

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 26 March 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 5 April 2018**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am
REGARDING COMMUNITY LED HOUSING;
DRAFT REVISED NATIONAL PLANNING POLICY FRAMEWORK
AND RECENT CHANGES TO PERMITTED DEVELOPMENT**

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 8 March 2018 (P.23 - P.24), 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 1.30 pm on Thursday, 8th March, 2018 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	N A Knapton	Councillor	P R Wilkinson
	S Watson		

Apologies for absence were received from Councillors S P Dickins, Mrs B S Fortune and A Wake

P.23 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 8 February 2018 (P.21 - P.22), previously circulated, be signed as a correct record.

P.24 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) 17/02712/FUL - Construction of warehouse with attached offices at Plot 2B, Conygarth Way, Leeming Bar Business Park for Newquip Ltd.

PERMISSION GRANTED

- (2) 17/02471/OUT - Outline planning application for residential development and associated infrastructure with details of access and siting (all other matters reserved) at Field South of Village Hall, Front Street, Appleton Wiske for Addis Charles

PERMISSION REFUSED

(The applicant's agent, Joe O'Sullivan, spoke in support of the application).

(Parish Councillor Barry Pope spoke on behalf of Appleton Wiske Parish Council objecting to the application.)

(Linda Breckon spoke objecting to the application.)

- (3) 18/00240/CAT - Application to fell a hawthorn tree in a conservation area at Pinfold Cottage, Park Lane, Borrowby for Mrs Helen Laws

THAT NO OPPOSITION BE RAISED TO THE NOTIFICATION TO REMOVE THE TREE

- (4) 18/00027/FUL - Demolition of farm buildings and the construction of two dwellinghouses at Land and buildings north of The Rowans, Exelby for Mr and Mrs A Court

PERMISSION GRANTED

- (5) 17/01124/FUL - Alterations to access, renovation of boundary wall, formation of private drive and construction of two dwellings at The East House, Great Smeaton for Thimbleby Farms Ltd.

PERMISSION GRANTED

- (6) 17/01125/LBC - Listed Building Consent application for alterations to access, renovation of boundary wall and formation of private drive at The East House, Great Smeaton for Thimbleby Farms Ltd.

PERMISSION GRANTED

- (7) 17/02615/FUL - Five detached dwellings at Land east of Amberleigh House, Lowfields Lane, Pickhill for Cromsdale Group Ltd

PERMISSION GRANTED

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

- (8) 16/02168/FUL - Proposed development to form two additional dwellings by conversion, alterations and extensions to the existing buildings including construction of hard-standings and three garages at Crow Tree Farm, Yafforth Road, Romanby for Mr and Mrs Craven

PERMISSION GRANTED because the Committee was satisfied that the development would secure economic benefits and help maintain a recreational facility.

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

(The applicant, Brian Craven, spoke in support of the application).

- (9) 17/01794/OUT - Outline planning application with some matters (except for access) for the demolition of existing manufacturing building for the construction of five detached dwellings and conversion of the former 'Smithy' into a single dwelling at Graham Engineers (Seamer) Ltd, Stokesley Road, Seamer for Scott Bros Ltd.

PERMISSION REFUSED

(Jonathan Saddington spoke on behalf of the applicant's agent in support of the application).

(Parish Councillor Philip Taylor spoke on behalf of Seamer Parish Council objecting to the application.)

- (10) 17/02609/FUL - Construction of a pulse processing facility with associated site office, weighbridges, hardstanding, parking areas and attenuation pond at Shipton Grange, Shipton by Beningbrough for Shedden Farms Ltd.

PERMISSION GRANTED because the Committee was satisfied that it was not inappropriate Green Belt development.

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

(The applicant's agent, Ian Pick, spoke in support of the application).

- (11) 17/02730/MRC - Removal of condition attached to planning permission 2/02/141/0271 to allow permanent residential occupation of properties previously approved for use as 2 holiday units at White Bear Cottage and Barn, Stillington for Mr and Mrs Smithson

PERMISSION GRANTED

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

- (12) 17/02580/OUT - Outline application (with all matters reserved) for the construction of a dwelling at Land at Rowan House, Sutton Howgrave for Mr and Mrs D Wick

PERMISSION REFUSED

(The applicant's agent, Kate Girling, spoke in support of the application).

(Michael Richardson spoke objecting to the application.)

