2 Parish Council –
- Members of Stokesley Town Council Planning Committee have read the officer's and committee reports and what paperwork there was on the HDC website. A member of the committee subsequently had a telephone conversation with officer dealing with the application seeking clarification and additional information;

- For the developer to ask for the planning conditions to be changed from 37.5% affordable to just 4% (i.e. only one two bedroom house) is outrageous;
- The conditions of the site have not changed since the original application was approved. The asbestos position was clear at the beginning, as was the site contamination. The developer agreed to the previous S106 agreement knowing these site conditions;
- The mix of housing proposed does not meet the requirements for Stokesley and is not acceptable. (The first line of the Comparables Report stating 'Gentoo are proposing a small development of high quality four bedroom detached homes' highlights the bottom line of the applicants' wishes);
- The essence of the application is apparently based on a change in the financial evaluation of the proposed development by the applicant. However, the only financial information now available to the Town Council is the above Comparables Report which is now nearly 15 months out of date and contains sales data now at least 18 months old – official statistics indicate that a lot has happened to prices in the housing market since then! This lack of financial information means that the Town Council has been unable to date to prepare a meaningful and informed response to the application; and
- It is evident from the Officer's Report that the applicants and the District Valuer have not been able to reach agreement in at least two key areas. However, the solution proposed by HDC to accept only 1 affordable dwelling, a commuted sum and an overage clause (which may yield an additional sum of money) is not acceptable to the Town Council. If this approach were to be followed on other sites it would lead to the receipt of sums of money by HDC but not the delivery of affordable housing – a situation which has been highlighted in recent media comments relating to Kensington and Chelsea Council!

Stokesley Town Council – Updated position

5.3 The Town Council has provided an updated consultation response following a meeting with the applicants, summarised below. It should be noted that the detail of this response is based on an expectation that nine discount market units would be provided.

- Alternative approaches are available, that would offer an increased number of houses which Stokesley residents could afford;
- Current commitments in Stokesley go a long way toward meeting local need
- Evidence from Town Council surgeries that there is a lack of new housing available to purchase;
- Gentoo Homes would be prepared to discuss and present an alternative variation for consideration by the Planning Committee which is based on dwellings that would be for sale at a Discounted Market Value (DMV);
- Similar mechanisms have been used in Northumberland and Newcastle;
- Agreements have secured discounts on normal market values in perpetuity and contain local residency and local employment restrictions on purchasers
- Town Council recognises that such DMV dwellings are not considered as affordable housing but Government White Paper does propose a change which would include them;
- Approval of such a DMV scheme as on this site would serve as a trial for a potential model that could be used as and when new legislation is enacted; and
- The Town Council would be fully supportive if Gentoo Homes were able to prepare an alternative variation to the present Section 106 agreement which retained the current number of nine dwellings, with two / three bedrooms, as DMV properties, with a discount in the range of 20 to 30 per cent from market value and contained local residency and local employment restrictions.

6.0 OBSERVATIONS

- 6.1 The principle of housing development on this site has been established through the grant of outline planning permission. The issues for consideration in this application are whether the applicant has reasonably demonstrated that the development as approved is not viable, based on the agreed provision of affordable housing, whether the proposed level of affordable housing as now submitted is acceptable (subject to an assessment of the viability appraisal), whether the applicant's proposed form of affordable housing is acceptable and whether the housing mix used in the assessment is acceptable.
- 6.2 In order to consider these issues, it is necessary to (i) refer to what was discussed and agreed at the outline stage; (ii) consider relevant policy; and (iii) consider the applicants' offer.

Outline approval

- 6.3 The site lies within the Stokesley Sub Area where there is a development plan policy target for 50% affordable housing on residential development sites (unless a viability appraisal evidences that this is not deliverable). The applicant in the original application submitted a viability assessment which suggested that the development would only be able to deliver 30% affordable housing. An independent assessment of the viability of the site was undertaken by the District Valuer which suggested that the site was capable of delivering 48% affordable housing.
- 6.4 Lengthy discussion ensued between the Authority and the applicant in terms of the points of disagreement in the viability assessment. These related primarily to the assumed land value and the manner in which that was established. The applicant used the same methodology as was used for the site to the north of the application site when the 213-dwelling proposal on Whitehouse Farm was at appeal. In the final analysis, this established 32% affordable housing provision. At the outline stage it was not possible to reach an agreed position with regard to the value of the land as a starting point for the viability assessment, although it was accepted that the methodology used in the assessment of the land value was the same as had been agreed by the Appeal Inspector for the wider Whitehouse Farm development.
- 6.5 However, the applicant submitted a revised offer, which was agreed by Planning Committee, of 37.5% affordable housing with a tenure split of 70% social rent/30% intermediate rent. Outline planning permission was granted on that basis.

