

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 3 January 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 11 January 2018**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: Councillors
P Bardon (Chairman)
J Noone (Vice-Chairman)
M A Barningham
D M Blades
S P Dickins
Mrs B S Fortune

Councillors
K G Hardisty
C Patmore
B Phillips
C Rooke
A Wake
D A Webster

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am
REGARDING APPEAL DECISIONS AND AN UPDATE ON THE EAST COAST MAIN LINE
PEDESTRIAN CROSSING, NORTHALLERTON**

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 7 December 2017 (P.17 - P.18), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Deputy Chief Executive.

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 9.30 am on Thursday, 7th December, 2017 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillors M A Barningham, S P Dickins and A Wake

P.17 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 9 November 2017 (P.15 - P.16), previously circulated, be signed as a correct record.

P.18 **PLANNING APPLICATIONS**

The Committee considered reports of the Deputy Chief Executive 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 Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive 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 Deputy Chief Executive, unless shown otherwise:-

- (1) 17/02014/FUL - Change of use of agricultural building into B8 general storage use of caravans and motorhomes at Providence Farm, Rookery Lane, Crayke for Mr & Mrs Chris Hodgson

PERMISSION GRANTED

- (2) 17/02175/FUL - Detached dwelling and attached domestic garage at Land adjacent to Elm House, Hackforth for Mrs G McKinlay

PERMISSION GRANTED subject to an additional condition for surface water drainage including percolation tests

- (3) 17/01808/OUT - Outline application for the construction of a dwelling with some matters reserved (access, layout and landscaping included) at OS Field 0051, Hornby for Mr M Morrison

PERMISSION GRANTED

(The applicant's agent, Andrew Cunningham, spoke in support of the application).

(Joyce Lancaster spoke objecting to the application.)

- (4) 17/01463/MRC - Variation of conditions attached to planning consent 16/02247/FUL (development of four dwellings) - addition of four detached garages at Part OS 8471 and 9170, Gracious Street, Huby for Northminister Ltd

PERMISSION GRANTED subject to an amendment to Condition 10 to prohibit the provision of fencing or other obstructions to parking and turning areas

- (5) 17/02326/FUL - Alterations & extension to dwelling to form a sun lounge, entrance hall, office & utility room at Wellington Farm, Ingleby Arncliffe for Mr & Mrs S Dickins

PERMISSION GRANTED

- (6) 17/01335/MRC - Proposed removal of condition 04 (occupancy condition) in relation to planning consent 06/00434/FUL at Bullring Cottage, Seamer for Mr Grahame Armitage

PERMISSION GRANTED because the Committee felt it was an appropriate re-use of buildings

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant, Grahame Armitage, spoke in support of the application.)

(Helen Grunwell spoke objecting to the application.)

- (7) 17/01776/FUL - Extension and alterations to dwelling at Stack House Farmhouse, Stack House Farm, Shipton by Beningbrough for Mr Richard Byfield

PERMISSION GRANTED

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

- (8) 17/01305/OUT - Outline application for the construction of two dwellings at Glebe Farm, Stockton Road, South Kilvington for Mr & Mrs S Russell

PERMISSION GRANTED

- (9) 17/01306/OUT - Outline application for the construction of one dwelling at Glebe Farm, Stockton Road, South Kilvington for Mr & Mrs S Russell

PERMISSION GRANTED because the Committee felt the development would not be harmful to the form and character of the village

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Andrew Cunningham, spoke in support of the application).

The meeting closed at 11.30 am

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 11 January 2018. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at www.planning.hambleton.gov.uk. Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

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 Deputy Chief Executive 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
Deputy Chief Executive

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 11 January 2018

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/02422/OUT Mrs H Laws Aiskew Page no: 9	Outline application for the construction of 3 dwellings with some matters reserved (access included) For: Mr G E Harrison At: Land adjacent to Peace Haven, 93 Bedale Road, Aiskew RECOMMENDATION: REFUSE
2	17/02086/FUL Mrs H Laws Carthorpe Page no: 13	Construction of a replacement dwelling and construction of a detached dwelling For: Mr T Shipman At: Rosedene, Carthorpe RECOMMENDATION: GRANT
3	17/02464/S106 Mr M Russell Dalton Page no: 21	Application under Section 106A(1) of Town and Country Planning Act 1990 for variation of S106 agreement dated 6 June 2013 For: Whitfield Homes At: Land to the north of The Willows, Willow Bridge Lane, Dalton RECOMMENDATION: GRANT
4	17/02331/FUL Mrs J Forrest Easingwold Page no: 29	Single storey extension and alteration to the roof For: Mr & Mrs James Kay At: 12 Apple Garth, Easingwold RECOMMENDATION: GRANT
5	17/02409/OUT Miss C Cornforth Easingwold Page no: 31	Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points For: Mr Andrew Tooze At: Wayside, 1 Oulston Road, Easingwold RECOMMENDATION: GRANT
6	17/02334/OUT Mrs H Laws Exelby, Leeming And Newton Page no: 39	Outline application with all matters reserved for the construction of two dwellings For: Mr Gerald Price At: The Old Forge, Exelby RECOMMENDATION: GRANT
7	17/00941/FUL Mr K Ayrton Great and Little Broughton Page no: 47	26 residential units including associated access, parking and landscaping For: Mulgrave Properties & Lordstones Developments Limited At: Land north of Broughton Grange Farm, High Street, Great Broughton RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	17/02131/OUT Mr K Ayrton Great Smeaton Page no: 61	Outline application for five dwellings with all matters reserved For: Mr G Tuer At: OS Field 5368, Hambleton Court, Great Smeaton RECOMMENDATION: REFUSE
9	17/01514/OUT Mr K Ayrton Low Worsall Page no: 67	Outline application (all matters reserved) for the demolition of dwelling and construction of three detached dwellings For: Mr Adil Ditta At: Chilton House, Low Worsall RECOMMENDATION: GRANT
10	17/02252/FUL Mr A Atkins Northallerton Page no: 75	Formation of 4 air intake louvres into the gable cladding of building three and the construction of a link corridor between the two main buildings For: Mr Paul Blades At: Stanley House, Thurston Road, Northallerton RECOMMENDATION: GRANT
11	17/02240/OUT Miss C Cornforth Raskelf Page no: 79	Outline planning application (with all matters reserved) for residential development, to include associated parking and amenity space For: Mr Naylor At: Land north east of The Cottage, The Green, Raskelf RECOMMENDATION: REFUSE
12	17/02358/OUT Mr M Russell Raskelf Page no: 85	Outline application for the construction of five dwellings with all matters reserved For: Mr P Kilvington At: Land adjacent to Dove Cote, The Green, Raskelf RECOMMENDATION: REFUSE
13	17/01477/OUT Mr P Jones Stokesley Page no: 91	Outline planning application for the construction of up to 110 dwellings with all matters except access reserved For: Gladman Developments Ltd At: OS Field 9664, Stokesley RECOMMENDATION: REFUSE
14	17/02237/FUL Miss C Cornforth Thirkleby High & Low With Osgodby Page no: 107	Revised application for alterations to garage to form additional living accommodation with first floor extension to form bedroom and bathroom For: Mrs Jennifer Midgley At: 1 Bridge Farm, York Road, Thirkleby RECOMMENDATION: GRANT

Parish: Aiskew
Ward: Bedale
1

Committee date: 11 January 2018
Officer dealing: Mrs H Laws
Target date: 11 January 2018

17/02422/OUT

Outline application for the construction of three dwellings with access from Bedale Road (all other matters reserved)

At: Land adjacent to Peace Haven, 93 Bedale Road, Aiskew
For: Mr G E Harrison

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site, which forms part of a paddock, lies on the northern side of Bedale Road, to the west of the A1(M) and parallel A6055 road, which are positioned on road bridges set at a higher level than Bedale Road and the application site. A section of the paddock is excluded from the application site boundary and this separates the application site from the roads above.
- 1.2 The site lies almost midway between the villages of Aiskew to the south west and Leeming Bar to the north east and is outside the Development Limits of both settlements. It lies immediately adjacent to the dwelling at 93 Bedale Road (also known as Peace Haven), which is a single storey bungalow.
- 1.3 It is proposed to construct three dwellings on the site. The application is an outline application with all matters reserved except for access. The site for the three dwellings covers an area of approximately 0.25 hectares and is bordered to the south east by a timber post and rail fence that fronts onto Bedale Road. The site is set higher than the road and the highway verge slopes down steeply from the fence.
- 1.4 The only matter for approval at this stage is access, which would be taken from Bedale Road. Access to the existing bungalow lies to the south west of the property and the driveway leads to the rear of the dwelling. It is proposed to use the same access to serve the application site with an access track running behind number 93, parallel to the Wensleydale Railway. The remaining matters of appearance, landscaping, layout and scale would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00318/OUT – Outline application with some matters reserved for the construction of five dwellings (with access considered); Withdrawn 31 March 2017. This covered a larger site area than the current application.
- 2.2 17/01737/OUT - Outline application with some matters reserved for the construction of three new dwellings; Refused 2 October 2017 for the following reasons:
 1. The proposal represents development in a rural location outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.

2. The proposed development is contrary to Policies CP16 and DP30 of the adopted Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the scale and location of the development would fail to respect the character and appearance of this rural countryside setting, would lead to the coalescence of settlements and would therefore have a detrimental effect on the immediate environment.

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 DP30 - Protecting the character and appearance of the Countryside
Development Policies DP13 - Housing Mix
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No objection.
- 4.4 Environmental Health Officer - The site is not ideally situated. It lies opposite Leeming Services (which I understand has permission to develop further), is adjacent to the A1 and backs onto the Wensleydale Railway. Any proposal would need to clearly show how the amenity levels within and outside the dwellings could be adequately protected.
- 4.5 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of additional dwellings in this location; (ii) the effect of the development on the character and appearance of the surrounding rural landscape; (iii) the impact of the proposal on the amenity of existing and proposed residents; and (iv) highway safety.

Principle

- 5.2 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions, none of which are considered to apply in this case. The location is not therefore defined within Policy CP4 as sustainable.
- 5.3 The NPPF, in paragraph 55, states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- i. the essential need for a rural worker to live permanently at or near their place of work in the countryside;
 - ii. where the development would be the optimal viable use of a heritage asset or would be appropriate enable development to secure the future of a heritage asset;
 - iii. where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - iv. the exceptional quality or innovative nature of the design of the dwelling.
- 5.4 It is considered that none of the above criteria apply in this instance.
- 5.5 The Council's Interim Policy Guidance (IPG) on development in villages focusses on the scope for development within and at the edge of villages and does not make specific reference to new development in the wider countryside. The guidance makes reference to development that will support local services in a village nearby. The site is within walking distance of both Aiskew and Leeming Bar, along a well-lit footway. Existing facilities in these villages include a school, shops and pubs. The site is also close to the Leeming Bar Industrial Estate and therefore places of work. The site is also in close proximity to the Motel Leeming motorway services.
- 5.6 However, in order to draw support from the IPG the site must "provide a natural infill or extension to an existing settlement". The dwellings would be approximately 550 metres from the Development Limits of Aiskew and therefore too far away to be considered a natural infill or extension to that settlement. The site is closer to the Development Limits of Leeming Bar but is separated from them and the village by the elevated A1(M) and A6055, which form a significant physical and visual barrier. The site is therefore not viewed as a natural infill or extension of that settlement either.
- 5.7 A covering letter indicates that the applicant intends to construct bungalows. Whilst this may be welcome in the light of the guidance within the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes, this could only be secured at the reserved matters stage, when details other than access would be available, and it would only have weight if the principle of residential development in this location had already been considered acceptable.

Character and appearance of the rural landscape

- 5.8 Not all sites within walking distance of services and facilities are suitable for development. LDF Policies CP16 and DP30 require new development to respect the openness and intrinsic character and quality of the landscape. The IPG requires development to respect the form and character of settlements; the dwellings would not be within a settlement but a rural location between settlements and therefore development would not be consistent with the IPG. In any event, the criteria require development to reflect the existing form and character of settlements and to not have a detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.9 Although the site lies within walking distance of the two villages and is close to the A1(M) and the motorway service area, the character of the locality is rural and the

relatively open nature of the site allows a clear break between the two villages. The presence of the existing bungalow, on its own, does little to change this character. However, if additional dwellings were to be constructed it would urbanise the character of the site from being a rural area between the two settlements. It is considered that the proposed development would erode the openness of the rural character of the area and could lead to a merging of the settlements of Aiskew and Leeming Bar. The development would therefore be contrary to LDF Policies CP16 and DP30.

Residential amenity

- 5.10 LDF Policy DP1 requires all development LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. It is likely that the proposed dwellings would lie far enough from the existing bungalow for there to be no impact on amenity such as overlooking or loss of privacy.
- 5.11 The proposed dwellings would lie in close proximity to three main roads, including the A1 motorway and would lie opposite the junction with Leeming Services. The Wensleydale railway line bounds the site to the north. It is considered that the site is in a location with potential for noise disturbance. The Council's Environmental Health Officer does not oppose development in this location but advises that consideration be given to noise insulation within any development.

Highway safety

- 5.12 The Highway Authority has no objection to the use of the existing access to serve the additional dwellings subject to conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents development in a rural location outside of the Development Limits of designated 'Sustainable Settlements' without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also not in accordance with the requirements of the Council's Interim Policy Guidance Note - Development in Villages.
 2. The proposed development is contrary to Policies CP16 and DP30 of the adopted Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the scale and location of the development would fail to respect the character and appearance of this rural countryside setting, would lead to the coalescence of settlements and would therefore have a detrimental effect on the immediate environment.

Parish: Carthorpe

Ward: Tanfield

2

Committee Date: 11 January 2018

Officer dealing: Mrs H Laws

Target Date: 19 January 2018

17/02086/FUL

Construction of a replacement dwelling and construction of a detached dwelling at Rosedene, Carthorpe for Mr T Shipman

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the northern side of the main village street at the western end of the village and is currently occupied by the single storey dwelling known as Rosedene, along with its domestic curtilage. The eastern part of the site previously formed part of a field that is now a disused strip of land adjacent to an access serving three dwellings to the rear, recently converted from farm buildings.
- 1.2 Planning permission was granted in September 2016 to remove the existing dwelling and construct two detached bungalow style dwellings, each with an integral single garage. The approved dwellings are 4 bed roomed two storey properties with the first floor accommodation provided within the roofspace and served by dormer windows to the rear.
- 1.3 Rather than implement the approved scheme, it is now proposed to construct two dwellings of a different scale and design on the same site. The dwellings would be two storey with relatively low eaves height and the first floor served by gable windows and eyebrow dormers. Each property would have 4 bedrooms. A detached double garage is proposed for each dwelling, set behind the property within the rear garden area.
- 1.4 The dwellings would be finished in brick, render and concrete tiles with upvc double glazed windows.
- 1.5 The access serving the existing bungalow would be used for one of the dwellings; a new access is proposed to serve the dwelling at the eastern end of the site.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/00124/MBN - Prior notification (on site to the rear of application site) for change of use of agricultural building to dwelling; Granted 17 March 2015.
- 2.2 15/02240/MBN - Prior notification (on site to the rear of application site) for change of use of agricultural building to dwelling; Granted 25 November 2015.
- 2.3 15/01809/OUT - Outline application (on site opposite the application site) for construction of a dwelling house with all matters reserved; Granted 20 October 2015.
- 2.4 16/00887/FUL - Proposed replacement dwelling and construction of new detached dwelling; Granted 15/9/2016.

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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no comments received (expiry date for representations 8/12/2017).
- 4.2 Highway Authority - Conditions recommended.
- 4.3 Public comment - comments have been received from a local resident, which are summarised as follows:
- Strongly object to this resubmission for an increase in height and hence mass, which already form a very overbearing development on this site;
 - This proposed development is returning to the original application , which was rejected due to the adverse impact in terms of building mass and sizing and also in relation to nearby low level properties;
 - 2 properties was accepted subject to being low level properties;
 - It follows the one off new build, which stands solely on its own and does not follow the design and character of all the nearby single storey and low level properties;
 - The extremely close proximity of the two properties is out of character with the open spaces and rural views of the nearby properties. Any height increase can only result in a domineering and adverse effect on the visual amenity of the neighbourhood.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site falls outside of Development Limits as Carthorpe does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. 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. 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 2014 Settlement Hierarchy contained within the IPG, Carthorpe is defined as an Other Settlement. 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 on the edge of the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially which continues to the present day and collectively have churches, a primary school, two pubs and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village with a footway for almost all its length. Criterion 1 would be satisfied.