- (13) 17/02624/MRC - Variation of condition 12 (approved plans) of 17/01347/FUL (dwelling with detached garage and associated external works) to create accommodation within the roof space; raise the roof by 700mm; insert a dormer window and roof lights to rear elevation; and set back dwelling a further 2m from the site frontage at The Byres, Thrintoft for Mr A Hutchinson

PERMISSION GRANTED

- (14) 17/02739/FUL - Construction of single dwelling at The Croft, South Back Lane, Tollerton for Mrs M Hardy

DEFER to invite the agent to submit amended plans for re-consultation and re-notification.

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

(Sharon Oliver spoke objecting to the application.)

- (15) 17/01815/OUT - Outline application (access to be considered) for construction of a detached dwelling at Land and buildings to the rear of Ivy Cottage and Rose Cottage, West Rounton for Mr and Mrs D Grainger

PERMISSION GRANTED

(Michael Knightingale spoke objecting to the application.)

The meeting closed at 5.00 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 5 April 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 normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 5 April 2018

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/02761/FUL Miss C Cornforth Easingwold Page no: 9	Change of use from bank HSBC to a Costa coffee shop/café For Erindale SC Ltd At: HSBC, Market Place, Easingwold RECOMMENDATION: GRANT
2	17/01394/FUL Mr P Jones Northallerton Page no: 15	Proposed development of 17 dwellings For: Yorvik Homes Ltd At: Part OS Field 1407, Stokesley Road, Northallerton RECOMMENDATION: REFUSE
3	18/00060/OUT Miss C Cornforth Raskelf Page no: 23	Application for outline planning permission with all matters reserved for the construction of a single detached dwelling For: Mr & Mrs Stuart Edwards At: Pond Corner, 4 The Green, Raskelf RECOMMENDATION: GRANT
4	17/01095/FUL Mr K Ayrton Romanby Page no: 31	Construction of five dwellings For: Punch Taverns PLC At: Land adjacent to The Golden Lion, Ainderby Road, Romanby RECOMMENDATION: GRANT
5	17/02613/FUL Mrs K Ayrton South Otterington Page no: 37	Alterations to existing dwelling and construction of one bungalow and associated access For: Mrs J Robson At: Crosby Lodge (and land to the rear), South Otterington RECOMMENDATION: REFUSE

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Parish: Easingwold
Ward: Easingwold
1

Committee date: 5 April 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 9 April 2018

17/02761/FUL

Change of use from HSBC bank (Use Class A2) to a Costa coffee shop/cafe (Use Class A3)

At HSBC, Market Place, Easingwold
For Mr Grant Roderickson (Erindale SC Ltd)

This application is referred to Planning Committee due to the significant public interest in the proposal

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The building that is the subject to the change of use proposal is the former HSBC bank that is located within the Market Place of Easingwold. Adjoining the building to the west is the Post Office and the residential property of the Bank House to the north east.
- 1.2 The site is located within the Easingwold Conservation Area, the designated Town Centre and Primary Retail area and Primary Shopping Frontage.
- 1.3 The proposal seeks the change of use of the bank (Use Class A2) to a food and drink use (Use Class A3 – restaurants and cafés).
- 1.4 Whilst the submitted drawings show various proposed signs, these do not form part of this planning application and would need to be the subject of a separate application for advertisement consent.
- 1.5 Improvements and amendments have been secured as follows:
- The proposed opening hours have been reduced from 6am – 9pm every day to 7am – 9pm Monday to Saturday and 8am – 9pm on Sundays and Bank Holidays; and
 - The side door on the eastern elevation would be used as an emergency access only and not as an entrance for the public or deliveries.
- 1.6 Furthermore, a Design and Access Statement has been subsequently submitted from the agent and outlines the following:
- The proposal would see a £400,000 investment in upgrading the building which will include works to the elevations. The business would employ a store Manager (salary £24,000), an Assistant Manager (salary £18,000), two shift managers on hourly wages of around £8.75 and at least 14 other full time and part time staff. All staff would be hired locally and none would come from other branches;
 - Easingwold has no branded coffee offering and the proposal would bring the quality, ambience and facilities of a Costa store to all the residents and locals in Easingwold. Costa aims to be part of the local community and often has surgeries and fund raising in its stores. The café would appeal to a cross-section of the community being children, mothers and working-people and have good quality in house Wi-Fi to assist in on-the-go work;
 - The proposal would bring a property which would have been central to the market town but is now redundant and vacant back into use. Costa Coffee

outlets can bring interesting buildings back into use without too much intrusion and alterations to the external appearance, other than new signage. The proposed opening hours would avoid the use being excessive or a nuisance;