Housing policy

- 6.6 To meet local housing needs the affordable housing mix should comprise two and three bedroom houses with a tenure split of 70% social rent and 30% intermediate tenure (unless otherwise evidenced by needs data and also supported at the time in writing by a Registered Provider to whom the properties will be transferred). The affordable homes would also be required to be provided in accordance with the minimum size and transfer price contained in the Council's Affordable Housing SPD.
- 6.7 The Council is also keen to ensure that all new housing better meets the needs of the population in the light of demographic and lifestyle changes. Census data reveals that the population is ageing and this is increasing year on year. Lifestyle changes have also led to the formation of smaller households and this has also impacted on the type of housing that is needed to sustain communities and support economic growth. There is evidence to support the following market mix on larger market housing sites: 10% two bedroom bungalows, 10% one bedroom & 60% two and three bedroom homes.

- 6.8 As well as being a high demand area for family housing, Stokesley has a relatively high proportion of older people (34% of households are aged 65 plus). Like Hambleton's other Service Centres it is a popular location for homeowners seeking to downsize and purchase more manageable homes (including 2 bedroom bungalows) on the open market. Provision of some small open market bungalows on the site (10% of the overall open market provision) would improve the housing offer for existing home owners wishing to downsize.

The applicants' position

- 6.9 The applicants, in seeking to dispose of the site, have carried out more detailed assessments of the abnormal costs associated with the development of the site. In particular the costs associated with the removal of asbestos and problems with ground conditions and associated foundations.
- 6.10 The Council has retained the services of the District Valuer (DV) who carried out the assessment on the original application and the wider White House Farm development. The DV has raised two main areas for concern where he disagrees with the applicants' position. Firstly, he again returns to the question of the land value. However, given the previous position set out in the Inspectors report and accepted in the granting of outline planning permission for this site, it is not considered appropriate to revisit this issue in the consideration of this scheme.
- 6.11 The second issue raised by the DV was a lack of agreement over the costs associated with the abnormal issues raised following more detailed assessment of the site conditions. In order to move this matter forward, the applicant has agreed to the addition of an overage clause to be added to the S106 agreement. It is considered that the disagreement over the value of the abnormal costs can be dealt with in this way.
- 6.12 In developing the scheme and in an attempt to make the scheme viable the applicants have reassessed the housing mix for the development. The scheme previously approved set out a mix against which the viability of the scheme was assessed, bearing in mind this site was allocated before the development of the housing SPD. The mix was two two-bedroom dwellings, 13 three-bedroom dwellings and ten four-bedroom dwellings. 60% of units were two and three bedroom dwellings.
- 6.13 The applicant has sought to demonstrate that the scheme is not viable on this basis and their current viability appraisal is based on the following mix: eight two-bedroom including two bungalows; three three-bedroom dwellings and 14 four-bedroom dwellings. 44% of units would be two and three bedroom dwellings.
- 6.14 The proposed mix clearly does not comply with the current SPD on housing mix which would seek 60% two and three bed units and only 10% to 15% four bedroom units. The applicants have made it clear within their submission that they do not consider the site to be viable with an alternative housing mix based on the level of abnormal costs associated with the development of the site.
- 6.15 Within the applicant's submission, they initially put forward the option of discounted homes for sale. This option was put forward in order to increase the viability and notionally increase the percentage of affordable housing. However, this has been rejected as this product is not considered to meet the current national or local definition of affordable housing. The preferred option (should the approved scheme be accepted as not being viable) is a reduced percentage of affordable housing, delivered on site and in accordance with Hambleton's adopted SPD on affordable housing in terms of size and transfer values.

- 6.16 The applicants are now offering one two-bedroom property to be provided at the fixed transfer value of £65,200 for transfer to a Registered Provider for rent along with a financial contribution (commuted sum) of £15,000.

Summary

- 6.17 It appears from the applicants' submissions, and on the basis of the Inspector's previously agreed methodology for the valuation of the land, that the approved scheme is not viable based on the housing mix and affordable housing offer. If the development of the site is to be progressed with any affordable housing, then a modification of the housing mix would need to be accepted. The question of any variation in the abnormal costs associated with the development can be dealt with by way of an overage clause allowing money currently allocated in the development budget to the abnormal costs to be clawed back if it is not used.

7.0 RECOMMENDATION

- 7.1 That the S106 agreement be amended to provide one affordable dwelling on site, a commuted sum of £15,000 to facilitate the delivery of affordable housing and an overage clause be added to the agreement in order to deal with abnormal costs associated with the development of the site.