Impact on the character of the village and the rural landscape

- 5.5 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". The proposal is for the replacement of the existing dwelling and an additional dwelling and would not therefore be of too great a scale for the village. The site lies beyond but adjacent to the existing row of development along the village street and would not extend the built form of the village any further into the adjacent fields and is therefore in accordance with the built form of the village. As such it is considered that there would be no harmful impact to the natural, built and historic environment from a replacement dwelling and an additional dwelling in this location. It is, however, necessary to consider the design in more detail.
- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 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. A Design Statement is not required with the application in this instance.
- 5.8 The proposed dwellings are taller (by 1.6m and 0.75m respectively) and bulkier than the two bungalow style properties that were approved in 2016. Originally the application last year was submitted for two full height dwellings and later amended to the approved scheme. It was considered at the time that, as the site was positioned at the edge of the village and many of the surrounding properties are lower level bungalows, the two storey houses would not reflect the existing character of this part of the village. The two storey dwellings originally proposed were different in form and design to the two storey dwellings now proposed. The current scheme is for cottage style dwellings with a low eaves height; the original scheme had much more in character with an urban housing estate. The design of the current scheme is

therefore more appropriate for a village setting and considered to be acceptable in this case.

- 5.9 Since the previous application was approved, an additional planning permission for a two storey dwelling to the west, at the edge of the village, has been granted and implemented. Although this dwelling lies further from the application site and the nearby group of lower level properties, and therefore does not completely relate to the application site, it nonetheless provides context. In this respect, the proposed dwellings are lower in height and provide a link between the newly built dwelling and the lower level, older properties. A bungalow style of property with the first floor accommodation within the roofspace has also recently been constructed on the site to the south. There is considered to be adequate separation between the existing and proposed dwellings for the differences in heights (which is not substantial), not to detract from the surroundings as a whole. None of the properties would be likely to overwhelm and dominate any other and would provide a varied mix of rooflines in this part of the village.

Design

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The 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.
- 5.13 The proposed dwellings are well-proportioned properties each with a gable to the front elevation, to be finished in brick and tiles. The dwellings have incorporated features that reflect existing dwellings within the village including gabled porches and canopies over bay windows. The dwellings are considered to be of a high standard of design that would not detract from the character and appearance of the streetscene or the surrounding rural landscape. The dwellings have been set back behind the building line of the existing dwelling but this does not appear as a contrived positioning of the properties within the site and is more appropriate considering their greater height. The proposal is in accordance with LDF Policies CP17 and DP32.

Neighbour amenity

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.15 The dwellings would lie approximately 20m from the existing nearest neighbour to the east; almost 20m to the south east, corner to corner and more than 21m to the new dwelling on the southern side of the road. There would be adequate separation distances between the existing and proposed dwellings and between the two proposed dwellings for there to be no adverse impact on residential amenity as a

result of overlooking or overshadowing. The proposed development is in accordance with LDF Policy DP1.

Highway safety

- 5.16 The Highway Authority has no objections to the use of the existing access and the creation of a new access in this location.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. 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 relating to that property has been implemented in accordance with the approved details and thereafter retained.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. There 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.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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: (d) The crossing of the highway verge and footway shall be constructed in accordance with the approved details and Standard Detail number E6; and (e) Any gates or barriers 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.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C52 village street from a point measured 2.4 metres down the centre line of the access road. The eye height will be 0.6 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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 SCH922/2.D Proposed Block Plan). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered SCH922/2.D; 3.B; 4.D; and 5.B received by Hambleton District Council on 21 September and 27 November 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of adjacent residents and the appearance of the streetscene in accordance with LDF Policies CP1, CP16, DP1 and DP30.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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

2. 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.

17/02464/S106

**Request under Section 106A(1) of Town and Country Planning Act 1990 for variation of S106 agreement dated 6 June 2013
For Whitfield Homes Limited**

This request is referred to Planning Committee as it seeks to alter the terms of a planning obligation that were set by the Committee.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This request relates to a housing site on the northern edge of Dalton, on the site of a former turkey factory.
- 1.2 The request is to vary the terms of the S106 relating to planning application 12/01346/OUT and 13/02560/REM (called “the first application” or “the first permission” in this report) for 36 dwellings, comprising 22 market units and 14 affordable units. Only nine market units and seven affordable units have been built; the remainder of the site is subject to a later permission (16/00511/FUL, called “the second application” or “the second permission” in this report). Dwellings are under construction pursuant to the second permission and therefore no more dwellings will be built under the first permission.
- 1.3 The request is made under a provision that does not afford a right of appeal; the formal application process that would provide a right of appeal can only be used once the agreement has been in place for five years.
- 1.4 The terms of the S106 agreement that this request seeks to vary can be summarised as follows:
 - Education Contribution of £54,384.00 - 50% payable prior to the occupation of 7th market housing unit and 50% prior to the occupation of the 14th market housing unit; and
 - Off Site Public Open Space, Sport and Recreation Contribution of £140,335.00 - 50% payable prior to the occupation of 7th market housing unit and 50% prior to the occupation of the 14th market housing unit.
- 1.5 The requested modification to the section 106 agreement put forward by the developer can be summarised as follows:
 - i. To delete the following definition in the Section 106 Agreement in its entirety: “Education Contribution” means the sum of fifty four thousand three hundred and eighty four pounds (£54,384) to provide additional educational facilities within the Thirsk Hinterland as required as a consequence of the Development;
 - ii. To delete the definition of “Off-site Public Open Space, Sport and Recreation Contribution” and replace it with the following: “Off Site Public Open Space Sport and Recreation Contribution” - means the sum of thirty three thousand two hundred and fifty seven pounds (£33,357.00) towards the upgrade of public open space sport and recreation facilities within the Dalton Area or if

such upgrade is required in this area, within the Thirsk Hinterland as required as required as a consequence of the Development”;

- iii. To delete the trigger points for payments of the public open space, sport and recreation contribution, to be replaced with text providing for the sum being offered by the developer to be paid on the completion of the amended Deed; and
- iv. To delete the trigger points for payments of the education contribution in their entirety. For the avoidance of doubt, the part of the agreement relating to education contributions would no longer exist.

1.6 The deletion of the education contribution would require the consent of North Yorkshire County Council as a party to the S106 agreement but the variations proposed in respect of the off-site public open space, sport and recreation contribution are to be considered by this Council alone.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/01346/OUT - Outline application for the construction of 36 dwellings including means of access; Refused 28 November 2012, appeal allowed 4 July 2013.
- 2.2 13/02560/REM - Reserved matters application for the construction of 36 dwellings including means of access; Granted 20 February 2014.
- 2.3 16/00511/FUL - Construction of 27 dwellings with associated garaging, car parking and landscaping to existing road layout; Granted 20 September 2016.
- 2.4 16/01018/S106 - Variation of Section 106 agreement associated with application 12/01346/OUT (affordable housing contribution); Pending consideration.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP2 - Securing developer contributions
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Objects on the following grounds:

The original Agreement dated 6 June 2013 stated that “Prior to the occupation of the 7th Market Housing Unit to pay to the District Council 50% of the Off-Site Public Open Space and Recreation contribution” which amounted to £70,167.50. As 7 market value houses were built and sold before the end of February 2016 for full market value, we feel that this met the criteria for the payment of £70,167.50. Because the first half of the project was not fully completed, with this in mind, Dalton Parish Council considers that the £70,167.50 should be recalculated as follows: The original planning permission was for 36 houses. Taking out the 14 affordable houses, this leaves 22 market value properties. The first building phase had completed 9 market value houses which is 2 short of half of the 22. Therefore, we consider the following formula for working out the S106 contribution to be fair: £70,167.50 divided by 11 = £6,378.86 times 9 = £57,409.74.

We would also like to point out that, in the Application for Variation document, reference is being made to S106 and CIL monies as applying to both planning

applications but the two planning applications are quite separate issues. The S106 monies were due prior to any mention of the second planning application which invoked the CIL payments.

4.2 Public comments - None received.

4.3 North Yorkshire County Council – No comments as yet.

5.0 OBSERVATIONS

5.1 The key issue to be considered by this Council is whether the proposed changes to the public open space, sport and recreation contribution would deliver an appropriate public benefit. The “first permission” to which the S106 agreement relates was determined with regard to development plan policies that require proposals for new housing to make adequate provision for the increase in demand on local infrastructure and services they will create.

5.2 As part of the assessment it is necessary to consider (i) whether viability evidence should be given weight at this stage of the development process; and (ii) whether the contribution that was due prior to the occupation of the 7th market unit is proportionate to the nine market units that have been built.

5.3 The nature of the request, which is not in a form that affords a right of appeal, is effectively asking the Council to reconsider its position as a party to the agreement. As noted earlier, an application that would give rise to a right of appeal, when the planning merits could be considered by an inspector, cannot be made until the agreement is five years old, i.e. in June 2018.

5.4 As matter currently stand, the developer is in breach of the agreement for the following reasons:

- Payment of £70,167.50 to the District Council for the upgrade of public open space, sport and recreation facilities within the Thirsk hinterland required as a consequence of the development should have been made prior to the occupation of the 7th market unit. Nine market units are occupied and no payment has been made; and
- Payment of £27,192.00 to North Yorkshire County Council for additional education facilities within the Thirsk hinterland required as a consequence of the development should have been made prior to the occupation of the 7th market unit. Nine market units are occupied and no payment has been made.

5.5 The second breach is for the County Council to consider in its own right as a party to the S106 agreement and therefore the analysis below is concerned with the public open space, sport and recreation contribution only.

The developer's position

5.6 The developer is seeking to modify and vary the provisions of a section 106 agreement under Section 106A(1) of Town and Country Planning Act 1990 relating to planning application 12/01346/OUT and 13/02560/REM (“the first permission”) for 36 dwellings, comprising 22 market units and 14 affordable units. Only nine market units and seven affordable units have been built; the remainder of the site is subject to a later permission (16/00511/FUL, “the second permission”) and therefore no more dwellings will be built under the first permission.

- 5.7 The developer has submitted a supporting statement setting out their reasons for seeking to change the contributions and explaining their alternative offer, which can be summarised as follows:
- (a) They have made a CIL payment of **£174,491.34**. Of this payment 15% is paid automatically to Dalton Parish Council (**£26,173**). As part of the viability assessment in relation to 16/00511/FUL (the second permission) they committed to make a total contribution of £194,719 in relation to the overall development of the site by the first permission and the second permission which comprised the CIL contribution of **£174,491.34** and an additional amount of **£20,227.66** was the same amount as Section 106 obligations for the first permission; that being the education contribution of **£54,384** and the off-site public open space sport and recreation contribution of **£140,335** (not including the affordable housing provisions);
 - (b) The Section 106 agreement provided for 50% of the education contribution and 50% of the off-site public open space sport and recreation contribution amounts to be paid prior to the occupation of the 7th market unit;
 - (c) Following the implementation of the second permission, the developer has only built and sold 9 of the 22 market units pursuant to the first permission. As no further housing units are to be constructed under the first permission, the payments due on the occupation of the 7th market units are disproportionate to the total number of units covered by the first permission and the obligations in the Section 106 agreement, i.e. these payments are frontloaded;
 - (d) Therefore it is only reasonable that as a matter of principle only a proportion attributable to the market dwellings occupied should be the starting point; this proportion of the total figure being so **£57, 409.77** for off-site public open space sport and recreation contribution and **£22,248** (rounded up) for education contribution, giving a total of **£79,657.77**;
 - (e) In the context of the viability statement and previous discussions with officers this would mean the additional charge would be **£79,657.77 - £20,228 = £59,429.77**;
 - (f) As Dalton Parish Council will receive a contribution from CIL of £26,173, then if that amount is deducted from the proportionate section 106 contributions then that would leave a figure of **£31,256.77**;
 - (g) The developer is prepared to increase its original payment figure (in addition to the CIL contribution figure) from **£20,228 to £33,257**. The sum paid directly for the recreation facility would be **£26,173** through CIL and an additional payment of **£33,257** making a total payment of **£59,430** available to the Parish Council for its facilities;
 - (h) The District Council has received a CIL payment of **£174,491.34**. If the Parish Council's share is deducted of **£26,173** Parish amount, this leaves **£148,318** available for payment of a contribution to the County Council for education and for other purposes determined by the District Council. If the education contribution for the whole site in the first permission (**£54,384**) is deducted the District Council still has **£93,934** of the CIL to expend; and
 - (i) The total contribution to infrastructure by the applicant over the development (by way of the first and second permissions) has been increased to **£207,748.34** from the **£194,719** that was the total infrastructure/section 106 obligation contribution that was part of the second permission.

Analysis

- 5.8 Parts (a) and (f) – (i) of the developer’s case rely upon consideration of CIL payments due from the second permission. However, their request can only reasonably be related to the development permitted and built under the first permission, to which the S106 payments they wish to vary relate. It is appreciated that the developer views their site as a single development but there are two planning permissions and the developer is seeking to count contributions from the second permission in renegotiating payments that are due under the first.
- 5.9 It is understood that part of the developer’s rationale is to make an offer based upon their understanding of the funding requirements for the new football pitch that the Parish Council wishes to create, therefore counting CIL receipts from the second permission already paid to the Parish Council. However, the policy justification for the public open space, sport and recreation contribution, reflected in the wording of the agreement, is related to facilities within the Thirsk hinterland, not necessarily Dalton, and not to a specific project.
- 5.10 The developer has referred to viability evidence that was presented to planning officers at the time of the second application. This was considered in good faith and in consideration of the public interest in trying to avoid the supply of new housing becoming stalled. However, those discussions were not binding and only the affordable housing element of the S106 agreement was made the subject of formal renegotiation at that time (application16/01018/S106). The only area of viability assessment that was directly relevant to the second permission was in respect of affordable housing and as a result none of the 27 units granted under the second permission are affordable.
- 5.11 Government planning policy on viability is set out in paragraph 173 of the National Planning Policy Framework (NPPF), which states that sites “should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened”. The paragraph also states that “infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.
- 5.12 This is expanded upon in the Government’s online planning practice guidance, which states “Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary.” The guidance also states that “A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken”.
- 5.13 As the developer has acquired the site, there is no need to consider whether the S106 agreement prevents the land coming forward. It only remains to be considered whether it risks stalling the delivery of housing. The development to which the open space, sport and recreation contribution relates, i.e. the first permission, is not at risk of stalling because it has been superseded by the second permission. As the text from the Government guidance indicates, viability must be justified by reference to the incentive to develop and there is no need for an incentive for a permission that has been built out as far as it ever will be.
- 5.14 The evidence submitted by the developer does not include any indication that the implementation of the second permission is at risk because of the contributions due from the first permission. Even if such a claim were made, it is questionable whether

the terms of a pre-existing planning permission should be renegotiated in order to make subsequent one viable. It is open to a developer to seek relief from CIL on the basis of a pre-existing S106 obligation and that course of action could have been taken when the second permission was sought, but was not. It should be noted that prior to submitting this request, the developer was asked to identify precedents in the form of appeal decisions or court judgements supporting their case for relief in respect of a permission that has been abandoned in favour of another but they have not done so.

- 5.15 Furthermore, it is questionable whether the developer would abandon the opportunity to make a return on the remaining part of the second permission given that the upfront site acquisition and infrastructure costs have been met. At the time of writing, information on the developer's web site indicates that 13 of the 27 dwellings in the second permission have been sold.
- 5.16 In view of this, the question before the Council is whether the public interest would be better served by securing the open space, sport and recreation contribution due in accordance with Development Plan policies or by helping the developer to maintain profit or recoup losses. On the basis of the evidence presented, which does not demonstrate that the delivery of housing is at risk, it can only reasonably concluded that the public interest lies with securing the contribution.