- The proposal would maintain the original bank main entrance with ramp fronting onto Market Place as the entrance with the side door for emergency exit only. There is no intention to have this as a secondary customer entrance. Other than proposed signage and repainting of doors and windows there would be very little change to the external appearance of the building; and
- The deliveries are every second day and generally by a box truck. The general waste is generally collected in 1100 bins, however depending on the site these bins can be changed to smaller wheeled bins, pick-ups generally three times a week and the coffee beans are also collected used as part of recycling. The intention is to store bins to the rear of the unit and place them at the required pick up location on the day of collection, alternatively depending on the final internal layout refuse can be stored and recycled internally and again presented to the street on day of collection.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 03/00955/FUL – Replacement door and access ramp for disabled people; Granted 29 July 2003.
- 2.2 11/01220/ADV – Seven signs; Granted 3 August 2011.
- 2.3 15/01944/FUL - Removal of existing external ATM and installation of new ATM in new location; Granted 28 October 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policy DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Development Policy DP3 - Site accessibility
Core Strategy Policy CP13 - Market towns regeneration
Development Policy DP19 - Specific measures to assist market town regeneration
Core Strategy Policy CP14 - Retail and town centre development
Development Policy DP20 - Approach to town centre development
Development Policy DP21 - Support for town centre shopping
Development Policy DP22 - Other town centre uses
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP28 - Conservation
Core Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
National Planning Policy Framework (2012)

4.0 CONSULTATIONS

- 4.1 Town Council – Does not wish to make any observations on the principle of the application. However, it would like to express concern about the early opening hours originally proposed (officer note: since amended) and the signage (officer note: not part of this application). If the application is passed it requests that the opening hours are Monday to Saturday from 7am to 9pm and Sunday from 8am to 9pm (officer note: these hours are now proposed).

4.2 Highway Authority – No objection. The Public Rights of Way team has asked that an informative is attached to any decision to ensure that the adjacent public right of way is not obstructed.

4.3 Environmental Health Officer – Recommended that:

The side entrance door is only used as emergency access to avoid noise impact on the residential premises adjacent to and facing the entrance (officer note: this has been agreed).

Removal of illumination from one of the signs due to light nuisance concerns (officer note: as indicated earlier, this would be a matter for a separate application for advertisement consent but the sign has been removed from the drawings).

The hours of opening are restricted to 7am to 9pm (officer note: the opening hours have been amended to include 7am – 9pm Monday to Saturday and 8am – 9pm on Sundays and Bank Holidays).

4.4 Forest of Galtres Society – No response received to date.

4.5 Public comments - 129 consultation comments have been received; 122 objecting and 7 in support.

The content of the objection comments are as follows:

- This global chain will change the rural nature of this Georgian Market Town and the overall ambience of the townscape;
- The town is already well served by independent coffee outlets – at least nine other food and drink outlets and therefore does not need this chain;
- The chain will adversely affect local businesses;
- A town of this size does not need a high street chain;
- Traffic will increase;
- There will be a strain on parking given the proximity to the Post Office where older people park outside the bank;
- The town needs a more varied retail offer, including more useful shops such as a larger pharmacy;
- The signage will give the message that this is just a place like any other and is inappropriate for a significant building in the Conservation Area;
- The building should be used as a community facility;
- The competition with local independent cafes is unfair – Easingwold should be kept chain free;
- The opening hours will disrupt residents; and
- The additional litter is not acceptable.

The content of the support comments are as follows:

- Having a commercial chain's coffee shop within Easingwold will increase footfall to the local area and it is a recognized brand across the world, therefore is significantly more inviting and offers more choice for people;
- The competition put upon other shops within the area could be used as an asset. Costa will offer more suitable opening times and a certified quality which their shops lack;
- Costa's community fund may benefit the town in the future as it has been known for Costa to often contribute to local events;
- The business will bring in local jobs and raises taxes;
- The business will use a vacant building; and

- The business will opens at more sociable hours.