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Parish: Topcliffe
Ward: Sowerby & Topcliffe
15

Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date: 24 May 2017

17/00578/FUL

**Revised application for alterations to chapel to form three apartments
At Topcliffe Methodist Church, Church Street, Topcliffe
For The Methodist Church, Thirsk & Northallerton Circuit**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application property is a former Methodist chapel located at the junction of Long Street and Church Street, within the development limits of Topcliffe at the south east extent of the village. The building dates from 1840, is Grade II Listed and is within the Topcliffe Conservation Area.
- 1.2 The chapel is no longer in use following closure in 2014. Permission is sought to convert the building into three apartments. This application is accompanied by an associated application for listed building consent.
- 1.3 Conversion of the building to form three apartments would be achieved by introducing a series of partitions to create two units at ground floor level. A new floor structure would be introduced at both first and second floor level, with the space subdivided by further partitions to create the third unit across the two upper floors.
- 1.4 The external alterations proposed to facilitate the conversion include the introduction of five roof lights across the northern roof slope and an increase in height to the chimney stack on the eastern elevation of the building by 0.9m to reinstate its use. The small area of garden to the south of the building would remain as it is; there is no other outside space associated with the building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00823/FUL - Change of use and internal alterations to form three apartments; Refused 3 March 2016.
- 2.2 15/00824/LBC - Listed Building Consent for internal alterations to form three apartments; Refused.
- 2.3 Application 15/00823/FUL was refused because of concern that the absence of adequate on-site parking space would result in vehicles being regularly parked outside the site on the highway to the detriment of the free flow of traffic and road safety. Application 15/00824/LBC was refused on the ground that, without the justification of planning permission for the residential conversion, the proposed works to the fabric of the listed building would not be appropriate.
- 2.4 17/00579/LBC - Listed Building Consent for alterations to chapel to form three apartments; Pending decision.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 – Sustainable Development
Core Policy CP2 – Access
Core Policy CP4 – Settlement Hierarchy

Core Policy CP7 – Phasing of Housing
Core Policy CP8 – Type, Size and Tenure of Housing
Core Policy CP13 – Market Town Regeneration
Core Policy CP16 – Protecting and Enhancing Natural and Man-made Assets
Core Policy CP17 – Promoting High Quality Design
Development Policy DP1 – Protecting Amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 – Access for All
Development Policy DP5 – Community Facilities
Development Policy DP8 – Development Limits
Development Policy DP10 – Form and Character of Settlements
Development Policy DP12 – Delivering Housing on Brownfield Land
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP28 – Conservation
Development Policy DP32 – General Design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions including a requirement for a Traffic Regulation Order to introduce parking restrictions around the junction of Church Street and Long Street.
- 4.3 Yorkshire Water – No comments received.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comments – Three objections have been received, summarised below:
- Increased use of a doorway in the building would and impact on the safety of the private driveway to the rear of the site;
 - Loss of property value;
 - The parking survey does not reflect the current situation as formerly vacant properties are now occupied; and
 - There is insufficient space for bin storage.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the loss of community facilities; (iii) neighbour amenity; (iv) highway safety and parking; and (v) design and heritage issues.

Principle of development

- 5.2 The site is within the Development Limits of Topcliffe, which is identified as a Service Village in the 2014 Settlement Hierarchy. As such residential development is acceptable in principle subject to an assessment of other relevant policy tests.

Loss of the community facility

- 5.3 The LDF seeks to encourage more sustainable settlements and communities. This is secured in part by the provision of facilities such as village halls, schools, nurseries, places of worship, public houses and post offices, all of which play an important role in the social and cultural infrastructure of a settlement. The LDF places a presumption against the loss of such community assets. However, exceptions may be considered under the following criteria of policy DP5:

- i There is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or
- ii Retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
- iii An alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.

5.4 In this instance Topcliffe is served by a range of community facilities including St Columba's Church, which lies to the immediate west; the village hall to the north east and a public house, post office and surgery, all of which are located in close proximity on the southern side of Long Street.

5.5 The application is made by the Methodist Church and it is considered that the Church is well placed to determine whether the chapel in Topcliffe is necessary to meet the needs of the Methodist community and whether an alternative place of worship can meet the needs of the local community. It is acknowledged that the Methodist Church and Church of England share resources and it is considered that the availability of St Columba's Church, combined with a range of other facilities, as outlined above, are such that the loss of the former Methodist Church is considered to be acceptable in this instance and permissible under the LDF Core Strategy Policy CP2 and Development Policy DP5.

Neighbour amenity

5.6 Development Policy DP1 requires that all development proposals adequately protect neighbouring land users in terms of privacy, security, noise, disturbance, pollution, odours and light.

5.7 The proposed use of the premises for residential purposes is consistent with the established characteristics of the area. In turn, the relationship of the building, the position of existing openings relative to neighbouring land users and the limited nature of the external changes are such that the development is not considered to be prejudicial to amenity.

5.8 In response to concerns voiced in respect of waste, the application indicates that a suitable bin store will be provided to the north east, within the envelope of the building.