Proportionality

- 5.17 In points (c) and (d) above the developer argues that the contributions that were due prior to the occupation of the 7th market unit are disproportionate because the trigger points for payment were frontloaded. The payments that were due prior to the occupation of the 7th dwelling were for 50% of the sums due from all 22 market units permitted, and therefore equate to 11 units, two more than have been built under the first permission.
- 5.18 Development Plan policy DP2 refers to securing developer contributions where they are necessary to ensure the achievement of sustainable development where the need is generated by new development. Policy DP2 refers to Government advice in a circular that has been replaced by the three tests for planning obligations in paragraph 204 of NPPF. The third of these tests is that a S106 agreement should be "fairly and reasonably related in scale and kind to the development". Additionally at paragraph 205 the NPPF states that "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled". It is therefore considered appropriate to review the open space, sport and recreation sum due, to assess whether it is proportionate to the number of market units that have been built under the first permission.
- 5.19 Dividing the £140,335.00 sum for open space, sport and recreation due from all 22 market units in the first permission by the nine that have been constructed and occupied would result in a revised payment of £57,409.77, a reduction of £12,757.73. It is considered that this would be a reasonable adjustment because otherwise the developer would be forced to make contributions for units they have not built. As noted earlier, the developer would have the right to seek formal variation of the agreement, with an attendant right of appeal, from June 2018.

6.0 RECOMMENDATION

6.1 It is recommended that:

- (a) The developer is invited to enter a Deed of Variation to reduce the open space, sport and recreation contribution to £57,409.77, proportionate to the nine

dwellings built and occupied under planning permissions 12/01346/OUT and 13/02560/REM, to be paid on completion of the Deed of Variation; and

- (b) Officers are authorised to commence proceedings to recover the open space, sport and recreation sum due under the S106 agreement dated 6 June 2013 if the Deed of Variation specified in (a) is not completed by 23 February 2018.

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Parish: Easingwold
Ward: Easingwold
4

Committee date: 11 January 2018
Officer dealing: Mrs J Forrest
Target date: 18 January 2018

17/02331/FUL

Single storey extension and alteration to the roof
At 12 Apple Garth, Easingwold
For Mr & Mrs James Kay

This application is referred to Planning Committee by Councillor Rooke

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This application seeks to construct a single storey side and rear extension to a red brick detached dwelling in order to increase the size of the utility room. The proposal also seeks to construct a new roof over the garage to cover the extended building to bring a formerly flat roof utility and WC part of the dwelling under an enlarged pitched roofed. This would result in an increase in the ridge height of the garage roof from approximately 3.7m to approximately 4.5m.
- 1.2 The extension would be finished in red brick and concrete roof tiles 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.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/01466/FUL - First floor and two storey side extension to dwelling; Refused 12 October 2017. The reason for refusal observed the harm that would be caused to the amenity of neighbours due to the scale and position of a two-storey extension that would result in a loss of daylight and have an unacceptable overbearing impact.

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
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see the application approved.
- 4.2 Public comments - Two neighbour responses have been received raising objections on grounds of a dominating effect and increased overshadowing.

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 dwelling and the area; and (ii) the amenities of the nearby neighbours.

Character and appearance

- 5.2 The proposed extension would be subservient to the main dwelling, of a design that reflects its detailing and would be constructed of appropriately matching materials. It is therefore felt that the proposed extension would not have a harmful impact upon the character and appearance of the dwelling or the surrounding area. In relation to the size of the existing property and garden space, the proposed extension is considered to be in proportion. The proposal also complies in relation to design with the domestic extension Supplementary Planning Document. As such it is considered that the proposal would not have a significant impact on the surrounding area.

Neighbour amenity

- 5.3 Although concerns have been raised regarding a dominating effect, the extended utility room would be single storey only and approximately 13 metres from the immediate neighbour's dwelling. It is therefore considered that there would be no significant impact on sunlight or overlooking. The increased width and height of the gable wall to the garage would be apparent in views from neighbouring property but the position of the extension would primarily be in the shadow of the host dwelling and it is therefore considered that the proposal would have little impact on the neighbouring properties and cannot be found to be in breach of the terms of the Policies CP1 and DP1 and the Supplementary Planning Document.

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 PD 002 Rev A, PD 004 and materials details received by Hambleton District Council on 29 September, 27 October and 8 November 2017 unless otherwise agreed 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, CP17, DP1, DP32, Domestic Extensions Supplementary Planning Document and National Planning Policy Framework.

Parish: Easingwold

Ward: Easingwold

5

Committee date: 11 January 2018

Officer dealing: Miss Charlotte Cornforth

Target date: 18 January 2018

17/02409/OUT

Outline application for the construction of an attached dwelling with an integral garage and two vehicular access points

At Wayside, 1 Oulston Road, Easingwold

For Mr Andrew Tooze

This application is referred to Planning Committee as the last application, for a detached dwelling, was determined by Planning Committee

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Wayside 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 of 1 Oulston Road. The indicative plan show an attached dwelling to the south side of the existing property, with a passage way at ground floor between 1 Oulston Road and the new dwelling. This would include demolition of the detached garage and single storey side extension on the south side of 1 Oulston Road. Indicative details of layout have been provided and show the existing access to be widened to provide access and parking to the front of the existing and proposed dwelling.
- 1.5 Whilst the application is in outline form, it is indicated that land between the parking areas and the boundary walls would be planted with shrubs. The agent has also stated that the pavers for the parking areas would be laid on a permeable base.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/01260/OUT – Planning permission refused 12.10.2017 - Construction of a detached dwelling with associated garage and access. The reasons for refusal were:
1. The proposal would result in over development of the site resulting in a loss to the quality of the residential environment. The development would give a cramped appearance to the surroundings in contrast to the context of the site that has a relatively wide spacing of dwellings. The proposal is therefore contrary to the Local Development Framework Policies CP1, CP17 and DP32.

2. The parking arrangements on the site are considered to be likely to give rise to on-street parking and parking on the frontage of the proposed and existing dwelling that would harm the uncluttered appearance of the street contrary to the Local Development Framework Policies CP1, CP2, DP3 and DP4, CP17 and DP32.

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 Easingwold Town Council – Wishes to see the application refused due to the overdevelopment of the site and loss of existing garage.
- 4.2 Highway Authority - No objection subject to conditions regarding the verge crossings and a construction management plan.
- 4.3 Public comments – Six objections have been received to date. These are summarised as follows:
 - The proposal does not address the reasons for refusal of the previous application;
 - The proposal does not address any of the issues identified in the public consultation on the Easingwold Neighbourhood Plan, i.e. housing for elderly, lack of affordable housing, drainage and flooding;
 - The proposal does not maintain the character of the area that includes properties in the Easingwold Conservation Area;
 - Four car parking places in front of the two properties will be detrimental to the street scene of Oulston Road. No 1 is directly opposite the Easingwold Conservation Area;
 - The development would be overbearing, overlook existing properties and cause loss of privacy to several neighbours;
 - The proposed development would leave a three bedroom house without a garage;
 - Planting to reinstate the privacy and shelter lost should be reinforced;
 - An extension on the end of the pair of semi-detached houses will unbalance the architectural appearance of those properties; and

- 2 Oulston Road (the other half of the pair of semis) would undoubtedly be part of this terrace and would lose some of its current qualities as a semi-detached dwelling in spacious grounds;
- The proposal would significantly alter the existing symmetrical arrangement by replacing the single-storey side extension to 1 Oulston Road with a new attached house. This would result in a conspicuously uneven block of three dwellings which would appear incongruous within the streetscene. These symmetrical arrangements include a front garden, side driveway and garage;
- The proposed dwelling will extend significantly further back than the existing property at 1 Oulston Road, creating a greater impact on the neighbouring residential properties. The construction of a two-storey dwelling is likely to result in overlooking of the rear garden of Ainsty House, reducing the degree of privacy currently enjoyed by our client as seen in the photograph below;
- The extension to form a dwelling would deprive Wayside of good quality light and would make the property very shadowy;
- The proposed dwelling would be an over-development of what is a restrictive site.

5.0 OBSERVATIONS

- 5.1 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 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. The main issues to consider are therefore: (i) access and highway safety; (ii) design (iii) the impact on residential amenity; (iv) the impact on the Easingwold Conservation Area; and (v) drainage.

Access and highway safety

- 5.2 The assessment of the Highway Authority 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.
- 5.3 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.
- 5.4 In light of the above, it is considered that the proposal overcomes the reason for refusal in the previous application in terms of the parking arrangements and would not harm the appearance of the street scene.

Design

- 5.5 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character

and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

- 5.7 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.8 The character of the surrounding area is 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.
- 5.9 At this stage, the proposed design has not been finalised, however the application form 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. The indicative layout plan shows a hipped roof extension to the existing dwelling. These details would assessed in greater detail at reserved matters stage should this application be approved.
- 5.10 The proposed dwelling is now attached to the property of 1 Oulston Road. It is considered that the proposal overcomes the previous reason for refusal and would not give a cramped appearance to the surroundings.

Residential amenity

- 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 four 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 other than that the properties are within spacious gardens. 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 attached dwelling to be accommodated while still achieving necessary separation distances in order to protect privacy and prevent overlooking. The indicative site layout shows a gap of three metres from the boundary of Richmondgarth to the south.
- 5.14 The finalised design would 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

- 5.15 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.

- 5.16 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 this is the reason the remainder of Oulston Road is not included in the Conservation Area.
- 5.17 The proposed development would be in keeping with the suburban form of Oulston Road and would not therefore diminish the character or appearance of the Conservation Area.

Drainage

- 5.18 Details of how surface water drainage will be dealt with are not available at this stage however, it is noted that much of the site is already covered with paving and the roof of the detached garage. Yorkshire Water raised no objection to the previous scheme to the principle of development and the drainage details to attenuate flows could be required by condition.

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 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. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
 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 accesses 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 access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6d.
 - b. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
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, to comply with Local Development Plan particularly Policies CP1, DP1, CP17 and DP32.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. In accordance with Local Development Plan 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 Local Development Plan 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.

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Parish: Exelby, Leeming and Newton
Ward: Bedale
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Committee Date: 11 January 2018
Officer dealing: Mrs H Laws
Target Date: 19 January 2018

17/02334/OUT

**Outline application with all matters reserved for the construction of two dwellings
At The Old Forge, Exelby
For Mr G Price**

**This application is reported to Planning Committee as it is as departure from the
development plan**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the southern side of the main village street and currently forms part of the garden of The Old Forge. The site extends to an area of 0.17 hectares. A new dwelling lies beyond the site to the west on a plot that previously formed part of the same extended gardens associated with The Old Forge.
- 1.2 The site is bounded on the roadside to the north by a mature leylandii hedge, which has a height of approximately 3m. There is currently no access directly onto the application site except from the existing domestic garden associated with The Old Forge.
- 1.3 It is proposed to construct two dwellings on the site. The application is in outline with all matters reserved. An illustrative layout has been submitted with the application depicting a pair of two storey detached dwellings with garages with individual accesses onto the village street. It is proposed to retain the existing hedgerow other than for the creation of accesses.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 There is no history specifically relating to the application site; the following applications relate to land to the west, which previously also formed part of the garden of The Old Forge:
- 2.2 15/02819/FUL – Detached dwellinghouse and associated parking; Granted 4 March 2016.
- 2.3 16/01787/FUL – Revised dwellinghouse and attached double domestic garage and the formation of new access; Granted 14 October 2016.
- 2.4 There is an extant outline planning permission for three dwellings on the land opposite the application site (16/02514/OUT, granted 6 February 2017).

2.0 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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP13 – Housing mix
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection.
- 4.2 Highway Authority – No objections subject to recommended conditions.
- 4.3 Swale & Ure Internal Drainage Board - No objection in principle; a condition is recommended.
- 4.4 Public comment – No comments received to date.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of two new dwellings in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

Principle

- 5.2 The site falls outside of Development Limits as Exelby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. 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) 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.

- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the settlement hierarchy contained within the IPG, Exelby is defined as an Other 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 or villages nearby.
- 5.7 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.8 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 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. In this instance two dwellings are proposed, which must be considered cumulatively with the planning permissions recently granted for the dwelling to the site immediately to the west (16/01787/FUL); outline permission granted for three dwellings opposite on the northern side of the village street (16/02514/OUT) and a dwelling (16/02010/OUT) on the southern edge of the village.
- 5.10 Based on 2014 figures there are a total of 76 dwellings within the village; an additional 7 dwellings would be an increase of more than 9%. The cumulative number of seven dwellings is considered to be an acceptable scale. The dwellings now proposed lie immediately adjacent to and opposite existing and proposed dwellings and whilst seen in the same context are not, in this instance considered to be harmful to the character and appearance of the village.
- 5.11 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is

important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. Following the construction of the detached dwelling to the west, the application site now lies within the built up part of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.12 The application site forms part of a garden and its position immediately adjacent to and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share boundaries with existing residential development and would follow the line of the existing development down the village street. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and as such the proposed development is considered to be in accordance with these aspects of the IPG.

Effect on residential amenity

- 5.13 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The closest neighbour to the proposed dwelling would be the existing property at The Old Forge, to the east and the new dwelling known as Aschilebi House to the west. The application is in outline but an illustrative footprint has been included within the submission, to demonstrate that the dwellings could be positioned to reflect the general building line of the road.
- 5.14 It is considered that there is adequate space available within the application site for there to be some consideration given to protecting the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of the existing and proposed residents.
- 5.15 The proposed development would not therefore be contrary to LDF Policy DP1.

Highway matters

- 5.16 The Highway Authority has no objections to the additional dwellings being served from the village street subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) 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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
8. 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.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) the details of the accesses shall have been approved in writing by the Local Planning Authority; (b) the crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6; and (c) any gates or barriers 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.

10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 2 November 2017 unless otherwise 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 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 in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies

7. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
8. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
9. In accordance LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance LDF Policies CP2 and DP4.
12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

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

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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

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

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Parish: Great and Little Broughton
Ward: Stokesley
7

Committee date: 11 January 2018
Officer dealing: Mr K Ayrton
Target date: 8 February 2018

17/00941/FUL

**26 residential units including associated access, parking and landscaping
At land north of Broughton Grange Farm, High Street, Great Broughton
For Mulgrave Properties and Lordstones Developments Limited**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is approximately 1.1 hectares in size, located within a field on the southern edge of the built up area of Great Broughton. The northern part of the site is allocated for housing under policy SH3 of the Allocations Development Plan Document. The remainder is located beyond Development Limits.
- 1.2 The allocation site covers 0.65 hectares of land and extends in depth into the field. It is the front part of the allocation that is included as part of the current application, along with the land to the south beyond Development Limits.
- 1.3 Great Broughton accommodates a range of services and facilities and is categorised as a Service Village in the Settlement Hierarchy. The settlement of Great Broughton is predominantly linear, formed along the B1257, which has a north-south axis. There is also development along Kirkby Lane, which passes centrally east-west, albeit this form is less pronounced.
- 1.4 The village is enclosed to the south and east by the hills along the edge of the North York Moors National Park.
- 1.5 The surrounding development is mixed in character. Whilst predominantly linear in form and largely comprising detached houses, development is staggered, with dwellings found close up to the highway, and others set back with on-site parking areas. The more recent development to the north is mainly detached bungalows, more consistent in layout and appearance, which is less reflective of the more varied and textured historic core.
- 1.6 The site is located opposite housing on High Street and Cringle Moor Chase and forms part of a larger field, which drops away at the east, beyond the allocation site and the application site, where it meets Holme Beck. The site boundaries have mature landscaping, particularly to the west and south. The landscaping on the northern boundary is less dense, where it adjoins residential development fronting on to High Street.
- 1.7 The proposal is for 26 dwellings, including 7 (26.9%) affordable units and a commuted sum (equivalent to 0.5 affordable units). The mix comprises:

	Size	Number
Market units	4 bedroom	10
	3 bedroom	4
	2 bedroom	5
Affordable units	3 bedroom	2
	2 bedroom	3 (inc. 1 bungalow)
	1 bedroom	2
Total		26

- 1.8 The dwellings proposed are mainly two-storey, comprising a mix of detached and semi-detached houses, apartments and one bungalow.
- 1.9 There is an existing field access to the site, located opposite the entrance to Cringle Moor Chase. This would be upgraded to serve three detached properties; and a new access to the north would serve the remainder of the development.
- 1.10 There is a looser grain of development in the south eastern corner; an active frontage by the northern entrance to the site with a courtyard and elevations facing the High Street; and a cluster of more dispersed, detached dwellings towards the rear of the site.
- 1.11 The materials proposed comprise a palette of stone, red brick and render, with a mix of low profile grey tiles and red pantiles.
- 1.12 The submitted plans and some of the supporting reports include details of a proposed second phase of development on the eastern portion of the field, beyond the allocation site and beyond Development Limits. However, this does not form part of the application and is included for illustrative purposes only.
- 1.13 The application is supported by several reports including:
- Planning Statement;
 - Design and Access Statement;
 - Extended Phase 1 Habitat Survey;
 - Sustainability and Energy Statement;
 - Arboricultural Impact Assessment;
 - Transport Statement;
 - Geo Environmental Appraisal; and
 - Flood Risk and Drainage Assessment.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/00816/FUL - Construction of 25 dwellings and associated works; Disposed of (file closed without a decision) 29 May 2013.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP6 - Utilities and infrastructure
 Development Policy DP8 - Development limits
 Development Policy DP9 – Development outside development limits
 Development Policy DP10 - Form and character of settlements
 Development Policy DP11 - Phasing of housing

Development Policy DP13 - Achieving and maintaining the right mix of housing
 Development Policy DP15 - Promoting and maintaining affordable housing
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP31 – Protecting natural resources
 Development Policy DP32 - General design
 Development Policy DP33 - Landscaping
 Development Policy DP43 - Flooding and floodplains
 Allocations Policy SH3 – Broughton Grange Farm, Great Broughton
 Supplementary Planning Document - Open Space, Sport and Recreation – Adopted 22 February 2011
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 Supplementary Planning Document - Size, type and tenure of new homes – Adopted September 2015
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – Objects on the following grounds:

- The site extends beyond the Development Limits;
- The density is inappropriate when compared to the surrounding properties and is out of character;
- The number of affordable housing units is not supported in the latest Hambleton District Council Affordable Homes demand survey, which indicated a potential demand for circa three affordable homes. Great Broughton already has 47 affordable homes; and
- Concern over the increase in vehicle movements.