5.0 OBSERVATIONS

- 5.1 As noted earlier, the advertisements shown on the submitted plans would require separate consideration as part of an application for advertisement consent and therefore do not need to be considered as part of this application. Additionally, while many of the adverse comments about the application refer to the identity of a national coffee shop chain, it is important to bear in mind that planning decisions go with the land and are not specific to the applicant. The identity of the applicant and the prospective operator are therefore not material planning considerations.
- 5.2 The main planning issues to consider are: (i) the principle of the proposed use, including polices and legislation affecting town centres; (ii) the impact upon the character and appearance of the Easingwold Conservation Area (iii) any impact upon residential amenity; and (iv) any impact on highway safety

Principle

- 5.3 Policy CP14 (Retail and town centre development) states that support will be given to maintaining and enhancing the vitality and viability of Easingwold Town Centre, which is designated a Primary Retail Area by policy DP21. Policy CP14 states that retail and other town centre development of appropriate scale will be supported "provided that the development respects the character of the environment of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function." This policy and policy DP20 (Approach to town centre development) are concerned with promoting retail uses as part of a balanced range of services within town centres. Policy DP21 (Support for town centre shopping) provides more detail on how the Council will protect the retail function of town centres and designates Primary Shopping Frontages where retail uses are given protection. The application premises lie within a Primary Shopping Frontage defined by policy DP21.
- 5.4 Paragraph 23 of the National Planning Policy Framework (NPPF) (2012) identifies a requirement to ensure the vitality of town centres, and encourages the definition of primary and secondary frontages, which is reflected within the policies of the LDF.
- 5.5 It is important to note that policies CP14 and DP20 are largely concerned with promoting town centres, while detailed controls over non-retail uses are set out in policy DP21. This policy affords protection to retail uses within Use Class A1 (shops) but does not extend to non-retail uses such as banks (within Use Class A2 - financial and professional services). The proposed change from A2 to A3 is therefore neutral in terms of policy CP21 and therefore does not conflict with that policy.
- 5.6 Since the publication of the NPPF, the Government has recognised some of the commercial difficulties facing town centres, particularly in the face of growing internet shopping trends, and has amended permitted development rights to allow change of use from shops (Use Class A1) and banks (amongst other uses in Use Class A2) to a flexible range of uses, including restaurants and cafes (Use Class A3) subject to prior approval relating to specific issues. This is set out in Schedule 2, Part 3, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.7 This proposal is considered to fall within the permitted development criteria as (i) the floor space does not exceed 150 square metres (it is 130.9 square metres); (ii) there have been no previous permitted development changes of use in the same building that would result in a cumulative change over 150 square metres; (iii) the site is not

located within a site of special scientific interest, a safety hazard area or a military explosives storage area; (iv) the site does form part of a scheduled monument; and (v) the building is not listed or within the curtilage of a listed building. Therefore, while the applicant has applied for planning permission, they have a fall-back in the form of these permitted development rights.

- 5.8 The application site is located within a Primary Retail Area and Primary Shopping Frontage and therefore the sustainability of the shopping area and frontage needs to be considered within the context of policies CP14 and DP20. As noted earlier, because the proposal does not include any loss of Class A1 retail floor space, the detailed controls in policy DP21 do not come into play.
- 5.9 However, it is understood that the use would involve some retail activity through selling coffee beans and biscuits for example, which would improve the balance between retail and non-retail uses within the town centre. The proposed re-use would also remove a currently empty unit from a Primary Shopping Frontage. It is therefore considered that there would be a positive effect on the character of the Market Place which would help to maintain the commercial vitality of the town centre.

Impact upon the character and appearance of the Easingwold Conservation Area

- 5.10 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.
- 5.11 Policies CP16 (Protecting and enhancing natural and man-made assets) and DP28 seek to conserve and enhance the District's natural and man-made features, including the character of Conservation Areas. As noted previously, the building is vacant and this proposal will put it to a beneficial economic use thus assisting in its longer term maintenance.
- 5.12 The application premises are close to a number of listed buildings – The Cottage in the Corner, White House Cottage, White House, The Commercial Hotel and Central Buildings, all Grade II. However, with the exception of any signage to be assessed in a separate application, there would be no external changes to the building and it is therefore not considered that the change of use would have any harmful impact on the listed buildings or their settings.
- 5.13 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. Whilst it has been argued that harm would arise from the installation of signage that would be a matter to assess in a separate application for advertisement consent.
- 5.14 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the re-use of this building for a coffee outlet would secure a viable use of the building within the Conservation Area.

Impact upon residential amenity

- 5.15 The building is located within the Easingwold Town Centre. However, there are residential properties located to the north east of the site. These properties include the Bank House and The Cottage in the Corner.
- 5.16 It is considered that the proposed opening times of 7am – 9pm Monday to Saturday and 8am – 9pm on Sundays and Bank Holidays are appropriate in this location, given the nature of activities associated with such use. This includes customers entering

and leaving the building, through one door on the frontage, away from the residential properties.