Highway safety and parking

5.9 Core Strategy Policy CP2 and Development Policies DP3 and DP4 seek, in part, to achieve minimum levels of car parking commensurate with road safety. As noted within section 4 of this report concerns have been expressed by local residents and the Highway Authority regarding the lack of any off street parking within the site and the impact this is likely to have upon existing residents and the safety of road users. This issue constituted the reason for refusal of the previous application for this form of development in 2015; as such the applicant has since carried out a survey to illustrate the availability of parking in the vicinity of the site.

5.10 Firstly, it should be noted that the site in its present form has no designated off-street parking and the lawful use of the premises as a place of worship is likely to have generated a number of vehicular movements. Moreover, the former Methodist Church is defined under The Town and Country Planning (Use Classes) Order 1987 as a Non-Residential Institution (Use Class D2) wherein the premises could be occupied for an alternative purpose such as a clinic, nursery, crèche or training centre without the need for planning permission. The use of the premises for such purposes would be likely to generate a significant number of vehicular movements.

Consequently, the Council must be mindful of the lawful use of the premises, the potential use of the premises and the vehicular movements associated with those uses.

- 5.11 The proposed use of the premises, to house three self-contained residential units, would not be likely to generate a greater number of vehicular movements than that which would otherwise be created by the former Methodist Church or an alternative Non-Residential Institution (Use Class D2) but would spread them over a more regular daily pattern of activity rather than intensely concentrated at specific times as could be the case with the lawful use of the premises. The behaviour of vehicle users would also differ. Attendees of the Church or potential alternative Class D2 uses would be likely to accept the lack of on-site vehicular parking and that a degree of walking would be required. Occupiers of the residential use would most likely wish to park their vehicles nearer the site. The highway infrastructure surrounding the site includes few parking or waiting restrictions, therefore the potential for stationary vehicles to impede the flow of traffic is high. This is compounded by the level of visibility at the junction between Church Street and Long Street, which has necessitated the use of a stop sign for drivers exiting Church Street onto Long Street. There is the potential for parked cars to further reduce visibility at this junction.
- 5.12 The Highway Authority acknowledges the findings of the parking survey demonstrate an availability of on street parking on Long Street that would be available to future occupants of the development. However its concern regarding the temptation to park as close as possible to the property has resulted in the recommendation that a condition is applied to require a Traffic Regulation Order (TRO) to introduce waiting restrictions be completed and implemented prior to the development being brought into use. The standard tests regarding the use of conditions require that they are reasonable in all respects, the process by which the traffic order would be achieved includes public consultation, a condition of this nature would therefore require the applicant to carry out works that are not within their gift and a condition that required a traffic order to be achieved and implemented could not therefore be considered reasonable. It is, however, possible to impose a planning condition that prevents occupation of the units until such time as a TRO is in place; this prevents the harm of additional residential on-street parking but does not require the applicant to carry out works that are not within their gift.
- 5.13 It is highlighted by neighbouring occupiers that the application site immediately abuts a private drive, over which existing doorways to the building open. Concerns are raised that a domestic use would intensify the level of use associated with those doorways and may therefore create a hazard for drivers using the private drive. Evidently drivers would need to exercise caution, however this is an existing situation and use of the doors could be increased by a range of other Class D2 uses that would not require planning permission, as outlined earlier. The area of land outside the building is not in the ownership of the applicant and does not form part of the application site, it would be for existing or future owners to establish any private rights of access that may exist and whether these would be applicable to future uses of the building. Any sort of boundary dispute that may result from this would be a civil matter and not one that could influence the determination of a planning application.

Design and heritage

- 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 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.
- 5.17 The submitted statement outlines the design features of the building that enhance its character and those that have influenced the design of the proposal. Given the development would see the conversion of a building with little outside space, there would be limited options available in terms of achieving the proposed residential use. As such the statement does not make assessment of alternative options. It is noted however, that the original external form of the building would be only minimally altered with the roof lights proposed being in the least conspicuous location to the rear, and that internally the original spaces would be referenced so it is apparent the form the building originally took.

Heritage assets

- 5.18 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Topcliffe Conservation Area.
- 5.19 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. The building is designated as a Listed Building Grade II wherein it is primarily included for its group value. It is the external features of the building, inclusive of the red brick in Flemish bond, Welsh slate roof, central double leaf four panel door and round headed sash windows which are noted to be of special interest. The proposal seeks to retain and make good these original features.
- 5.20 The proposed roof lights to the northern roof plane are designed to provide a source of natural light, forming a series of modest breaks within the roof plane. The detailing of the roof lights, finished flush to the plane of the roof, is considered to be appropriate to the historic significance of the building.
- 5.21 The chimney stack to the east has been the subject of a previous alteration. The proposal specifies a 900mm increase in the height to allow the stack to draw more efficiently. This is likely to be consistent with the original historic form and consequently no objections are raised. The works to facilitate the conversion are concentrated internally. No features of recorded value would be lost. In light of the limited amenity space the use of the building as self-contained apartments is considered to be logical, as opposed to that of a family home.
- 5.25 The sympathetic and modest nature of the proposed works are such that the scheme is considered to preserve the special interest of this Listed Building and surrounding conservation area, whilst promoting a high standard of design in accordance with LDF Core Strategy Policies CP16 and CP17 and Development Policies DP28 and DP32. 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.