The Parish Council made a further observation querying the status of the village as a Service Village, making reference to the recent closure of the village shop, post office and a hairdresser. It is suggested that this should result in the reclassification of the village's status.

- 4.2 Highway Authority – No objection subject to conditions. Consideration has been given to the supporting Transport Statement. The site lies within the 30mph zone and the development will not have a severe impact on the local highway network.
- 4.3 Northumbrian Water - No objection provided the application is approved and carried out within strict accordance with the submitted documents.
- 4.4 Lead Local Flood Authority (NYCC) – Comments have been received in respect of the updated drainage strategy. Some unresolved matters have been identified, which will need to be addressed to avoid increased flood risk. These can be resolved through condition.
- 4.5 Environmental Health Officer - No objection to this application but raises some observations. However I would make the applicant aware that there are existing residential properties in close proximity to Broughton Grange Farm where complaints have been raised in respect of odour. These complaints were not substantiated.

The submitted contaminated land report does not identify any significant sources of contamination that could pose unacceptable risks to the end user or development and no recommendations for further investigation or assessment have been made.

The report indicates that the topsoil on site is chemically suitable and will therefore likely be re-used in garden and landscaped areas. Should any imported soils be required then the developer should ensure these are suitable for use on the development site. Any unexpected contaminated discovered during the course of the development will also require investigation and risk assessing.

4.6 Natural England – Requests the submission of a Landscape and Visual Impact Assessment (Officer Note – there is no statutory requirement for this and it was not considered necessary to assess the application). Has not assessed the application and associated documents for impacts on protected species.

4.7 Police Architectural Liaison Officer – In general the design and layout are to be commended. The response does identify some minor points where it is considered designing out crime could be improved and a condition is recommended to secure these where possible.

4.8 Public comments – 11 letters of objection (some individuals have sent more than one letter) and one petition (69 signatures) making the following comments:

- Concerns about car parking - there need to be speed bumps on the High Street as cars travel too fast through the village;
- Car parking already occurs on the High Street; the development will exacerbate this;
- Concerns about surface water run-off and impact on neighbouring properties;
- The site can be seen from the National Park. It seems to be a very large development for a village of this size;
- Light pollution from street lights and headlights;
- Noise pollution from vehicles;
- Whatever development layout is proposed, would strongly object (objection in principle);
- Lack of evidence that Great Broughton needs more housing;
- Great Broughton has more low cost housing than is required;
- Has a wildlife survey been undertaken? Concerns about impact on wildlife;
- The site is located in a flood plain;
- The sewage network is inadequate;
- Schools and local services are at capacity;
- Impact on privacy of neighbouring properties;
- The scale of development would be urban, not rural;
- The design of the dwellings is out of keeping;
- Consideration needs to be given to Broughton Grange Farm (where there is a proposal for 5 dwellings);
- The developer has not taken on board comments made by the community;
- The development is not in keeping with the character and appearance of this part of the village;
- The development should be restricted to 10 dwellings;
- Concerned with the capacity of existing services and facilities;
- The plans show details of phase 2, which would increase the amount of development in this location;
- The use of internal courtyards is not reflective of the local area; and
- The village has no shops and no Post Office.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing, tenure and housing mix; (iii) the impact on the character and appearance of

the area; (iv) the impact on highway safety; (v) neighbour amenity; (vi) flooding and drainage; (vii) landscaping and biodiversity; and (viii) archaeology.

Principle

5.2 Part of the site is allocated in the Development Plan, so the principle of that part of the development is not in question. The requirements of the allocation policy, SH3, are:

- i. Development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 20 dwellings (of which a target of 50% should be affordable);
- ii. Housing types meeting the latest evidence on local needs;
- iii. The site layout being towards the road frontage to avoid those areas near to Holme Beck which are susceptible to flooding;
- iv. Access to the site being from a single point onto the B1257;
- v. Provision of a footpath linking the site to the village;
- vi. On-site provision for all car parking requirements;
- vii. The developer may also be required to contribute to overcoming any capacity issues at the Sewage Treatment Works as a result of the development; and
- viii. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

(The requirements of part viii are now to be addressed through the Community Infrastructure Levy.)

5.3 Part of the site is located beyond the site allocation and also beyond the Development Limits of Great Broughton. The agent has submitted an addendum to the Planning Statement setting out the justification for this. Key points within the addendum include:

- The boundary for the SH3 allocations appears to have been drawn arbitrarily without recourse to potential master planning considerations;
- The allocation site boundaries do not relate to any physical features on the ground;
- The anticipated density (30dph), which is considered to be relatively high for a village location, has compounded the ability to deliver a suitable scheme within the confines of the allocation;
- To facilitate a layout and density that would reflect the character of the settlement, the site boundary has been reconfigured. The current proposal better reflects the findings of detailed analysis of the site's context; and
- The scheme has been developed to maintain the site area (1.1 hectares) as close as possible to the site allocation boundary (0.65 hectares).

5.4 It is accepted that the realignment of the boundary would help to deliver a scheme that is responsive to the applicant's site analysis and master planning work. However, the increase in the site's size and form, when compared with the allocation, needs to be justified.

5.5 In this instance it is recognised that the Interim Policy Guidance Note (IPG) has been adopted to allow new small-scale housing development in larger villages. The IPG has been adopted to allow greater alignment between Core Policy CP4 and the NPPF in decision making.

- 5.6 Great Broughton is a Service Village. The Parish Council has queried the status of the village as a Service Village, making reference to the recent closure of the village shop, Post Office and a hairdresser. It argues that this should result in the reclassification of the village's status. However, a portion of the site remains is part of an allocated site for 20 dwellings, which is not dependent on fluctuations in local service provision. In response the applicant has made reference to the NPPF, which supports sustainable local housing in rural areas for the very reason of maintaining the vitality of essential local services.
- 5.7 The allocated status of the site remains unaffected by the recent closure of the above services. Even if the status of the village were to be changed, this would not prohibit residential development, as it would continue to be recognised as a sustainable settlement. For the purposes of this application, the allocated status and IPG both continue to apply.
- 5.8 It is recognised that the proposal exceeds the allocation by six dwellings and 0.45 hectares. A separate development of that scale could be considered under the IPG, most notably criterion (1) in that the site is located in a sustainable location. However, the additional six dwellings would not be viewed in isolation; rather they would form part of a larger overall development. The design and character aspects of this are considered later in this report.

Affordable housing, tenure and housing mix

- 5.9 The Site Allocation Policy (SH3) and Policy DP15 require the provision of 50% affordable housing. The applicant proposes a reduced amount of affordable housing, originally 25%, now higher, on the grounds of viability supported by a viability appraisal. In assessing this appraisal the advice of the District Valuer has been sought. The main elements of the viability appraisal that have been assessed relate to land value, build costs (including abnormal development costs), sale prices and developer profit.
- 5.10 The applicant has made reference to the now proposed delivery of 26.9% affordable housing and a financial contribution being close to the level of affordable housing being sought in the emerging Local Plan (30%). However, the emerging Local Plan is still at an early stage and cannot be afforded weight at this time.
- 5.11 As a result of negotiations, the affordable housing provision has been increased to 26.9% (seven dwellings) and a commuted sum (equivalent to 0.5 affordable units) to be delivered through a Section 106 agreement.
- 5.12 The National Planning Practice Guidance requires local planning authorities to be flexible in seeking planning obligations, particularly in respect of affordable housing, which is often the largest single item sought on housing development. It is considered that the viability argument presented justifies a reduction in the delivery of affordable housing below that required by policy on account of land value, build costs (including abnormal development costs), sale prices and developer profit.
- 5.13 The housing comprises a mix of one, two, three and four bedroom properties, including detached and semi-detached houses and a bungalow. A target mix is included in the Council's Supplementary Planning Document on size, type and tenure of new homes. The scheme has a greater proportion of four-bedroom dwellings (see table below).

Type	SPD Target %	No Units	% Units
1bedroom house	10%	2	7.7%

2bedroom house	35%	6	23%
3bedroom house	25%	7	27%
4bedroom house	10-15%	10	38.5%
2bedroom bungalow	10%	1	4%

Table: Housing Mix compared against SPD Target Mix

- 5.14 The applicant has advised that the proposed mix increases the overall viability of the scheme and meets identified demand. The latter point has been supported by a Market Assessment Report, which identifies a demand for three and four bedroom dwellings in particular.
- 5.15 Therefore, whilst the development does not entirely accord with the target mix set out in the SPD, it does deliver a mix of dwelling sizes as required by Policies CP8 and DP13.

Design, character and appearance of the area

- 5.16 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.”
- 5.17 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 setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.18 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. 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.”
- 5.19 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.
- 5.20 The Design and Access Statement includes a contextual analysis and a summary of how the scheme has evolved and resulted in the design solution now proposed. This identified:

- The vernacular building form tends to be simple, with clusters of terraces and varied building lines;
- Buildings tend to be constructed of stone, stone with brick, brick, along with some rendered buildings;
- The need to respond positively to the entrance into the site;
- The need for dwellings to face the High Street;
- Opportunity to remove leylandii and replace with native planting; and
- The need to achieve a suitable transition to the rural character of land to the south.

5.21 The statement describes how the design has evolved:

- The main vehicular access to the site from the High Street has been determined by the accommodation of the appropriate visibility splays and proximity to adjacent junctions and driveways;
- The proposed site layout uses this access position, which has been sited so that vehicles exiting the site are not directly facing the existing home opposite;
- The existing field access point is used to serve three dwellings of a private driveway. This enables this section of frontage to have family homes, facing the street without individual access driveways;
- The layout design has evolved in this area (adjacent to 122 High Street), with the plot adjacent to this existing home being amended to a two bedroom bungalow. The area in between these two homes is a native landscape strip, which can be managed and maintained by the site's management company; and
- Plots 22-26 have their parking spaces located so that parked vehicles do not obscure their frontages, whilst the vehicles are overlooked by these homes.

5.22 The resulting scheme is considered to be acceptable in terms of its relationship with the existing built form. It responds positively to the site's frontage and entrances. The majority of dwellings along the site frontage face out onto the main High Street, with a staggered building line. Whilst some on-site car parking would be located to the front of the properties, this is broken down into two areas and can be softened by boundary planting.

5.23 Within the site, public spaces have been created that are overlooked with consideration given to hard and soft landscaping. The layout and spacing between buildings is also varied to create visual interest and also reflect the built form of the more historic core of the village, which comprises a mix of dwelling types, sizes and layouts. Whilst the development extends back into the site, moving away from the predominant built form, the site allocation always required this and as such this principle is considered acceptable.

5.24 Overall the layout of development is considered to respond positively to the site's opportunities and constraints. The design of the dwellings is also considered to be of a good quality, including a mix of house styles of a traditional form.

5.25 The above assessment allows the view to be formed that the layout and design of development accords with the requirements of Policies CP17 and DP32.

Highway Safety

5.26 The Highway Authority has given consideration to the supporting Transport Statement. The site lies within the 30mph zone and the Authority is of the view the development would not have a severe impact on the local highway network. The Authority therefore raises no objection subject to standard conditions.

Neighbour Amenity

- 5.27 The nearest residential properties are located to the east on the opposite side of the High Street; and to the north, most notably 122 High Street, which is a chalet bungalow that adjoins the boundary with a rear outlook onto the site.
- 5.28 It is proposed to site a bungalow on the part of the site that adjoins No.122. The position of the rear elevation reflects that of No.122 and there is sufficient space from the boundary to allow the retention/addition of boundary landscaping. The relationship would be acceptable and as such accords with Policy DP1.

Flooding and drainage

- 5.29 The majority of site is located within Flood Zone 1 (lowest probability of flooding). It is only the southern boundary, alongside the beck, that falls within Flood Zones 2 and 3. No housing is proposed in this part of the site, which would be landscaped.
- 5.30 The application is supported by a Flood Risk and Drainage Assessment. This has been updated during the consideration of the application to address comments made by the County Council in relation to sustainable drainage systems. The scheme would include underground water storage to capture and control surface water drainage from the site.
- 5.31 Subject to some final details that could be agreed through condition, it is considered that the scheme would not increase flood risk.

Landscaping and biodiversity

- 5.32 The existing landscape is restricted to the boundary of the site. A short stretch would need to be removed for the additional access at the front of the site. It is also proposed to remove the tall leylandii hedges, which are of substantial height and not a traditional species for a village location. These hedges are also likely to result in future amenity issues. The majority of the remaining trees and landscaping would be retained and enhanced.
- 5.33 The NPPF and Development Policy DP31 relate to the conservation and enhancement of the natural environment. Planning permission should not be granted for development which would cause significant harm to sites and habitats for nature conservation, together with species that are protected or under threat.
- 5.34 The application is supported by an Extended Phase 1 Habitat Survey and Bat Activity Survey. These reports do not identify harm to protected species and include recommendations for the development to adhere to during and after the development.

Archaeology

- 5.35 The application is supported by an Archaeological Desk Based Assessment. During the consideration of the scheme the applicant has liaised with the County Council's archaeologist and undertaken a geophysical survey and an agreed scheme of trial trenching.
- 5.36 Based on the findings of the evaluations the County Council has confirmed that in the areas where the presence of archaeological remains have been identified, mitigation should be taken in the form of a programme of strip and record, followed by sample archaeological excavation. Therefore a condition is recommended to secure the required mitigation. The applicant's consultant has already prepared a Written Scheme of Investigation with the County Council's archaeologist.

Open Space

- 5.37 The applicant has undertaken an assessment of existing open space provision based on the Council's Open Space, Sport and Recreation SPD. This has identified the need to deliver 850 sq. m of amenity green space and a children's play area on site and a commuted sum towards delivering young people's facilities and outdoor sports facilities off-site.

6.0 RECOMMENDATION

- 6.1 That subject to the satisfactory prior completion of a planning obligation to secure (i) not less than 7 units of affordable housing on site and (ii) a financial contribution towards affordable housing provision off-site, planning 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 05, 06, 07 and R/1967/1A received by Hambleton District Council on 28 April 2017; 04A, 11A and 12 received by Hambleton District Council on 7 July 2017; and 10A, 20A, 21A, 22A, 23A and 24A received by Hambleton District Council on 24 November 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. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
 5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until details of all proposed street lighting have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.
 6. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

7. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; and (g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
9. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).
10. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 1801 or 1802, and ensure that surface water discharges to the existing watercourse.
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.

13. The development shall not be commenced until an Ecological Management Plan (EMP) has been submitted to, and approved in writing, by the Local Planning Authority. Once approved, the development shall be implemented in accordance with the approved details. The EMP shall include the recommendations set out in the Extended Phase 1 Habitat Survey (January 2017), prepared by Wold Ecology Ltd, and received by Hambleton District Council on 28 April 2017.
14. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
15. No development shall take place other than in accordance with the Written Scheme of Investigation for a Programme of Archaeological Mitigation, August 2017, prepared by On-Site Archaeology. 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.