- 5.17 It is therefore considered that the proposal would not have a material adverse impact upon residential amenity in the vicinity, complying with Policies CP1 and DP1.

Highway safety

- 5.18 The Highway Authority has raised no objection to the proposal. The site is located within the town centre where short and long stay car parking is available and there are bus links to the local hinterlands. Furthermore, customers would be able to walk and cycle to the building from residential areas across the town of Easingwold. The premises have a ramped access for disabled people and this would be retained.

- 5.19 It is considered that the proposal would not have a material adverse impact upon highway safety and is in a location whereby a variety of transport modes can be used to access the facility.

Conclusion

- 5.20 In light of the above considerations, it is considered that the change of use from A2 to A3 in this location meets the policy requirements of both local and national planning policy.

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 614 L-01 and proposed floor plans 614 L-A-02 received 22nd December 2017 and revised elevations received 27th February 2018 unless otherwise approved in writing by the Local Planning Authority.
3. Unless otherwise agreed in writing by the Local Planning Authority, opening times for the business shall be limited to 07:00 - 21:00 Monday to Saturday and 08:00 – 21:00 on Sundays and Bank holidays.

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 DP1, DP28 and CP17.
3. In order to protect the amenity of neighbouring occupiers in accordance with Development Plan Policy DP1.

Informatives

1. The developer is advised that advertisement consent may be required for signage to the building.

Parish: Northallerton
Ward: Northallerton North and Brompton
2

Committee date: 8 March 2018
Officer dealing: Mr P Jones
Target date: 13 April 2018

17/01394/FUL

Proposed development of 17 dwellings

At: Part OS Field 1407, Stokesley Road, Northallerton

For: Yorvik Homes Ltd

This application is referred to Planning Committee as the proposed development is Major Development

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is an irregularly shaped plot of approximately 0.71 hectares which is now overgrown but which was apparently last used for agricultural purposes. The site is located approximately 240 metres north east of the junction of Northallerton Road and Stokesley Road on the northern edge of Northallerton. Properties surrounding the site are largely in residential use although 51 Stokesley Road is a veterinary surgery. The land to the immediate North West is currently being developed for housing as part of the first phase of the North Northallerton development.
- 1.2 Planning permission is sought to construct 17 two to five bedroom houses, comprising three terraced, six semi-detached and eight detached properties. Four detached double garage blocks and one detached single garage building are also proposed as part of the development. The garages are to accompany the dwellings to be constructed on plots 6, 7, 12, 13, 14 and 15.
- 1.3 Improvements have been secured in the form of amendments to the affordable housing offer and to the provision of sustainable urban drainage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no recent and relevant history on the site itself. However, a hybrid planning permission (15/01083/HYB) was granted on 5 December 2016 for a mixed use development of a significantly larger land area to the immediate north and west. This included 900 dwellings including 150 to the east of Darlington Road and 148 to the west of Stokesley Road along with a neighbourhood centre, primary school and new link road and bridge over the Northallerton-Middlesbrough railway line.

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 CP9 - Affordable housing
 - Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 - Core Strategy Policy CP17 - Promoting high quality design
 - Core Strategy Policy CP18 - Prudent use of natural resources
 - Core Strategy Policy CP20 - Design and the reduction of crime
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP2 - Securing developer contributions
 - Development Policies DP3 - Site accessibility
 - Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP11 - Phasing of housing
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Supplementary Planning Document - Open Space, Sport and Recreation, Adopted 22 February 2011
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 Allocations Document Policy NM5B - North Northallerton Area, West of Stokesley Road, Northallerton - adopted 21 December 2010
 Sustainable Development - Supplementary Planning Document - Adopted 7 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 Northallerton Town Council - No observations received.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Environmental Health Officer - A further site investigation is required to determine whether the site is contaminated but accept that this can be conditioned as part of any approval. The findings of the applicant's air quality assessment are accepted.
- 4.4 Swale and Ure Internal Drainage Board - No objection in principle but would need to be satisfied that surface water can be satisfactorily discharged from the development. If soakaways are proposed the ground will need to be checked to ensure that they will work in this case; if discharge to the mains sewerage system is proposed it will be necessary to check that this can satisfactorily accommodate the additional flow generated by this development; if discharge to a watercourse is proposed it will need to be restricted to 1.4 litres per second per hectare or greenfield runoff, and the consent of the Internal Drainage Board will be required. Nothing shall be sited within 9 metres of any watercourse without the approval of the IDB.
- 4.5 Yorkshire Water Services - No objection subject to conditions.
- 4.6 Local Flood Authority (SUDS) – Originally objected on the ground that the submitted details failed to demonstrate that soakaways will work as a means of disposing of surface water; and that the proposal was likely to lead to increased flood risk. It was suggested that surface water should be discharged into the adjoining watercourse as this would be more sustainable and could be adopted by Yorkshire Water.