- 5.26 The proposed development would see a viable use for a currently vacant building being secured without an appreciable loss of community facilities or detriment to the historic value and character of the listed building or the conservation area it is within. The remaining outstanding issue is that of the potential for parking to impede safe use of the adjacent highway. Waiting restrictions would discourage this and ensure vehicles are only parked in a suitable location elsewhere. Whilst it is not possible to require the applicant to do this, it is possible to prevent the apartments being occupied without a TRO having been made; therefore equal protection can be secured.

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) and/or details received by Hambleton District Council on 07/03/17 unless otherwise agreed in writing by the Local Planning Authority.
 3. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
 4. No development shall take place until a Construction Method Statement 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. The statement shall provide for the following: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading and materials; (c) storage of materials used in constructing the development; and (d) erection and maintenance of security hoarding and scaffolding where appropriate.
 5. The recommendations of the Quants Environmental Bat Survey dated 27/03/17 shall be followed during construction of the development hereby approved.
 6. None of the apartments hereby approved shall be occupied until a Traffic Regulation Order restricting on-street parking around the junction of Church Street and Long Street has been implemented.

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. 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 and CP17.
3. In accordance with Policy CP2 and to protect pedestrians and other highway users.
4. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

5. In the interests of bat protection.
6. In the interests of highway safety

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Topcliffe
Ward: Sowerby & Topcliffe
16

Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date:

17/00579/LBC

**Listed Building Consent for alterations to chapel to form three apartments
At Topcliffe Methodist Church, Church Street, Topcliffe
For The Methodist Church, Thirsk & Northallerton Circuit**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application property is a former Methodist chapel located at the junction of Long Street and Church Street, within the Development Limits of Topcliffe at the south east extent of the village. The building dates from 1840, is Grade II Listed, and is within the Topcliffe Conservation Area.
- 1.2 The chapel is no longer in use following closure in 2014, permission is sought to convert the building into three apartments. This application is accompanied by an associated application for planning permission.
- 1.3 Conversion of the building to form three apartments would be achieved by introducing a series of partitions to create two units at ground floor level. A new floor structure would be introduced at both first and second floor level, with the space subdivided by further partitions to create the third unit across the two upper floors. The pews and pulpit would be removed.
- 1.4 The external alterations proposed to facilitate the conversion include the introduction of five roof lights across the northern roof slope and an increase in height to the chimney stack on the eastern elevation of the building by 0.9m to reinstate its use. The small area of garden to the south of the building would remain as it is; there is no other outside space associated with the building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00823/FUL - Change of use and internal alterations to form three apartments; Refused 3 March 2016.
- 2.2 15/00824/LBC - Listed Building Consent for internal alterations to form three apartments; Refused.
- 2.3 Application 15/00823/FUL was refused because of concern that the absence of adequate on-site parking space would result in vehicles being regularly parked outside the site on the highway to the detriment of the free flow of traffic and road safety. Application 15/00824/LBC was refused on the ground that, without the justification of planning permission for the residential conversion, the proposed works to the fabric of the listed building would not be appropriate.
- 2.4 17/00578/FUL - Revised application for alterations to chapel to form three apartments; Pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP16 – Protecting and Enhancing Natural and Man-made Assets
Core Policy CP17 – Promoting High Quality Design

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Public comments – One objection received, relating to the impact of the proposal on parking in the vicinity. This is considered in the associated application for planning permission.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) design; and (ii) the impact on heritage assets.

Design

- 5.2 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.”
- 5.3 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.
- 5.4 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.
- 5.5 The submitted statement outlines the design features of the building that enhance its character and those that have influenced the design of the proposals. Given the development would see the conversion of a building with limited outside space, there would be limited options available in terms of achieving the proposed residential use, as such the statement does not make assessment of alternative options. It is noted however, that the original form of the building externally would be only minimally altered with the roof lights proposed being in the least conspicuous location to the rear, and that internally the original spaces will be referenced so it is apparent the form the building originally took.

Heritage assets

- 5.6 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. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Topcliffe Conservation Area.
- 5.7 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. The building is designated as a Listed Building Grade II wherein it is primarily included for its group value. It is the external features of the building, inclusive of the red brick in Flemish bond, Welsh slate roof, central

double leaf four panel door and round headed sash windows which are noted to be of special interest. The proposals seek to retain and make good these original features.