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 DP30.
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 CP17 and DP32.
5. In accordance with Policy DP3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
6. 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.

7. In accordance with policy DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. 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.
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.
13. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.
14. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.
15. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.

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.

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Parish: Great Smeaton
Ward: Appleton Wiske & Smeatons
8

Committee date: 11 January 2018
Officer dealing: Mr K Ayrton
Target date:

17/02131/OUT

**Outline application for five dwellings with all matters reserved
At OS Field 5368, Hambleton Court, Great Smeaton
For Mr G Tuer**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located within the settlement of Great Smeaton, which is a Secondary Village with a small range of services and facilities. Extending on a broadly east-west alignment, Great Smeaton has a linear form and, in the main, residential buildings fronting the A167 (Northallerton Road).
- 1.2 The application site is located at the western end of the village. It sits behind Hambleton Court, which is a relatively modern housing estate comprising a mix of two storey detached properties and bungalows. Its layout contrasts with the predominant form of the village, forming a layer of development behind the main frontage.
- 1.3 The Great Smeaton Conservation Area ends at the entrance to Hambleton Court. The Definitive Map identifies a public footpath a short distance to the east of the application site extending north through the field.
- 1.4 The site is approximately 0.41 hectares in extent and rectangular in shape extending along the rear of numbers 3, 4, 5, 6 and 7 Hambleton Court. It currently forms part of a much larger field to the north (in the ownership of the applicant), which falls away from Hambleton Court. Access to the site would be from Hambleton Court, via the existing road network and over an area of grass between the buildings which is understood to form part of the adopted Highway and is otherwise in the control of the applicant.
- 1.5 Whilst indicative plans showing how five dwellings could be laid out on the site have been submitted, the application only seeks determination of the principle of the development with all matters reserved. Appearance, landscaping, layout, scale and access would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No planning history

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design

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

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Drainage Board – No objection subject to conditions relating to surface water drainage.
- 4.4 Environmental Health Officer - The submitted phase 1 contaminated land report has identified a low to medium risk of contamination adversely affecting the end users due to potential made ground and asbestos. The report also highlights a former sheepwash within 10m off-site which may have caused localised contamination due to the chemicals used. Given these risks conditions are proposed to secure appropriate testing and mitigation.
- 4.5 Yorkshire Water – No observations.
- 4.6 Public comments – 13 letters of objection received making the following comments:
- Great Smeaton is a linear village. The development would initiate a trend away from this important aspect of the village's character;
 - A larger site was rejected in the SHLAA as it was noted that development of the site would be out of character;
 - This development would sit below the level of Hambleton Court;
 - Most of the local services and facilities have closed;
 - There is already a surplus of housing in the village;
 - Loss of agricultural land and habitat for wildlife;
 - The development would not benefit the village;
 - Impact on views from properties;
 - There isn't a regular bus service;
 - Absence of playing fields;
 - The proposal is a stepping stone to a much larger development;
 - Increased traffic;
 - Harm to the open agricultural setting of the village;
 - The development should provide affordable housing; and
 - Increased risk of surface water flooding.

One neutral letter received making the following comments:

- Services and facilities have closed over the last 30 years;
- There are severe bends at either end of the village; and
- No particular objection to a modest increase in housing.

Four letters of support received making the following comments:

- The application will help regenerate the village to somewhere near to its former glories; development is needed to support services and facilities; and
- Due to forward thinking when Hambleton Court was built, there is no requirement to create a new access.

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) highway safety and (iv) the impact on residential amenity in the vicinity of the application site.

Principle

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

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

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

- 5.5 In the Settlement Hierarchy reproduced in the IPG Great Smeaton is identified as a Secondary Village. This is in recognition of the number of services and facilities within the village. As such Great Smeaton is considered to be a sustainable location for the purposes of the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. It is considered that the scheme accords with this criterion. In forming this view it is recognised that permission has recently been granted for five dwellings (16/02124/OUT) along Hornby Road and there is a separate pending application at East House (17/01125/FUL) to the east of the village for three dwellings. However, the application site is not viewed in the same context with a significant separation distance between the sites.
- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline form only with all matters except for access reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation
- 5.8 Hambleton Court is considered to be out of keeping with the predominant character of Great Smeaton. Its double layer of development conflicts with the mainly linear form of the village. Having reviewed old maps, it is evident that Hambleton Court was developed in place of a farmstead (Home Farm), which extended back from the frontage development, explaining the somewhat out of character development form.
- 5.9 When viewed in isolation with Hambleton Court, the proposed development could be considered to reflect the built form, simply adding another layer of development. However, the IPG requires development to reflect the existing built form and character of the village, not simply the immediate context. The supporting text expands on this by requiring consideration to be given to a village's historic evolution and its logical further growth. The proposed development would further highlight the contrast in character in the site's immediate context and fails to respond to the wider local character, history and local distinctiveness.
- 5.10 The development would also extend the built form into the surrounding open countryside. There is no natural boundary to the application site and there are very strong physical, visual and functional connections with the wider farmland. Consequently the development would result in an intrusion into the countryside, failing to recognise its intrinsic character and appearance.
- 5.11 For the above reasons set out above, the proposed development would have a harmful effect upon the character and appearance of the area in conflict with the IPG and policies DP30 and DP32.

Highway safety

- 5.12 Access would be via Hambleton Court and the Highway Authority has raised no objection.

Residential amenity

- 5.13 All matters are reserved and as such should outline permission be granted the specific impacts of development can be addressed through any reserved matters application. The site is considered large enough to achieve satisfactory separation distances from existing properties and as such the proposed development is not considered to be harmful to residential amenity.

6.0 RECOMMENDATION

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

1. The proposal represents development in a location outside of the Development Limits of a village within the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.
2. The development of housing on this site would fail to reflect the predominant linear form of the village and would adversely affect the open character of the countryside surrounding the village. The proposed development is therefore considered to be contrary to Policies CP16, CP17, DP30 and DP32 of the adopted Hambleton Local Development Framework and the Interim Policy Guidance Note on housing in smaller settlements.

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Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
9

Committee date: 11 January 2018
Officer dealing: Mr K Ayrton
Target date:

17/01514/OUT

**Outline application (all matters reserved) for the demolition of dwelling and construction of three detached dwellings
At Chilton House, Low Worsall
For Mr Adil Ditta**

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 Low Worsall, which is at the northern edge of the District, close to the boundary of Stockton-on-Tees Borough. The village is defined as an Other Settlement in the Council's Settlement Hierarchy. The historic market town of Yarm is approximately 4.5 km away and can be accessed via a roadside (B1264) footway, which also links to a cluster of services and facilities located approximately 3 km away.
- 1.2 The site is located on the southern edge of the village, by the main road into the village off the B1265. The plot is L shaped, wrapping behind a pair of semi-detached properties, and accommodates a large 1.5 storey detached dwelling and garage. The dwelling was significantly extended approximately ten years ago, which involved the demolition of an adjacent property (Corner House) and the incorporation of the plot.
- 1.3 The boundary treatments around the site comprise mature landscaping, which offers a degree of screening, particularly on the eastern boundary, which adjoins a field. The southern and western boundary fronts the entrance to the village. The landscape boundary provides an attractive entrance. It is also noted that the front part of the site accommodates a war memorial.
- 1.4 The surrounding area includes a mix of dwelling types and sizes. Those in the immediate context are two storey, with some single storey properties located to the east on Tofts Close, which extend back from the main street frontage.
- 1.5 There is an existing access into the site off Village Road.
- 1.6 The proposal is in outline form for three dwellings with all matters, i.e. access, appearance, layout and scale, reserved for a later application if this is approved.
- 1.7 The application is supported by an illustrative layout plan. This indicates three detached dwellings, with the access to the site in a similar position to the existing one. The plan indicates that the access into the site would need to be widened.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 75/1547/OUT - Two detached dwellings; Refused 27 March 1975.
- 2.2 75/1548/OUT - One detached dwelling; Granted 27 March 1975.
- 2.3 82/1180/OUT - Detached dwelling; Granted 30 September 1982.

- 2.4 85/0829/OUT - Renewal of outline consent for a detached dwelling; Granted 2 September 1985.
- 2.5 01/00469/FUL - Detached dormer bungalow and domestic garage; Granted 6 November 2001.

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 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 Parish Council – The application should be refused (no reason given).
- 4.2 Highway Authority – No objection subject to conditions. The application site contains one property however the application is for three dwellings in the same space. The existing property access is close to the 30mph speed limit signs at the entrance to the village. The design standard for the site is Manual for Streets and the required visibility splay is 2.0 metres by 43 metres.
- 4.3 Northumbrian Water - The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration)
 - Discharge to a surface water body
 - Discharge to a surface water sewer, highway drain, or another drainage system
 - As a last resort, discharge to a combined sewer
- 4.4 Environmental Health Officer - No objection.
- 4.5 Public comments – Four letters of objection received making the following comments:
- The development would result in the loss of a perfectly sound dwelling;
 - Development would result in mess and disruption;
 - The grounds are prone to flooding; more house would cause more flooding;
 - The proposed widening of the access will conflict with the requirement of the previous consent that the boundary hedge is retained;
 - Could set a precedent for other sites in the village;

- This is a third application for housing in Low Worsall. There is also large scale housing development close to Yarm with no benefits for the local community; and
- Impact on infrastructure (e.g. broadband).

5.0 OBSERVATIONS

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

Principle

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

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

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance 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 Low Worsall is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a

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

- 5.6 The nearest settlement is that of Yarm, which is located within Stockton Borough. This would be the equivalent of a Service Centre. Yarm's main centre is located over 4km away from the application site. However, there is a local shopping centre at the northern edge of Yarm, which is located just over 3km away. There are also other services and facilities including a railway station and school, located a similar distance away. These are all accessible by a surfaced footway adjacent to the main road between Low Worsall and Yarm.
- 5.7 The IPG notes that in order to form a sustainable community, a village must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Yarm is not a Service Village or Secondary Village, its (equivalent) status as a Service Centre indicates that it is able to provide amenities to Low Worsall. The distance between Low Worsall and Yarm exceed the guidance in the IPG.
- 5.8 Whilst the guideline distance is not met, the recent appeal decision relating to the Ship Service Station is an important material consideration. The Planning Inspector recognised that the distances set out in the IPG were exceeded. However, they were still content that the appeal site (which is located a short distance to the south of the application site) has convenient access to the services and facilities in Yarm for it to be considered a sustainable location in the terms of paragraph 55 of the National Planning Policy Framework.
- 5.9 Considering that the appeal decision was recently made, the Council would struggle to arrive at a different conclusion to that of the Planning Inspector. Therefore it is concluded that Low Worsall can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.
- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. Consideration also needs to be given to the recent approval (16/02674/FUL) of five dwellings on land to the rear of Manor Close, located on the field to the north east of the current application site. Therefore the cumulative impact of consented developments needs to be assessed.
- 5.11 In this instance, whilst the consented development is close by, the application site is not viewed in the same context and has been at least in part occupied by existing development. The site is contained by the boundary landscaping and viewed in the context of the development along Village Road. Therefore the cumulative impact of development would not in itself be a reason for refusal. The development is considered to be small scale as it would only result in a net increase of two dwellings.

Character and appearance

- 5.12 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 physical built form. This is consistent with other policies in the LDF. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access.
- 5.13 Whilst the dwelling on the site is relatively new, it is of no particular architectural merit and there is no planning justification to resist its demolition. Arguably the dwelling is a little out of character with those around it due to its large size.

- 5.14 The site is considered to be capable of delivering three dwellings along the front part of the site. It is noted that the site previously accommodated two dwellings. This leaves consideration to be given to whether the site is capable of delivering a third dwelling.
- 5.15 The site is relatively as large at 0.3 hectares and has strong boundary landscaping. It is also L shape, which is in contrast to other plots to the north, which are generally linear in form. It is considered that three dwellings could be supported at this outline stage, without causing harm to the character and appearance of the area.
- 5.16 However, officers have highlighted to the applicant, the need for any reserved matters scheme to accord with the Council's housing mix policy DP13, which encourages a mix of dwelling sizes and the inclusion of two and three-bedroom dwellings as well as a requirement to respond positively to the character and form of the village. It should also be noted that some of the boundary planting would have to be removed in order to facilitate the required visibility splay. However, given the context and form of the site this is not considered to be a justification for refusal in this instance.

Residential amenity

- 5.17 There is scope within the site to deliver suitable separation distances to achieve an acceptable level of amenity for current and future occupiers. Key to this will be the relationship with the pair of semi-detached properties.

Highway Safety

- 5.18 The site contains one property, however the application is for three dwellings in the same space. The existing property access is close to the 30mph speed limit signs at the entrance to the village. The required visibility splay is 2.0 metres by 43 metres. The Highway Authority raises no objections to the proposal subject to conditions.

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 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.
 3. Prior to development commencing (except for the purposes of demolition), full details of both surface and foul water management and disposal shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
 4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the 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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (b) any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (c) the final surfacing of any private access within 2m 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.

5. 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 43m measured along both channel lines of the major road Village Road from a point measured 2.0m 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.
6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (h) HGV routing.
9. Prior to the commencement of any above ground works a landscaping scheme, including boundary treatments and both hard and soft landscaping, shall be supplied in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reasons:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. In order to ensure that the materials used in the proposed development are appropriate in terms of the character and appearance of the area and the proposed development and to accord with the requirements of Development Policy DP32.
3. To ensure that satisfactory foul and surface water management is constructed for the proposed development and to accord with the requirements of Development Policy DP6.

4. 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.
5. In accordance with policy number DP3 and in the interests of road safety.
6. 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.
7. In accordance with policy DP3 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
8. 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.
9. In order that the boundary treatments and landscaping are appropriate to the location and accord with the requirements of DP32.

Informatives

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

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

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

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

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

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

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Parish: Northallerton
Ward: Northallerton North & Brompton
10

Committee Date : 11 January 2017
Officer dealing : Mr Alan Atkins
Target Date: 8 December 2017
Date of extension of time (if agreed): 18 January 2018

17/02252/FUL

**Formation of 4 air intake louvres into the gable cladding of building three and the construction of a link corridor between the two main buildings.
at Stanley House Northallerton Business Park Thurston Road Northallerton
for Mr Paul Blades.**

The application is presented to Committee as the applicant is the son of Cllr Blades

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located in the Northallerton Business Park, on the south side of Thurston Road, Northallerton. The premises is currently being operated by JSW Coachbuilders Limited. The application site is located within an established business park surrounded by buildings of similar size and scale.
- 1.2 The application seeks approval for works to the buildings
- 4 x 900mm x 900mm air intake louvres required in conjunction with new spray booth enclosures to be formed within the west gable wall of building three (building three is on the south side of the site)
 - installation of air extraction units vented through two 700mm diameter roof ducts on building three
 - installation of a 200mm diameter heater intake roof duct on building three
 - and construct a link corridor 4m wide in the 1.5m gap between the buildings one and two on the west side of the site.
- 1.3 The site lies within the Development Limits of Northallerton and is not the subject of any allocation in the LDF Proposals Map.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00240/FUL - construction of a workshop and store approved 5 April 2004
- 2.2 05/00622/FUL - construction of workshop and store approved 28 April 2005
- 2.3 06/02845/FUL - construction of workshop and storage building approved 30 January 2007
- 2.4 There is no relevant enforcement history.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council – Advise they have no observations on the proposal.
- 4.2 Environmental Health - No objections.

The proposed development includes the installation of a paint spraying booth that has the potential to allow a greater throughput of paint spraying activities and an increase in the use of solvent containing products by the business.

The applicant is advised that the activity of re-painting or re-spraying road vehicles or parts of them is regulated by the local authority under the Environmental Permitting (England and Wales) Regulations 2016 and any activity that uses or is likely to use more than 1 tonne of organic solvents in any 12 month period is required to apply for an environmental permit. It is an offence to operate a regulated facility without an environmental permit. The applicant is advised to submit an application for an environmental permit if the activity exceeds or is likely to exceed this limit. The applicant is also advised to have regard to the Defra Process Guidance Note PG6/34(2013) Statutory Guidance for the Re-Spraying of Road Vehicles (<https://www.gov.uk/government/collections/local-air-pollution-prevention-and-control-lappc-process-guidance-notes>) when making applications and in the subsequent operation of their installation.

The applicant has consulted with the Council's Environmental Health service, and has provided information which states that the total annual usage of organic solvent would be well below the level that would require a permit. This has been confirmed by the Council's Environmental Health Service.