Following the submission of further information, including a plan showing the route of exceedance flows from the site, the Lead Local Flood Authority has withdrawn its objection.

- 4.7 HDC Leisure Services - A contribution should be made towards the North Northallerton Sports Village through Community Infrastructure Levy receipts.

4.8 Public comments - Four objections have been received, summarised as:

- The development will not relate in a satisfactory manner to its surroundings; alterations should be made to the layout and increased landscaping provided between the new properties and the surrounding housing;
- The proposal will lead to an unacceptable increase in the number of vehicles entering Stokesley Road from the site, and to an unacceptable increase in the vehicular use of that highway;
- The development will exacerbate problems of flooding in the area;
- The scheme does not cater for all sectors of society as it does not include any bungalows; and
- Concern about who would be responsible for the future upkeep of the hedge located along the site frontage to Stokesley Road and for the future maintenance of the beck.

5.0 OBSERVATIONS

5.1 The site is allocated for residential development in the Local Development Framework, forming part of site NM5B, part of the North Northallerton Development Area subject to Allocation Policy NM5. Given this, the principle of housing development is accepted. Additionally, the site occupies a sustainable location within the Development Limits of Northallerton and is located on a bus route and lies just over one mile from the Town Centre.

5.2 The remaining planning issues to be taken into account when considering this application are: (i) affordable housing provision and housing mix; (ii) impact on the visual amenity of the area; (iii) neighbour amenity impacts; (iv) highway safety; (v) ecology; (vi) trees; (vii) matters pertaining to land contamination; (viii) drainage and flooding and; (ix) provision of public open space.

5.3 These details will need to be considered against the requirements of policies CP9, DP1, DP3, DP8, DP13, DP15, DP32 and DP34 of the Local Development Framework, the provisions of Section 6 of the National Planning Policy Framework and the advice contained within the Council's Supplementary Planning Documents entitled "Sustainable Development", "Affordable Housing", "Size, Type and Tenure of New Homes" and "Open Space, Sport and Recreation".

Affordable housing and housing mix

5.4 The applicant proposes to provide four affordable units, which represents 23.5% of the total 17 dwellings proposed, significantly below the normally required figure in this location, of 40% as set out generally in policy CP9 of the Core Strategy and specific to this site in Allocation DPD policy NM5. The applicant argues that this reduction is justified in economic and viability terms for reasons set out in their submitted Planning Statement and Affordable Housing Assessment. Officers have sought external advice on this matter and with the benefit of that advice it is considered that two additional affordable units could be provided over and above the current offer, which would increase the affordable housing offer to 35%. The lack of suitable provision of affordable housing is considered to weigh heavily against the proposal.

5.5 The applicant considers that a lower level of affordable housing is justified in this instance because of anticipated abnormal construction costs and the profit levels they consider appropriate for the market and affordable elements.

5.6 The identified abnormal construction costs are £171,000. In view of the evidence presented this is considered to be realistic and to justify provision of affordable housing below the 40% policy expectation.

- 5.7 However, the applicant's arguments regarding developer profit are less convincing. They argue that they should achieve 20% profit on market and affordable housing, although profit is an incentive to accept the risks inherent in development and cannot be guaranteed. A 20% profit level on the market units is considered appropriate in view of the uncertainty of selling housing on the open market. However, the affordable units would be the subject of a guaranteed sale to a Registered Provider at a fixed price that would be agreed before development begins. Consequently the risk to the developer in providing the affordable units is considerably lower.
- 5.8 With the benefit of professional valuation advice, officers have sought to negotiate a 7% profit level on the affordable units, which would allow six affordable units to be built. This approach is considered justified in view of the different risk scenarios between market and affordable housing and the principles involved are now accepted by the Government in a current consultation on viability guidance, which indicates that profits levels for market and affordable housing should be 20% and 6% respectively. However, the applicant does not agree.
- 5.9 The applicant has made an alternative offer in terms of affordable housing using a discounted market sale product. The alternative offer comprises seven dwellings on the site which would be offered at 30% below market value in perpetuity. The applicant states that this approach has been used on two developments for Richmondshire District and a further scheme recently commenced in Selby District. Additionally this offer includes a financial contribution of £60k for affordable housing off-site.
- 5.10 Officers do not consider this product to constitute an affordable housing product in accordance with Council policy and current Government policy only recognises it, in the form of Starter Homes, on land that has been in commercial or industrial use, which is not the case in this instance.
- 5.11 Whilst the scheme does not make any provision for bungalows or other housing specifically designed to meet the needs of older people it does include a reasonable mix of properties with the emphasis on smaller two to three bedroom units. As such the proposal is considered to be broadly in line with the requirements of the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes.