- 5.8 The proposed roof lights to the northern roof plane are designed to provide a source of natural light, forming a series of modest breaks within the roof plane. The detailing of the roof lights, finished flush to the plane of the roof, is considered to be appropriate to the historic significance of the building. The chimney stack to the east has been the subject of a previous alteration. The proposals specify a 900mm increase in the height to allow the stack to draw more efficiently. This is likely to be consistent with the original, historic form and consequently no objections are raised.
- 5.9 The works to facilitate the conversion are concentrated internally, it is evident that the introduction of new partitions would alter the sense of space within the building, however this impact would be limited as the existing mezzanine means the internal space is not currently entirely open while retention of the relief of existing openings and features such as the outline of the gallery and panelling. No features of recorded value would be lost while the partitions that are proposed would be reversible changes. In light of the limited amenity space the use of the building as self-contained apartments is considered to be logical, as opposed to that of a family home.
- 5.10 The sympathetic and modest nature of the proposed works are such that the scheme is considered to preserve the special interest of this Listed Building and surrounding conservation area, whilst promoting a high standard of design in accordance with LDF Core Strategy Policies CP16 and CP17 and Development Policies DP28 and DP32.
- 5.11 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.
- 5.12 The proposed development would see a viable use for a currently vacant building being secured without detriment to the historic value and character of the listed building or the conservation area it is within and therefore the proposed works to the listed building are acceptable.

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) and/or details received by Hambleton District Council on 07/03/17 unless otherwise agreed in writing by the Local Planning Authority.
 3. Prior to the development commencing, details of the cross section of the roof lights hereby approved, 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.

The reasons for the above conditions 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. 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 CP16 and CP17.
3. To ensure that the appearance of the roof lights are appropriate to the character and appearance of the Listed Building.

Parish: Well
Ward: Tanfield
17

Committee date: 12 October 2017
Officer dealing: Mrs H Laws
Target date: 20 October 2017

17/01552/OUT

Outline planning application with all matters reserved (access included) for the construction of two detached dwellings

At: Land adjacent to Northfield, Bedale Road, Well

For: Messrs Bradley & Robert Elsworth

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the northern edge of Well and on the eastern side of the main Bedale Road. Northfield is the last property on the edge of the village on the eastern side of Bedale Road and the application site forms part of the agricultural field beyond, extending to approximately 0.17 hectares in size. The site is bounded on the roadside by a low wall covered in hedgerow growth and a slightly raised highway verge. The timber fencing and mature leylandii hedging of the neighbouring house, bounds the site to the south; there are no existing boundaries to the north and east of the site which is open to the wider field.
- 1.2 Agricultural land lies to the north and east. The site has a frontage onto the village street of approximately 45m and a depth of approximately 35m.
- 1.3 It is proposed to construct two detached dwellings on the plot. A single access is proposed, which would serve both of the dwellings.
- 1.4 It has been suggested that the dwellings would be single storey in scale with first floor accommodation provided within the roofspace but no drawings have been provided and such details would be matters reserved for later consideration.
- 1.5 The application site lies outside of the Well Conservation Area.

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 DP9 – Development outside Development Limits
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 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 –comments received and summarised as follows:

1. looks to be within the village planning limit line which I am sure he has already considered before submitting
2. Okay if it falls within planning remit and access is safe
3. It will overlook the nearby houses and if planning was refused/rescinded for the field opposite the pub, how is this acceptable? Can the scope of the development be expanded at a further date?

4.2 NYCC Highway Authority – no objections subject to conditions

4.3 NYCC Heritage Services - The proposed development lies within an area of archaeological potential. I 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. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. A condition is recommended.

4.4 Swale & Ure IDB - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

4.5 Public comments - comments have been received from 6 local residents, one of whom is supportive of the proposal, which are summarised as follows:

1. The two plots encroach onto the green field site as they extend beyond the built limit of the village and the justification that it lies opposite existing houses is incorrect as these houses are level with only about a third of the site.
2. Dwellings should be restricted to bungalow height.
3. Will an occupancy restriction be placed on the houses as justification is being provided regarding a local connection?
4. Would development of this site set a precedent for the development of more of the greenfield site?
5. Any planning application submitted under existing rules, would have to compromise 100% affordable housing to be policy compliant.
6. The existing dwellings are single floor bungalows and not dormer bungalows as stated within the application.