- 4.3 There have been five neighbours notified as a result of this application, on 26th October 2017. There has been one letter of representation submitted on 02/11/2017. The contents of which can be summarised as below:

It is noted that there should be no impact on adjacent buildings in our ownership, and therefore, we offer support to the applicant's proposals. However, we wish to request that should access to the application site be required via our boundary, then prior notification of at least seven days should be given by the applicant.

In response, the applicant has stated that at no point will they require access to the adjacent property (Chopsticks), as the proposed four new louvre units will be sited at the opposite end of building three. However, regular contact with the neighbouring business will be maintained.

5.0 OBSERVATIONS

- 5.1 The main issues when assessing this application are a) potential loss of visual amenity, b) design and c) the impact upon the neighbouring occupiers.
- 5.2 The proposed alterations to the buildings of JSW Coachbuilders Limited are small scale in nature, and will not have an adverse impact on the appearance of the buildings. The vents will be visible from Thurston Road but the intervening space is about 40m and will be viewed beyond the open yard. The type of development is commensurate with the light industrial and commercial character of the area, it is a form of works expected at a location such as this. The proposed alterations / upgrade of the coachworks buildings will not have a detrimental impact on the surrounding area. The works are therefore, considered acceptable in terms of Local Development Plan policy CP12: Priorities for Employment Development and DP16 states that support will be given to certain priorities in developing and sustaining the economy of

Hambleton. Policy seeks to support increased manufacturing productivity and to support existing businesses to grow and realise their potential. The proposed development will further development an existing business and potentially increase productivity and employment opportunities.

- 5.3 Local Development Plan policy DP32: General Design states that the design of all development must be of the highest quality. In this instance new intake louvres and link corridor are of a standard design that would be expected in such a location as the Northallerton Business Park. The materials proposed are considered to be appropriate for this location, and similar to other materials that are present. The proposed development is, therefore, in accordance with DP32: General Design.
- 5.4 Local Development Plan policy DP1: Protecting Amenity states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance (including light pollution), odours and daylight. In this instance, the proposed development will not result in any loss of amenity for neighbouring businesses, and will not result in any issues in relation to nuisance in the form of noise or pollution.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 annotated as D1, D2 and B1, B2, received by Hambleton District Council on 13 October 2017 and 20 November 2017 respectively unless otherwise agreed 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 Policies CP1, CP17, DP1 and DP32.

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Parish: Raskelf
Ward: Raskelf and White Horse
11

Committee date: 11 January 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 15 January 2018

17/02240/OUT

**Outline planning application (with all matters reserved) for residential development, to include associated parking and amenity space
At land north east of The Cottage, The Green Raskelf
For Mr M Naylor**

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 approximately 0.3 hectares and is currently used for grazing and garden land.
- 1.2 The application site is boarded on the north by a grass verge with a mature hedgerow boundary and trees and to the east and south east by a mature hedgerow boundary. Raskelf Road runs to the north east of the site.
- 1.3 The property of The Cottage and its associated garden lies to the south of the site, with the western boundary comprising of field gate and hedgerow fronting Hag Lane.
- 1.4 The village of Raskelf is principally a linear settlement centred on North End, however a small cluster of properties, known as The Green are located to the south on Hag Lane. It is considered that this area is associated with and accessible from the main part of the village, although it is beyond Development Limits.
- 1.5 The proposal seeks outline planning consent (with all matters reserved) for residential development. However, the proposed indicative site layout plan shows 4 detached two storey properties, each with a garage, car parking and amenity space.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02803/OUT (land to west of Green Acres, The Green, Raskelf) - Outline application (all matters reserved) for the construction of three dwellings; Granted 28 April 2017.
- 2.2 17/02358/OUT (land adjacent to Dove Cote, The Green, Raskelf) - Outline application for the construction of five dwellings with all matters reserved; Pending consideration (elsewhere on this agenda).

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy 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
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 response received to date.
- 4.2 Highway Authority – Comments awaited.
- 4.3 Natural England – No comments.
- 4.4 Yorkshire Water – No response.
- 4.5 Ministry of Defence – No safeguarding objections.
- 4.6 Public comments – None received to date.

5.0 OBSERVATIONS

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

Principle of development

- 5.2 The site falls outside of Development Limits of Raskelf. 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 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 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 contained within the IPG, Raskelf 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. However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 250m (by road) beyond Development Limits.
- 5.6 The village of Raskelf has two distinct parts; the main village and The Green. The proposed development is within The Green area to the south of the main village and this area is beyond Development Limits. Notwithstanding that, this area is associated with the main part of the village being approximately 250m apart at its closest point and linked via a lit footpath that enables residents to access services, including the recreation ground which is located between the two parts of the settlement. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. Outline approval was given for the construction of 3 dwelling adjacent to Green Acres (16/02803/OUT), an infill site within The Green about 100m south of this application site. That decision confirmed the view that development in The Green can be considered to be support local services as required by criterion 1.

The character of the village and the surrounding countryside

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance, four dwellings are shown on the indicative site layout plan which must be considered cumulatively with the planning permissions recently granted for three dwellings with to the west of Green Acres, The Green, Raskelf (16/02803/OUT) and the current planning application directly to the north west of the site (17/02358/OUT) for five dwellings.
- 5.8 The Green, Raskelf currently has 20 dwellings, excluding the three that already have outline planning approval. Whilst it is acknowledged that this application is in outline form, the submitted site layout plan application shows four dwellings and the other outline application that is pending consideration shows five dwellings. The approved scheme of three dwellings constitutes a 15% net increase in residential dwellings in The Green. This proposal for four dwellings and the other outline application for five dwellings would be a 45% increase in residential dwellings in The Green. This would result in a total increase of 60% residential dwellings in this part of Raskelf. Therefore the cumulative impact of development upon the built form of the settlement needs to be carefully considered.
- 5.9 Whilst this proposal for four dwellings as shown on the indicative layout may be considered small in its own right, the positioning of the dwellings, 2, 3 and 4 sit at odds with the form and character of The Green. The majority of properties in The

Green follow the sweep of Hag Lane with a predominantly linear character, with the exception of Green Acres.

- 5.10 The site is clearly visible on approach from Hag Lane and when travelling along Raskelf Road to the north east of the site. The development would result in a new vehicular access off Hag Lane, with a central area proposed for on-site turning. Whilst it is acknowledged that this application is for outline planning permission, with all matters reserved the indicative site layout shows four relatively large detached dwellings, all with a garage, garden space and parking areas.
- 5.11 It is considered that any development of the site would lead to an inappropriate and highly incongruent feature that would erode the rural character of the southern edge of The Green area of Raskelf. The development would not appear as organic or incremental growth of the settlement. The proposal would occupy a site that is important as an entrance to The Green. The open space defines the character and provides setting to The Green. The question arises as to whether the site contributes in a meaningful manner to the overall setting and character of the settlement of The Green and, in effect, sets the natural limits to The Green.
- 5.12 Taking the above into account, it is considered that the development of the site for residential use would lead to an inappropriate and incongruent feature that would be harmful to the setting of The Green it would extend beyond the natural limits of The Green in a manner that would be detrimental to its setting and character and would erode the qualities of the character of The Green part of Raskelf. If developed it would set an unacceptable precedent that the Council would find hard to defend in the future.
- 5.13 The cumulative impact of the development of the site combined with the other planning application for five dwellings (17/02358/OUT) with the three dwellings that has already been granted outline planning permission (16/02803/OUT) would have on the character and setting. In this particular case, it is considered that the proposed development in isolation or when combined with those planning applications as set out above would have a significant detrimental impact on the character and setting of the settlement to its overall detriment.

Residential amenity

- 5.14 From the submitted site layout Plot 1 is located in close proximity to the boundary of the Cottage immediately to the south of the application site. However, it is considered that with adequate boundary treatments and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. Each property appears to have sufficient separation distance from one another and adequate private amenity space. There is also sufficient distance from Plots 1 and 4 to the property of Dovecote to the north west of the site.

Highway safety

- 5.15 Notwithstanding the absence of formal comment by the Highway Authority on this application, there is no objection to the development on highway grounds. Subject to conditions it is considered that the site can accommodate the development without a loss of highway safety.

Planning balance

- 5.16 Consideration has been given to the benefits of providing additional homes, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years, this is a substantial buffer beyond the 5 year housing land requirement set

out at paragraph 47 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Assertions are made by the applicant that the scheme will promote health, social and cultural wellbeing but no evidence has been provided of the value of the social gain arising from the new housing, accordingly little or no weight can be given to this benefit. Accordingly it is considered that the substantial environmental harm outweighs the benefits.

6.0 RECOMMENDATION

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

1. The proposal represents development in a location outside of the Development Limits of the village of Raskelf within the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.
2. The application site is not considered to be capable of benefiting from the provisions of the Council's Interim Policy Guidance Note on housing - Development in Villages. The impact of this scheme alone, and the cumulative impact of developing the site for residential purposes combined with the 3 dwellings that has already been granted outline planning permission (16/02803/OUT) and the 5 dwellings (17/02358/OUT) as proposed, would have a significant detrimental impact on the character and setting of The Green to its overall detriment and would as a result of this extend its natural settlement limits in an unacceptable manner. The proposed dwellings as shown on the submitted indicative layout plan are considered to be harmful to the existing built form of the village and to the open character of the countryside surrounding the village. The proposed development is considered to be contrary to the Interim Policy Guidance Note on housing in smaller settlements and Policy CP16 and DP30 of the adopted Hambleton Local Development Framework.

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Parish: Raskelf
Ward: Raskelf and White Horse
12

Committee date: 11 January 2018
Officer dealing: Mr Mark R Russell
Target date: 31 January 2018

17/02358/OUT

Outline planning application for the construction of five dwellings with all matters reserved

**At land north east of Dove Cote, The Green, Raskelf
For Mr P Kilvington**

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 approximately 0.33 hectares (0.81 acres). The applicant has indicated that the current use of the site is as a domestic garden associated with the property known as Dovecote; however no planning approval has been given for the domestic use of the land.
- 1.2 The application site is currently bound by established hedgerow extending to a total height of approximately 1.8m, which separates the site to the public highway. The site sits to the south-east of a line of long linear plots which extend south-east from the rear of dwellings fronting the main highway which passes through Raskelf village.
- 1.3 The village of Raskelf is principally a linear settlement centred on North End, however a small cluster of properties, known as The Green are located to the south on Hag Lane. It is considered that this area is associated with and accessible from the main part of the village, although it is beyond Development Limits.
- 1.4 The proposal seeks outline planning consent (with all matters reserved) for five residential dwellings. The proposed indicative site layout plan shows five three/four bedrooms houses, however the applicant has indicated that the final mix of dwellings would be agreed at the reserved matters stage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/78/122/0048 - Outline application for the construction of a detached bungalow; Refused 30 November 1978.
- 2.2 2/85/122/0048A - Outline application for residential development; Refused 27 June 1985.
- 2.3 2/85/122/0048B - Outline application for the construction of a dwelling; Refused 29 August 1985.
- 2.4 03/00294/FUL - Construction of a detached dwellinghouse and domestic double garage to replace existing bungalow and domestic garage; Granted 7 July 2003.
- 2.5 08/03999/FUL - Revised application for the construction of a detached dwelling and domestic double garage to replace existing bungalow and domestic garage; Granted 12 November 2008.
- 2.6 16/02803/OUT (land to west of Green Acres, The Green, Raskelf) - Outline application (all matters reserved) for the construction of three dwellings; Granted 28 April 2017.

- 2.7 17/02240/OUT (Land north east of The Cottage, The Green, Raskelf) - Outline planning application (with all matters reserved) for residential development, to include associated parking and amenity space; Pending consideration (elsewhere on this agenda).

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy 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
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 to be made after the Parish Council meeting on 8 January 2018.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – No objection subject to a condition relating to surface water.
- 4.4 Ministry of Defence – No safeguarding objections.
- 4.5 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 of the surrounding area, including the character and appearance of the settlement (iii) residential amenity; and (iv) highway safety

Principle of development

- 5.2 The site falls outside of Development Limits of Raskelf. 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 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 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 contained within the IPG, Raskelf 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. However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 250m (by road) beyond Development Limits.
- 5.6 The village of Raskelf has two distinct parts; the main village and The Green. The proposed development is within The Green area to the south of the main village and this area is beyond Development Limits. Notwithstanding that, this area is closely associated with the main part of the village being approximately 250m apart at its closest point and linked via a lit footpath that enables residents to access services, including the recreation ground which is located between the two parts of the settlement. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. Outline approval was given for the construction of three dwellings adjacent to Green Acres (16/02803/OUT), an infill site within The Green about 100m south of this application site. That decision confirmed the view that development in The Green can be considered to support local services as required by criterion 1 of the IPG.

The character and appearance of the settlement and the surrounding countryside

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance, five dwellings are shown on the indicative site layout plan which must be considered cumulatively with the planning permissions recently granted for three dwellings with to the west of Green Acres, The Green, Raskelf (16/02803/OUT) and the current planning application directly to the south east of the site (17/02240/OUT) for four dwellings.
- 5.8 The Green, Raskelf currently has 20 dwellings, excluding the three that already have outline planning approval. This application is for five dwellings and the other outline

application that is pending consideration is for four dwellings. The approved scheme of 3 dwellings constitutes a 15% net increase in residential dwellings in The Green. This proposal for five dwellings and the other outline application for four dwellings would be an 45% increase in residential dwellings in The Green. This would result in a total increase of 60% residential dwellings in this part of Raskelf. Therefore the cumulative impact of development upon the built form of the settlement needs to be carefully considered here.

- 5.9 Whilst the proposal for five5 dwellings as shown on the indicative layout may be considered small it its own right consideration still needs to be given to the overall impact of this development and those planning applications as described above would have on The Green, Raskelf. It is acknowledged that the general layout of the dwellings as per the indicative site layout shows a linear pattern that follows the sweep of Hag Lane, which is predominantly linear in character.
- 5.10 The site is clearly visible on approach from Hag Lane and when travelling along Raskelf Road to the north east of the site. The development would result in a new vehicular access off Hag Lane. Whilst it is acknowledged that this application is for outline planning permission, with all matters reserved the indicative site layout shows 5 relatively large detached dwellings, all with a garage, garden space and parking areas.
- 5.11 The Green has it is considered grown organically and incrementally with small scale development that has had regard to the prevailing character and setting of this settlement. The subject site represents an important entrance way to The Green approaching from the east and very much defines this area of the settlement and allows the character and setting to be formed. The question arises as to whether the site contributes in a meaningful manner to the overall setting and character of the settlement of The Green and, in effect, sets the natural limits to The Green.
- 5.12 Taking the above into account, it is considered that the development of the site for residential use would lead to an inappropriate and incongruent feature that would erode the rural character of the southern edge of The Green part of Raskelf. If developed it would set an unacceptable precedent that the Council would find hard to defend in the future. Furthermore, it would extend beyond the natural limits of The Green in a manner that would be detrimental to its setting and character.
- 5.13 It is acknowledged that the applicant has sought to demonstrate that the site could be developed for a linear type development. Of more concern though is the overall cumulative impact that the development of the site combined with the other planning application for 4 dwellings (17/02240/OUT) with the three dwellings that has already been granted outline planning permission (16/02803/OUT) would have on the character and setting. In this particular case, it is considered that the proposed development in isolation or when combined with those planning applications as set out above would have a significant detrimental impact on the character and setting of the settlement to its overall detriment.

Residential amenity

- 5.14 From the submitted site layout all of the plots would be positioned in a manner that there would be no loss of residential amenity loss for existing or indeed future occupants. It is considered that adequate boundary treatments have been provided and that there appears to sufficient separation distance from one another and adequate private amenity space.

Highway safety

- 5.15 There is no objection to the development on highway grounds. Subject to conditions it is considered that the site can accommodate the development without a loss of highway safety.