Visual amenity and design Issues

- 5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants submitting major applications, such as this, engage with the local community in drawing up the design of their schemes, stating "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can

demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.15 The Council’s Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.16 The applicant has submitted Planning and Design and Access Statements in support of their proposal in which they state:
- Their scheme meets the requirements of all relevant planning policies and as such is acceptable in principle, design, amenity, highway safety, landscaping, nature conservation, drainage and flood risk terms; and
 - The development will be sustainable, will constitute reasonable 'rounding off' of the settlement, and comprises a suitable mix of dwellings.
- 5.17 It is noted that the applicant did not enter into community consultation on the development of this site, as advocated by the NPPF and Hambleton’s Statement of Community Involvement.
- 5.18 It is considered that given the context of the site, the proposed development is acceptable in both design and scale terms. Whilst there is a mix of houses and bungalows in the area it is contended that the new houses would appear in scale and in keeping with their surroundings as the immediately adjoining properties are houses. The new properties would have gable pitched roofs, which would appear slightly at odds with the hipped roofs of the adjoining dwellings. However, as there are other properties with gabled roofs in the locality it is considered that the proposal has sufficient regard for the prevailing form of development in the local area. Details of the proposed external materials of the properties have not been included at this stage. However, it is considered that these could reasonably be controlled by way of a condition.

Neighbour amenity

- 5.19 The dwelling proposed on plot one would stand within five metres of the neighbouring property at 27 Stokesley Road. The front elevation of plot one has been aligned with the rear elevation of 27 Stokesley Road. It could therefore potentially affect the level of light that the occupiers of number 27 currently receive and this has led to concerns from the occupants. However, it is considered, on balance, that it would not affect light to that property to the extent that a refusal could reasonably be sustained on such grounds because it would stand to the north of the existing house and would therefore have only a limited impact. Furthermore, because of the relationship between number 27 and plot one, the proposed development is not considered to result in an onerous loss of privacy to either the existing or proposed dwellings.
- 5.20 The new dwellings would stand a minimum of 23 metres from the next nearest potentially affected premises (the veterinary surgery at 51 Stokesley Road, which is less sensitive due to its non-residential nature). They should not therefore significantly affect the level of light that this, or any other, property currently receives.
- 5.21 It is considered that the proposal would not give rise to unacceptable overlooking of neighbouring properties. In general there would be a minimum distance of approximately ten metres between all habitable room windows within the new dwellings and their respective adjacent properties, and where a lesser distance is proposed those windows would tend to face substantial trees and foliage or boundary fencing. A minimum distance of at least 21 metres is also to be provided between those windows and habitable room windows within existing surrounding properties.

Habitable room windows to be formed within the front elevation of the dwelling to be constructed on plot one would lie within five metres of windows within the gable of 27 Stokesley Road. However, given the oblique angle between the two it is not envisaged that unacceptable overlooking would ensue.

- 5.22 It is considered that the dwellings would not appear unduly overbearing when viewed from the windows of the neighbouring properties.
- 5.23 The applicant has made an assessment of the impact that the proposed development is likely to have upon the quality of the air in the area. In so doing they have made reference to the conclusions of the Environmental Statement submitted in respect of the main part of the North Northallerton development (application 15/01083/HYB), a mixed use development that includes for the construction of 900 dwellings on a significantly larger site to the immediate north and west (see paragraph 2.1 above). This concluded that dust generated during the construction of that development would be negligible provided that suitable dust control measures were implemented throughout, and that exhaust emissions from vehicles following the completion of that development would also be negligible with no need for any mitigation measures.
- 5.24 The applicant asserts that adding a further 17 dwellings to the 900 already approved would not materially alter this conclusion. Consequently, subject to the implementation of the mitigation measures outlined in their supporting documentation, they contend that there should be negligible harm to air quality. This assessment has been considered by the Environmental Health Officer, who supports its findings.