7. This area of Bedale Rd has been highlighted by residents as being very dangerous as this stretch of road has no pavements, sight lines both ways are very limited. A considerable number of local farm vehicles and continental heavy goods use this road to access Well Industrial units.
8. There is no need for housing outside the development line – there are houses for sale within the limit.
9. I often have to park my car on the road side which would be opposite the proposed junction.
10. It is not defined where the boundary of plot 1 will end it appears to join the back of the buildings behind Northfield and Rebana where there is an ongoing planning application for an excessive building where preparations have already been made. Are these plots been applied for to join up/make access to this?
11. It will cause upset and distress to the people living in proximity to this site with noise and disruption to houses nearby.
12. It will de-value a certain amount of properties in close proximity
13. The property in which I reside has un- interrupted views and if proposed plots and any future development this will be taken away as it will be overlooking the proposed plots which could be a breach into my privacy.
14. When driving into the village these houses will be the first thing you see and will be in the foreground of the view of the Church and Well Hall. Both these are Grade one listed buildings about which N. Pevsner waxes lyrical, and I therefore implore the Planning Committee to insist that these very large new structures display significant architectural merit and that the site is carefully landscaped.
15. The present ground level is substantially lower than either the road or the adjacent houses and I fear that in order to satisfy highways and to afford the dwellings a better view, the applicants may wish to raise the site level.
16. Our property No. 5 Bedale Road is situated directly opposite the proposed development site and given the difference in site levels looks directly down onto it. The development would alter our views over the current arable field and beyond.
17. The size and scale of the proposed units do not fit nor are they in keeping with those properties in the direct vicinity. This escalation of use would impact significantly on our property.
18. The development would be a most welcome addition to the village and contrary to the very negative feedback from some of the objectors I believe the development would actually enhance the entrance into the village.
19. The applicants have already committed to utilising local tradespeople in the construction of the properties and have demonstrated their willingness to continually contribute to the businesses, services and tradespeople within the village which I feel is vital in achieving and maintaining a healthy social and economic benefit to the village.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; (iv) ecological impact; (v) highway safety; and (vi) developer contributions.

The principle of development

- 5.2 The site falls outside and immediately adjacent to the Development Limits of Well, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. 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 NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, Well 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 walking distance of the centre of Well which has facilities including a pub, church, village hall and an equipped children's play

area. Criterion 1 would be satisfied and the principle of development would be acceptable.

Impact on character of village and surrounding countryside

5.6 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 scheme is for two dwellings, which is considered to be a small scale development within the village of Well.

5.7 The proposed dwellings would be on undeveloped agricultural land that lies at the end of the row of residential properties on the eastern side of Bedale Road. 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."

5.8 The proposed development would extend the built part of Well further along the eastern side of Bedale Road. The application site is undeveloped and clearly forms part of the countryside rather than the built form of the village. The boundary between Northfield and the application site is well established with a timber fence and leylandii hedging providing a fixed boundary to the end of the village but it lies immediately adjacent to the village and is opposite dwellings on Bedale Road, (albeit that The Old Vicarage at the northernmost part of the village is set well back from the street frontage), the application site has a close relationship to the built form of the village.

5.9 The application site, when viewed from the approach to the village from the north, would be viewed against the backdrop of the existing village, which would help to reduce the prominence of the site. On the approach from the north there are existing long range views in a south easterly direction towards St Michaels Church, which is a grade I listed building. 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. The views towards the church across the application site would be curtailed but the longer range views would be retained and due to the considerable distance involved (approximately 250m), would not have a harmful impact on the setting of the listed church or the Well Conservation Area.

5.10 As such it is considered that there would be no harmful impact to the natural, built and historic environment.

Impact on the amenity of neighbouring occupiers

5.11 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of Bedale Road and also reflect the spacing between many of the detached dwellings locally. It is considered that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and the development would accord with Policy DP1.

Ecological Impact

- 5.12 An ecological survey has been submitted with the application, which concludes that there would be no harmful impact on any protected species in the vicinity. Recommendations are made regarding works on site in order to protect nesting birds within the existing leylandii hedge and to ensure that no wildlife is entrapped within the construction site. A condition is recommended to this effect.

Highway safety

- 5.13 The proposed access point would lie within the 30mph speed restriction zone. The Highway Authority is satisfied that a safe access can be achieved and there would be no harmful highway safety impact. Conditions are recommended.

Other matters

- 5.14 The reference to the applicants having a local connection is not relevant to the application and should permission be granted there would be no occupancy restriction placed on the planning permission.

Conclusion

- 5.15 It is considered that the proposal is in accordance with the Interim Policy Guidance document and policies of the LDF in that the housing development would have no adverse impact on the form and character of the village, landscape character, residential amenity, ecological matters and highway safety.
- 5.16 The proposed development is acceptable and approval of the application is 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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

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. No above ground construction work shall be undertaken 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.

6. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the boundary treatment for that dwelling has been implemented in accordance with the approved details and thereafter retained.

7. 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.

8. 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:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

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 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

9. The recommendations detailed within the Ecological Impact Assessment produced by Naturally Wild, received by Hambleton District Council on 12 July 2017, shall be carried out in full.

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 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 shall be constructed in accordance with the approved details and Standard Detail number E6.

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 highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. 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.

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 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

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.

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
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

15. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered E7-4A received by Hambleton District Council on 12 July 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 enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. 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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
8. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
9. To minimise risk or disturbance to wildlife and their future use of the site in accordance with LDF Policies CP16 and DP31.
10. 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.
11. In the interests of road safety in accordance with LDF Policies CP2 and DP4.

12. 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.

13. 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.