Planning balance

- 5.16 Consideration has been given to the benefits of providing additional homes, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years; this is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 47 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Assertions are made by the applicant that the scheme will promote health, social and cultural wellbeing but no evidence has been provided of the value of the social gain arising from the new housing, accordingly little or no weight can be given to this benefit. Therefore it is considered that the substantial environmental harm outweighs the benefits.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents development in a location outside of the Development Limits of the village of Raskelf within the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.
 2. The application site is not considered to be capable of benefiting from the provisions of the Council's Interim Policy Guidance Note on housing - Development in Villages. The impact of this scheme alone, and the cumulative impact of developing the site for residential purposes combined with the 3 dwellings that has already been granted outline planning permission (16/02803/OUT) and the 4 dwellings (17/02240/OUT) as proposed, would have a significant detrimental impact on the character and setting of The Green to its overall detriment and would as a result of this extend its natural settlement limits in an unacceptable manner. The proposed development is therefore considered to be contrary to the Interim Policy Guidance Note on housing in smaller settlements and Policy CP16 and DP30 of the adopted Hambleton Local Development Framework.

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Parish:
Ward:
13

Committee date: 11 January 2018
Officer dealing: Mr P Jones
Target date: None (appeal lodged)

17/01477/OUT

**Outline planning application for the construction of up to 110 dwellings with all matters except access reserved
At OS Field 9664, Stokesley
For Gladman Developments Ltd.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The 5.52ha site lies in open countryside to the north of the existing residential area on the northern edge of Stokesley, approximately 1km from the town centre.
- 1.2 The land is currently an arable field, bounded to the south and east by a mixed hedgerow. To the south of the site is the B1267 and to the east the A172, both of which lead north towards Middlesbrough. The first part of the site extending back from the road is relatively flat and then the site slopes gently upwards to the north.
- 1.3 The proposal includes the following as set out in the supporting documentation:
- Up to 110 residential dwellings (including 50% affordable housing);
 - Structural landscape planting and the retention and management of key landscape features;
 - 2.14 ha of formal and informal open space;
 - New access arrangements including a single vehicular access from the B1267 approximately 200m north of the roundabout junction with the A172 and an informal footpath/cycle link; and
 - A comprehensive surface water drainage scheme.
- 1.4 The illustrative Development Framework Plan seeks to demonstrate that the development would be set within a framework of open space and green infrastructure. The green space would include a formal, equipped, children's play area and informal open space. The proposal seeks to retain existing landscape features; all trees to the boundary of the site would be retained, and the illustrative Development Framework Plan incorporates these elements within a strategic landscape framework.
- 1.5 The only matter for approval at this stage is access, with appearance, landscaping, layout and scale reserved for a later application if this is approved.
- 1.6 Additional information has been submitted by the applicant in an attempt to address issues raised by NYCC's Highways and SuDS teams. However, other improvements have not been sought because the application is in outline and the key planning issue is the principle of the development.
- 1.7 The applicant's supporting statement considers that the development would result in the following benefits:
- Construction spend - £9.7 million;
 - Gross value added over the build period - £2.5 million;
 - Resident annual expenditure - £2.3 million;
 - Council tax - £1.7 million;

- New Homes Bonus - £900,000;
- 83 full time equivalent jobs during construction; and
- 90 full time equivalent indirect jobs in associated industries.

1.8 The following documents have been submitted in support of the application:

- Planning Statement
- Transport Assessment
- Travel Plan
- Ecological Appraisal
- Landscape and Visual Impact Assessment
- Socio-Economic Sustainability Statement
- Statement of Community Involvement
- Utilities Statement
- Archaeological Geophysical Survey
- Archaeological Impact Assessment
- Built Heritage Impact Assessment
- Noise Assessment
- Design and Access Statement; and
- Indicative plans.

1.9 The applicant has lodged an appeal because the application was not determined within 13 weeks of receipt, owing to outstanding consultation responses. A number of matters regarding highway issues and SUDS had not been resolved by the applicant to the satisfaction of North Yorkshire County Council at the time the appeal was made. The Highways matters have since been resolved. The decision will therefore be made by an Inspector appointed by the Secretary of State and it is necessary for the Council to determine the position it will take in the appeal.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None.

2.2 Appeal decisions in Easingwold and Stokesley have been raised by the applicant as being material to the consideration of the application. These are considered in section 5 below.

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 CP12 - Priorities for employment development
- Core Strategy Policy CP13 - Market towns regeneration
- 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 DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP28 - Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies 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
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Hambleton Biodiversity Action Plan
 Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
 Stokesley Conservation Area Assessment 1998
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Stokesley Town Council – Objects for the following reasons:

- The site is not allocated for development in the LDF;
- It is not a preferred site in the emerging Local Plan;
- Pedestrian access across the B1365 is not safe;
- The mitigation measures proposed to deal with site flooding are inadequate;
- Hambleton has sufficient sites already allocated to meet existing and future needs;
- The midpoint of the site is a minimum of 1.1km from the centre of Stokesley, with no public transport accessible closer to this with the exception of the last bus of the day;
- The site suffers from frequent surface water flooding near the junction at Tanton Road;
- The safety of the proposed vehicular access; and
- Loss of significant views across land to Peaton Carr and too close to listed buildings (Peaton Carr farmhouse is a Category II listed building).

4.2 Lead Local Flood Authority (NYCC) - makes the following comments:

- The Flood Risk Assessment and drainage design do not account for the existing surface water flooding to the site. Additional information is required to confirm

that the existing surface water runoff to the site will be mitigated and prevent flooding on and off site;

- Development flows should be restricted to the calculated greenfield runoff of 12.9 litres per second for up to the 1 in 100 year (plus 30% climate change plus 10% Urban Creep which is standard practice);
- On site attenuation should account for all development flows and have sufficient available storage to mitigate the existing surface water runoff risk to the site; and
- A management service has been proposed for the maintenance of the proposed SuDS scheme, a management plan for the lifetime of the development for the maintenance of the proposed SuDS scheme should be submitted to the Local Planning Authority for approval.

The Authority goes on to recommend that if these matters are adequately addressed conditions should be attached to any grant of planning permission.

- 4.3 Highway Authority – The applicant has submitted a Transport Assessment (TA) and Travel Plan (TP) in support of the application identifying the issues relating to the site and the proposed mitigation.

The Authority cannot agree to the full content of the TA but is satisfied with the conclusions reached and the mitigation proposed. In particular the Authority has rejected the proposed Traffic Regulation Order (TRO) to reduce the speed limit on the B1365 to 40 mph from the national speed limit of 60mph. The proposed limit would not be appropriate for a road of this standard with only one access junction on this section of road as it is not considered there will be sufficient change in character in the road to justify the proposed speed reduction. Consequently access to the site will need to be designed for a 60mph road using Design Manual for Roads and Bridges (DMRB) which is correctly identified as the appropriate standard.

The TA has shown that a simple T junction would accommodate the traffic generated by the site with significant reserve capacity. A “transition road” is proposed for the initial access into the site; with increased width and no individual plot accesses. This would increase the ability of emergency services to access the site under all circumstances. Emergency links are also proposed at the two additional pedestrian/cycle accesses to be provided. These would link to new footway/cycleways along the B1365 linking back to the existing footway network at Tanton Road and along the A172, round the A172/B1365 roundabout and linking back to Meadowfield. Pedestrian crossing points would be provided or enhanced. It would also be necessary to extend the existing road lighting from Tanton Road along the B1365 to join up with the lighting on the B1365/A172 roundabout and into the site. No individual access for vehicles or pedestrians should be permitted onto the B1365 or A172.

In providing a DMRB compliant visibility splay at the proposed access to the site it would be necessary to remove a section of the existing frontage hedging; this could be replaced if desired with a new hedge located behind the line of the visibility splay.

A proportion of the traffic resulting from this development is predicted to travel along the B1365 northwards and cross Tanton Bridge, which has been identified as the site of a cluster of recorded personal injury accidents. The applicant has proposed to enhance the signing at the bridge, which they consider is a level of mitigation commensurate with the additional traffic generated by the site passing through the junction.

The applicant has also proposed improvements to the 28A bus service to provide an hourly service passing the site. The improvements would be in the form of timetable adjustments and infrastructure (bus stops) on the site frontage.

The layout of roads and footways within the site would be the subject of further applications for reserved matters however it should be noted that the Authority would expect the layout submitted to restrain the speed of traffic to 20mph without the uses of vertical features with the exception of tables at junctions and to link footways on pedestrian desire lines which would include the two pedestrian accesses to the site. Parking standards would need to be in accordance with the Authority's published standards.

The TP proposes a 10% modal shift in travel choices away from the private car. It also acknowledges that the site would not be developed by the applicant and thus the final detail of the TP would be prepared by a house-builder who develops the site.

In conclusion the Highway Authority recommends that several matters are addressed through inclusion in a Section 106 Agreement or by the imposition of planning conditions.

Matters to be included in a Section 106 Agreement, to which the Authority would wish to be a party:

- Improvements to the 28A bus service to provide an hourly service passing the site including timetable adjustments and infrastructure (bus stops) on the site frontage;
- A travel plan providing a 10% modal shift from car driving within five years and a regular monitoring regime for delivering and maintaining the target;
- Footway/cycleway links from the site to Tanton Road and Meadowfield, based upon drawing P17013A;
- A scheme of road lighting along the B1365 linking to the existing lighting on Tanton Road and at the A172 roundabout;
- The prohibition in perpetuity of access from individual plots for vehicles or pedestrians to the B1365 or the A172; and
- Improvements to enhance signing and lining at Tanton Bridge.

The Authority also recommends a number of standard highway conditions.

- 4.4 Yorkshire Wildlife Trust - Recommends that, if planning permission is granted, high quality green Infrastructure is provided within the development. There will also be opportunities to connect up habitats by ensuring that hedgerows and other features within the site link to the wider area.
- 4.5 Northumbrian Water - No objection subject to conditions.
- 4.6 North Yorkshire Police Architectural Liaison Officer – No objection subject to a condition.
- 4.7 NYCC Education - Based on the proposed 110 2+ bedroom properties a shortfall of school places would not arise as a result of this development and a developer contribution would, under S106 arrangements, not be sought for primary education facilities. A developer contribution would not be sought for secondary school facilities at this time.

- 4.8 Environmental Health Officer - No objection; makes some recommendations at this stage:

The proposed development is in close proximity to Peaton Carr Farm. If this farm has livestock there is a possible impact on the development from odour and/or flies. Advises that a distance of 400 metres between any livestock building and the nearest dwelling should avoid these problems.

(Officer note: the nearest distance would be approximately 250m but it is noted that the Environmental Health Officer considered this issue more closely and raised no objection to residential conversion of barns at Peaton Carr Farm when consulted in 2015 (application 15/01538/MBN).)

A children's play area has been included in the drawings. In order to prevent noise problems to the occupiers of the nearest dwellings I would recommend that this is situated in the furthest corner of the open space area to minimise disturbance.

- 4.9 Public comment - Four objections have been received on the grounds summarised below:

- Detrimental impact on the character of the town;
- Development should not be allowed beyond Development Limits;
- Harm to the landscape setting of the town;
- Detrimental impacts on road safety;
- The area is prone to flooding;
- There is already too much housing in Stokesley;
- Lack of local facilities in the vicinity; and
- The road in this location is a natural boundary to development.

One letter of support has been received. This does not cite any reasons for support.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development and the local housing land supply; (ii) the impact of the proposal on the landscape character of the area; (iii) housing mix and affordable housing; (iv) the relationship with neighbouring properties and residential amenity; (v) flooding and drainage; (vi) highway safety and parking provision; and (vii) ecological impacts.

Principle

- 5.2 The application site lies outside the Development Limits of Stokesley, which is defined in Policy CP4 of the Core Strategy as a Service Centre. 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 not be in accordance with 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 The NPPF places emphasis on maintaining a five-year supply of deliverable housing sites (paragraph 49). Paragraph 47 requires an additional 5% buffer to ensure choice and competition in the market for land and a 20% buffer if there has been persistent under-delivery within a local authority area.
- 5.4 The Council undertook a robust survey of all sites with extant planning permission and allocations to 1 April 2017 to assess the expected delivery of housing. On this

evidence the Council is able to demonstrate 8.6 years supply of deliverable sites, well in excess of five years.

- 5.5 It is acknowledged that national policy within NPPF paragraph 49 states that "housing applications should be considered in the context of the presumption in favour of sustainable development" and it could be argued that approving additional sites such as this would contribute towards the overall objectives of boosting housing supply. However, the Council has been active in seeking to facilitate the supply of housing and has granted permission for significantly more dwellings than have been built in recent years (4,250 dwellings permitted against 1,555 dwellings completed between 1 April 2015 and 31 December 2017). As the District has a demonstrable supply well in excess of five years, it is considered that there is no compelling reason to allow housing on this scale outside Development Limits and contrary to the Development Plan.
- 5.6 In addition to the calculated supply, it is considered that there are further sites within Development Limits or which accord with the Council's Interim Policy Guidance that could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits. Where releases of land beyond Development Limits are necessary in future, they should be guided by the plan making process, for which there is a clear programme, and there is no reason to depart from the strategy set out in the LDF in the interim.
- 5.7 The applicant has set out their view of the policy position in terms of the principle of housing development in this location, in terms of the National Planning Policy Framework and the Development Plan in the form of Hambleton Local Development Framework Core Strategy and Development Policies.
- 5.8 The applicant does not accept the Council's current position in terms of the five year supply of land and considers the current figures to underestimate the actual position. Their position in terms of five year land supply is summarised below:
- The Strategic Housing Land Availability Assessment (SHLAA) 2016 outlines two scenarios as to the supply position against the LDF requirement with no windfall allowance included and secondly a supply against the Strategic Housing Market Assessment SHMA 2016 and Employment Land Review 2015 information.
 - Against the LDF requirement of 1,940 dwellings in the next five years the Council claims 7.9 years' supply; while against the SHMA and Employment Land Review requirement of 1,600 dwellings in five years the Council claims 9.9 years' supply.
 - The Employment Land Study 2015 figure of 320 dwellings per annum is used as the basis of the 1,600 housing requirement, however no buffer is applied to this figure. The LDF requirement is based on the pre-NPPF RSS requirement and is therefore out of date. The requirement from the SHMA 2016 is yet to be tested at a Local Plan Examination and therefore should only be attributed limited weight.
 - The applicant considers that a much higher requirement represents the true objectively assessed need. The applicant notes that a requirement of 458 dwellings per annum has been accepted by Inspectors in recent S78 appeals and considers this to be a more accurate representation of the position.
- 5.9 It is noted that the applicant cites appeal decisions from over two years ago in support of their case (December 2015 at Easingwold and September 2015 at Stokesley). Those appeals were considered on the basis of demographic and

household projections that are now out of date and prior to the re-adjustment that has taken place taking account of more recent demographic figures, on which the Council's current housing land requirements are based. The requirement of 458 was agreed in those appeals on the basis of demographic projections that are no longer relevant. The applicant was asked to identify how many years' supply they consider the district to have but they declined to do so, advising officers that they had not yet prepared evidence on this.

- 5.10 It should also be noted that Stokesley is within an Area of Restraint as set out within the Local Development Framework and as such the supply of land for development in this location has been consciously restricted in favour of other parts of the District with better access to services and communications. The Area of Restraint therefore not only serves its stated purpose but complements the Area of Opportunity centred on Northallerton, Thirsk and Bedale and associated transport corridors. The Core Strategy sets out proposals for a proportionately lower scale of development in the Areas of Restraint (Core Strategy Spatial Principle 2), where the intention is to resist development pressures from metropolitan areas to the north and south, which in the past resulted in significant in-migration of residents, who then commute back to work outside the area.
- 5.11 Even with its location within an Area of Restraint, Stokesley has a strong supply of housing under construction at White House Farm (Taylor Wimpey) and Tanton Road (Kier Living). The applicant's proposed additional release of land in this location is considered to go against the core policy principle of the Local Development Framework.
- 5.12 Notwithstanding the position regarding the objections to the principle of development in this location, it is important to take into account other material considerations in order to fully assess the proposals.

Landscape character and design

- 5.13 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."
- 5.14 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 setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.15 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.
- 5.16 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."

- 5.17 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.
- 5.18 The applicant has submitted a Statement of Community Involvement (SCI) which sets out the processes undertaken as part of the Community consultation. It should be noted that the applicant did not enter into any pre-application consultation with the Local Planning Authority.
- 5.19 In brief the SCI indicates that:
- A public engagement exercise was undertaken comprising a press release and press advert, leaflet drop, and secondly, a dedicated web site;
 - The applicant wrote to Stokesley Town Council with details of the consultation, including copies of the consultation leaflet on 5 June 2017;
 - Leaflets outlining the development principles together with details of the dedicated web site and how to make comments were distributed in May 2017 to approximately 470 households and businesses near the site;
 - A press advert was published on 26 May 2017 advertising the public consultation of the proposed development in the Darlington and Stockton Times;
 - The applicant has a dedicated web site for each of its projects containing details of the scheme, copies of the consultation boards, leaflet and other information about the scheme. The web site also allows visitors to provide feedback via email or by post to the applicant;
 - 34 people have responded to the leaflet and web site via email/comments form; and
 - Comments received were mixed with some level of support and constructive comments whilst other residents opposed the scheme.
- 5.20 There was no prior discussion with the Council about these arrangements. However, and being mindful that the application is in outline, it is considered that the applicant has considered relevant issues raised through their consultation process.
- 5.21 The Design and Access Statement describes the character of the surrounding area as consisting of an arable field and an area of poor semi-improved grassland. The statement sets out that the northern, eastern and southern boundaries of the larger eastern field are defined by well managed hedgerows along with those of the western parcel's northern and southern boundary. The Statement also sets out that the interior of the site contains no landscape features of note and notes that the Landscape and Visual Impact Assessment concludes that the site can be developed in the manner proposed without giving rise to material landscape, townscape or visual effects.
- 5.22 The view of the applicant in terms of the landscape impacts of the scheme are not shared by officers. An independent evaluation of the submitted Landscape and Visual Impact Assessment has been undertaken by Landcare Consultants which has helped the Council to form its view in this respect, set out below.
- 5.23 The site is contained to the north by the rising topography of Bullister Hill, to the west by the dense structural planting around Tanton Grange and Farm and to the south by the northern edge of the existing residential areas of Stokesley. Long distance views are not considered relevant as it is considered that from any significant distance the development would be perceived in the context of Stokesley and not separate.

- 5.24 In terms of landscape, the question is whether or not development to the north of the B1365 is considered to be harmful to the character and form of Stokesley or to the character and appearance of the open countryside around the town.
- 5.25 Travelling north along the A172 from the roundabout that forms the junction of the A172 with the A173 and B1257, one travels between agricultural fields, the area to the west of the road being the Stokesley Showfield and to the east open countryside. Views to the east at this point are extensive over open countryside toward the edge of the Cleveland Hills.
- 5.26 Continuing north, the more built up part of the town is noted to the west of the road, albeit the backs of houses on Roseberry Avenue and Meadowfield. The character remains largely rural, with fields predominating to the east and glimpse views of the open countryside beyond. Views to the east are more confined due to the height of the hedge.
- 5.27 On approach to the roundabout junction of the A172 and the B1365, which leads to the application site, the character is dominated by the roundabout and a garden centre. However, owing to the nature and position of development to the south of the B1365, opposite the application site, the character remains predominantly rural. The development to the south is separated from the road by a wide grass verge, hawthorn hedge and a wide grassed area adjacent to Ashwood Drive and Cedarwood Avenue.
- 5.28 The recently approved Tanton Road development contributes little to the experience of users of the B1365, which offers only glimpse views into the site, located to the south west of the road.
- 5.29 There is little in the way of sporadic or other infill forms of development around this edge of Stokesley which could otherwise erode the rural setting of the town. As a result the A172 and B1365 form a strong separation in terms of landscape character, between the urban form of the town and the rural character of the countryside surrounding the town.
- 5.30 It is considered that this development would start a process of change in landscape character from an urban/countryside boundary which, if continued, would change the experience of people from a rural experience to one which was essentially urban. In itself, the scale of development proposed would be sufficient to significantly alter the character of the landscape in this area from rural to urban.
- 5.31 At present Development Limits are clearly defined by the road network and without a planned approach to development it is difficult to define the limit of development using topography and/or structural landscape elements, which would lead to a further erosion of the landscape character of the area.
- 5.32 In order for a development on this site not to fundamentally change the landscape character, it would be necessary to totally screen it with structural vegetation. This would match what is present around Tanton Grange/Farm and, as such, maintain something of the existing urban/rural character of this area. However, the current proposal does not envisage this approach and, it is arguable, that if it is necessary to take such robust screening in mitigation of a development, it suggests the location is not appropriate.
- 5.33 The B1365 and A172 form a clear boundary on the east and north side of Stokesley. This is not just a physical boundary but a visual one as well. To travellers on these roads and visitors to the garden centre and certainly those living on the northern and eastern edges of Stokesley, this is the interface between the town and the country. By allowing housing development to straddle the B1365, the experience would

change from an urban/countryside interface toward an enclosed urban quality adversely impacting on the development form of the settlement and the character and appearance of the countryside surrounding the town. As such the development is considered to fail to accord with the requirements of Development Policies DP30 and DP32, which seek to promote high quality development and protect the character and appearance of the countryside.

- 5.34 The north and east edges of Stokesley are closely defined by housing estates and their associated gardens, bounded by the B1365 and A172. Only sporadic development is found beyond the boundary, which characterises the wider open countryside beyond. Strikes garden centre to the east of the site is perhaps the most extensive and established area of development outside the built form of the town in this locality.
- 5.35 The approach to the town from the north west, along the B1365 is distinctly rural, and on the whole this character is continued as one travels toward the south of the town along the A172 where there are more extensive intrusions into the open countryside in the form of leisure facilities associated with the golf driving range.
- 5.36 Presently there are views across to the tops of the Cleveland hills from the B1365 and A172. The site itself is undulating with levels rising towards the centre and rear of the site increasing the prominence of these parts of the site. Whilst it is noted that significant areas of open space would be incorporated, particularly on these higher parts of the site, the development would still be seen as an isolated intrusion into open countryside.
- 5.37 Development in this location would restrict the views from the B1365 across to the Cleveland Hills. This would have an impact on the character and approach to Stokesley from the north.
- 5.38 Development of this site which would leap the settlement edge of the town formed by the A172 and the road to Tanton, would totally alter the town/countryside interface.
- 5.39 The leaping of development over the A172 would irretrievably alter the town/countryside interface. The landscape character assessment and sensitivity study 2016 carried out as part of the evidence for the new Local Plan states that the B1365 and A172, and the recreational open space that straddles the latter, form a firm settlement boundary to the east of Stokesley. Development beyond these areas would feel separate and remote from the town centre, and would integrate poorly in townscape terms.
- 5.40 It is considered that development at the scale proposed would significantly impact on the form and setting of the settlement.
- 5.41 The proposed development is considered to fail to meet the requirements of Policies CP17 and DP32 as the proposed development fails to respond positively to the character and form of Stokesley.

Housing mix and affordable housing

- 5.42 The applicant has put forward a policy compliant offer of 50% affordable housing and has stated that the mix of housing to be agreed through the submission of reserved matters would comply with the Council's Supplementary Planning Guidance on the Size, Type and Tenure of Housing.
- 5.43 Should the proposed development be approved, the proposed levels of affordable housing could be set by a planning obligation under S106 of the Town and Country Planning Act 1990.

- 5.44 Officers sought assurance about the deliverability of the proposed 50% offer of affordable housing and requested that it be demonstrated that it was deliverable, by way of a viability appraisal, in order that the assumptions within the appraisal could be tested. The applicant has not provided this information.

Amenity

- 5.45 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.46 There are no close-by residential properties that would be directly impacted by the proposed development. There may be limited amenity impacts resulting from additional traffic in the area, although these impacts are not considered to warrant a reason for refusal.
- 5.47 Given the location and form of the development it is considered that, notwithstanding the proximity to the neighbouring main roads, a scheme could be designed to afford residents a suitable level of amenity.
- 5.48 The applicant proposes an area of public open space, which is shown on the indicative layout in the north east corner of the site. The Environmental Health Officer has raised a concern about the proximity of the public open space to neighbouring properties. However, it is considered that a suitable layout could be achieved, providing both suitable public open space and the protection of local amenity.
- 5.49 The location on the outskirts of Stokesley would provide relatively good access to the local services provided within the town, albeit with a requirement to provide an appropriate pedestrian crossing of the B1365. The applicant is promoting a number of access improvements including the extension of 28 bus service to serve the north of Stokesley and provide bus stops on the B1365 along with a number of other access improvements set out below in more detail.

Flooding and drainage

- 5.50 The site is located in Flood Zone 1 which is the area of lowest risk. However, it is well known locally that the lower area of this site is prone to surface water flooding.
- 5.51 The applicant has submitted a detailed appraisal of the drainage situation along with a breakdown of the proposed drainage strategy. The Lead Local Flood Authority (NYCC) has been consulted and provided a detailed response. A number of issues have been raised with regard to technical requirements within the assessment. At the time of writing there are still a number of outstanding matters to be resolved with the Lead Local Flood Authority and the applicant is seeking to address these matters prior to consideration of the application. An update on this matter will be provided to the Planning Committee meeting.

Highway impacts

- 5.52 Whilst the application is in outline, access is not a reserved matter. As such the proposed vehicular accesses, emergency accesses and pedestrian accesses onto the site are for consideration at this stage. Access would be achieved via a priority junction off the B1365. The Transport Assessment sets out a number of proposals for off-site highway works (including public transport) these are summarised below:
- Improvements to the 28A bus service to provide an hourly service passing the site including timetable adjustments and infrastructure (bus stops) on the site frontage;

- A travel plan providing a 10% modal shift from car driving within five years and a regular monitoring regime for delivering and maintaining the target;
 - Footway/cycleway links from the site to Tanton Road and Meadowfield, based upon drawing P17013A;
 - A scheme of road lighting along the B1365 linking to the existing lighting on Tanton Road and at the A172 roundabout;
 - The prohibition in perpetuity of access from individual plots for vehicles or pedestrians to the B1365 or the A172; and
 - Improvements to enhance signing and lining at Tanton Bridge.
- 5.53 Following the clarification of a number of points relating to the submitted Transport Assessment, and subject to an agreed package of off-site measures, which would be delivered through a S106 agreement, the Highway Authority is satisfied that the proposed development would not have any significant harmful impacts on highway safety.
- 5.54 The Highway Authority is satisfied that these access points provide for a suitable level of access for both vehicular and pedestrian traffic.

Ecology

- 5.55 A detailed preliminary Ecological Appraisal has been submitted with the application which assesses the impact of the development both in terms of on and off-site ecological impacts as well as the potential for the development to impact on the Special Protection Area and Special Area of Conservation within the boundaries of the North York Moors National Park, over 5km away.
- 5.56 The site is currently an arable field with partly hedged boundary. The Ecological Appraisal concludes that the majority of habitat at the site is of limited ecological interest such that losses to development are not predicted to result in significant adverse effects.
- 5.57 It is considered that any losses will be adequately offset through the provision of new tree and hedgerow planting across the site. It is noted that all retained hedgerows would need to be protected during construction through appropriate fencing. This could be made a condition of any approval.
- 5.58 The proposed development is not predicted to have significant adverse effects on any notable fauna making use of the site.
- 5.59 The nests and eggs of all wild birds are subject to legal protection. The Ecological report states that any clearance of potential nesting habitat (i.e. hedgerows) would be undertaken outside of the bird nesting season (March-August inclusive), or immediately following confirmation by a suitably qualified ecologist that no active nests are present. Again this could be made a condition of any approval.
- 5.60 The Ecological report finishes by setting out the opportunities for ecological enhancement within the site and states that given the limited ecological interest at the site, opportunities exist to significantly increase the ecological importance of the site in its local context. The following enhancements are proposed which could be delivered by the scheme:
- The proposed SuDS drainage features to include wetland and habitats including a combination of wet grassland, marsh, carr, reed beds and/or a permanent area of water (subject to soil composition and hydrological requirements);

- Boundary hedgerows supplemented with additional species to increase their importance for local wildlife;
- New tree planting across the site to increase the tree cover and increase the structural diversity of habitats;
- Retained grassland areas to the west of the site to be over-sown with wildflower seed-mix and managed appropriately.
- Land to the north of B1365 maintained as a permanent grassland area with a greater wildflower component.

5.61 Yorkshire Wildlife Trust has been consulted and subject to a condition requiring an Ecological Enhancement plan, has no objections.

Heritage assets

5.62 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.

5.63 The property to the north of the site, known as Peaton Carr Farm, is a Grade II listed building, which dates in part from the 17th century, with extensive 19th century additions. The building sits in a commanding position above Stokesley with open fields, including the application site, forming the setting for it.

5.64 The proposed development would be approximately 220m away from the listed building but would have an inevitable impact on the setting of the building. This is considered to particularly be the case due to the development stepping up the slope, toward the building (which otherwise sits in isolation) and effectively intervening in the view of the building from the road. The context for the setting of the building is very much that it sits within an isolated location in open countryside.

5.65 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. That harm would be an erosion of the landscape setting of the listed building through urbanisation.

5.66 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 the heritage asset's optimum viable use.

5.67 In this case, where there is considered to be no need for the proposed development there is considered to be no public benefit through the grant of planning permission, which might otherwise outweigh the less than substantial harm to the setting of the listed building. As such it is recommended that the harmful impact on the setting of the listed building form a reason for the refusal of the application.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations Planning Committee resolves that, had the appeal not been lodged, the application would have been **REFUSED** for the following reasons:

1. The site lies beyond the Development Limits of Stokesley and in a location where development should only be permitted exceptionally. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the

supply of housing are therefore up to date and it is considered that the proposed development would cause significant landscape harm, including the urbanisation of the rural, countryside setting of Stokesley. The proposal would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP3, CP4, CP6, CP16, CP19, DP1, DP5, DP6, DP8, DP9, DP10, DP28, DP30, DP31, and DP37 and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system and sustainable development.

2. With regard to available evidence of surface water flooding, the submitted information is insufficient for the full and proper assessment of the proposals and as such the proposed development is considered to be contrary to Policies CP1, CP3, CP17, CP21, DP1, DP6, DP32, DP33, and DP43 of Hambleton Local Development Framework and guidance contained in National Planning Policy Framework and North Yorkshire County Council SuDS Design Guidance.
3. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policies CP9, CP9A and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.
4. The proposed development would have a detrimental urbanising impact on the countryside setting of the nearby listed building, Peaton Carr Farm without demonstration of public benefit in terms of the need for housing development. The proposed development is therefore considered to fail to accord with Policy CP16 along with Development Policy DP28.

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Parish: Thirkleby High & Low With Osgodby
Ward: Thirkleby High & Low With Osgodby
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Committee date: 11th January 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 15th January 2018

17/02237/FUL

**Revised application for alterations to garage to form additional living accommodation with first floor extension to form bedroom and bathroom
At 1 Bridge Farm, York Road, Thirkleby
For Mrs Jennifer Midgley**

This application is referred to Planning Committee because the applicant is the daughter of Councillor Sanderson

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The property is semi-detached dwelling and set over two storeys. Its primary frontage is about 30 metres west of, and facing towards, the A19. The existing garage is positioned to the southern side of the plot with the door facing directly to the southern driveway/parking area.

1.2 The proposal seeks to construct a first floor extension above the existing single storey garage to provide ancillary accommodation in connection with the use of the main property. The garage is to become a living room access from the kitchen. The extension will measure approximately 5.7m by 5.9m with an eaves height of 4.7m and a ridge height of 6.8.

1.3 Condition 03 of the approval stated:

The walls and roof of the extension shall comprise facing materials that match, in size, colour and texture as those which are used on the original building as it exists at the time of this application, and shall be retained as such after completion of the extension.

1.4 The applicant has now decided to render the extension and render the rest of the property as the current bricks are in an unfit state.

1.5 As the 17/00831/FUL application stated that the extension would be constructed from bricks approval is required to use render in place of a brick finish.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 17/00831/FUL – planning permission granted 08.06.2017 - Alterations to garage to form additional living accommodation with first floor extension to form bedroom and bathroom.

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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments
- 4.2 Public comments – no comments

5.0 OBSERVATIONS

- 5.1 The principle of the development, including the alterations to the existing garage to form additional living accommodation with a first floor extension to form bedroom and bathroom has been established as part of application 17/00831/FUL.
- 5.2 It is evident that the house has been built at different times and several different types of brick and stone have been used. It also appears that parts have previously been rendered which has fallen off. The applicant considers that the render would protect it and give the property a better overall finish.
- 5.3 It is considered that the use of render in this case is acceptable and would not be detrimental to the visual amenity of the area and the neighbouring property. If condition 03 had not been imposed to the 17/00831/FUL, the works to render the extension would not require consent. The works to render the dwelling do not require consent.

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) Location Plan, Block Plan and Proposed Plans and Elevations P3484/02 REV received by Hambleton District Council on 11th October 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 CP17 and DP32.