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 in accordance with LDF Policies CP2 and DP4.

15. 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 or by telephoning 01609 779977.

Parish: Well
Ward: Tanfield
18

Committee date: 12 October 2017
Officer dealing: Mr K Ayrton
Target date: 13 October 2017

17/01276/FUL

**Construction of a single dwelling
At land adjacent to Cumbrae, Nosterfield
For Mr E Sherwin**

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 located in the settlement of Nosterfield. The site is rectangular in shape and approximately 0.12 hectares in size, currently used for grazing. It adjoins Cumbrae, which is a bungalow. Alongside this is a large stone farmhouse with associated farm buildings located to the rear. The farm buildings and associated land are in the ownership of the applicant.
- 1.2 The main part of the village is located on the opposite side of the B6267. It is intimate in nature and contains a variety of attractive buildings. The buildings in the northern part of the village front onto a triangular green.
- 1.3 The built form of the village is reflective of its historic form. The only real anomaly to this is some more modern council housing located on the eastern part of the village, which fronts onto the B6267.
- 1.4 The site is accessed off the B6267 via what appears to be a private track, which already serves the farm and Cumbrae.
- 1.5 The proposal is for the construction of a two-bedroom bungalow, with a traditional appearance. An attached garage is sited to the west, which will be accessed by an existing opening in the low stone boundary wall.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 74/0287/OUT - Outline application for residential development; Refused 25 July 1974.

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 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 DP9 - Development outside Development Limits
Development Policy DP13 – Achieving and maintaining the right mix of housing

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 or objections.
- 4.2 Highway Authority – Flask Lane is a private road and has not been included in the red-line. If you are satisfied that the applicant has vehicular rights to use the road then the Local Highway Authority recommends that a condition is attached to any permission granted.
- 4.3 Environmental Health Officer - Although there is a farm in close proximity to the development site there are already residential properties next to this which are even closer, therefore no objection.
- 4.4 Public comments – None received.

5.0 OBSERVATIONS

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

Principle

- 5.2 Nosterfield is beyond any Development Limits identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances identified in that policy 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 is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in 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 Nosterfield is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 West Tanfield, which is a Service Village, is the largest settlement in close proximity at approximately 1.5km. Well (a Secondary Village) is located approximately 1.8km away. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Nosterfield can be viewed as an example of a sustainable cluster. Criteria 1 of the IPG would be satisfied and the principle of development is therefore acceptable.

Character and Appearance

- 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 environment and built form. This is consistent with other policies in the Local Plan.
- 5.8 The supporting design and access statement makes the following points in respect of character and appearance:
- The application site is well related to the main built form of the settlement which continues along Flask Lane;
 - The proposal is small in scale and reflects the existing built form and character of the village; and
 - The proposed development would be very much seen in conjunction with Cumbrae and would not result in any significant detrimental impact on the character, appearance and environmental quality of the surrounding area.
- 5.9 Having assessed the site and its context, it is the view of officers that the site does not adjoin the main built form of the village. Whilst it is close, the site relates more to a separate cluster of development formed from a farmstead with its associated farm house and a separate bungalow.
- 5.10 The guidance in the IPG advises that 'where proposals do not adjoin a settlement then wider consideration must be given to the special physical characteristics of the surrounding area as well as the settlement which sets it apart from its surroundings and contributes to its individuality'. It goes on to add that 'small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area'.
- 5.11 In this instance, it is considered that the site is not an isolated form of development and is viewed in the context of the wider built form of the village. Equally, the open space between the farmstead and main built up part of the village is important in

helping to understand the history of the settlement and is part of its individuality. The application site itself is located alongside a bungalow and separated from the wider countryside by a block of woodland. Therefore it would not significantly impact on the built form of the settlement. It has to be added that this view is helped significantly by the small scale of development being proposed. Were additional dwellings proposed, the status of the cluster of development and its relationship with the main built form would change. It could also have a detrimental impact on the architectural status of the farmhouse.

- 5.12 The design of the dwelling is traditional and reflective of the adjoining bungalow. Whilst it is not of the high quality of the more historic dwellings in the core of the village and the nearby farm house, it is appropriate within its context.

Residential Amenity

- 5.13 The neighbour property of Cumbrae has windows in its gable end facing the site, although between this gable and the application site there is a detached garage. The nearest part of the neighbours property, to the proposed development would be the double garage. Considering that it will effectively result in two side elevations facing each other, the separation distance is more than sufficient to avoid any adverse impact on residential amenity.

Highway safety

- 5.14 The local highway authority has raised no objections. It is considered that the proposed development will have no adverse impact on road safety in the vicinity of the application site.

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 2A, 3A, 4A received by Hambleton District Council on 8 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. 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 SCH875 Dwg.No.2 Revision A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To provide for appropriate on-site vehicle facilities in the interests of Highway Safety and to accord with the requirements of Development Policy DP3.

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
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