Highway safety

- 5.25 The applicant has submitted a statement and a letter in support of their proposals in which they state that:
- Safe and sustainable vehicular and pedestrian accesses can be achieved to the site. Two accesses are proposed, both from Stokesley Road;
 - The development will more than meet the Council's normal requirements for the provision of associated car parking, 51 car parking spaces being proposed;
 - The development will not lead to a significant increase in vehicular use of the surrounding road network;
 - The development will be accessible by way of a variety of means of transport including the bus, walking and cycling;
 - The highway layout has been designed to satisfactorily accommodate service vehicles; and
 - Should it prove necessary they would be willing to undertake a speed survey in order to ascertain the speed of vehicles using Stokesley Road and accordingly the required visibility splays for the development.
- 5.26 The submitted scheme has been considered by the Highway Authority and, following recent amendments and despite concerns to the contrary, is now considered to be acceptable subject to conditions.

Ecological issues

- 5.27 The applicant has submitted a Phase 1 Habitat Survey in support of their proposal. This concludes that the site has no significant ecological value but recommends that certain measures are undertaken during construction to ensure that flora and fauna are suitably safeguarded. This could be secured by planning condition.

- 5.28 The report refers to one of the trees on the site, identified as “Target Note 1”, as having the potential to be a bat roost. However, the agent has indicated that this would not be affected by the proposal and as such it is not considered necessary to undertake a further bat survey to ascertain if there is any bat activity in that tree. However, it would be reasonable to require details of how the tree would be safeguarded during construction and that could be achieved by use of a condition.

Trees

- 5.29 It is proposed to remove seven trees in order to accommodate the proposed development. This is considered to be acceptable as the trees to be removed are considered to have only limited amenity value, being small and set back from the highway behind a hedge. Furthermore, a significant number of other more mature specimens would remain and these would, it is considered, continue to provide some amenity value in the area. A condition can reasonably be imposed on any approval requiring that suitable replanting is undertaken to offset the loss of the frontage trees.
- 5.30 It is also proposed to trim the hedge back along the site frontage to Stokesley Road in order to improve pedestrian access to the footway adjoining that highway. This is also considered to be acceptable as the hedge is currently overgrown in appearance.
- 5.31 In view of the above, and subject to the imposition of conditions requiring that suitable replanting of trees is undertaken as part of the development, requiring that the trees to be retained are suitably protected during the construction works and thereafter, and controlling the degree to which the hedge is trimmed, it is considered that there are no reasonable tree or hedge related grounds for opposing this development.

Land contamination

- 5.32 The applicant has submitted a Site Investigation Report in support of their proposal. This concludes that soil on the site is not contaminated and that groundwater may be encountered during the construction works. The Environmental Health Officer has requested that further investigative works are carried out before development commences to ascertain whether the site is contaminated but accepts that this can be dealt with by planning condition due to the former agricultural use of the site.

Drainage

- 5.33 It was originally the intention to discharge foul water from the development into the mains sewer and to dispose of surface water via soakaways. However, whilst the former proposal was considered to be acceptable in principle (Yorkshire Water raised no objections) concern was raised about the latter by the Lead Local Flood Authority, who felt that it would not be effective. Amendments have since been made to the scheme and it is now proposed to discharge surface water into the adjoining watercourse. This is considered acceptable by the Lead Local Flood Authority, provided the rate of discharge to that watercourse does not exceed 2.6 litres per second.
- 5.34 The attenuation element of the proposed development would be constructed within the site, comprising two underground cellular containment features, which would be managed by a resident’s management company.

Flooding issues

- 5.35 The site is located within Flood Zone, 1 which means that it is not at significant risk of flooding from watercourses. In order that the development is protected from possible overland flooding from surface water additional information has been submitted by

the applicant, including provision of on-site attenuation, details of overland exceedance flood routes along with agreement on the proposed discharge rates to the local river system. The Lead Local Flood Authority has agreed the discharge rate at 2.6 litres per second along with the proposed attenuation and exceedance flow routes.

Public Open Space

- 5.36 The development makes no provision for public open space within the site which is a requirement of Hambleton's Supplementary Planning Document on Public Open Space, which requires provision on sites of more than ten units. However, given the direct relationship to the wider North Northallerton development and the level of public open space that is to be provided nearby as part of this development, and given the comparatively small scale nature of the development proposed by this application, this is considered acceptable in this instance.

Planning balance

- 5.37 The principle of development on this site is accepted. It is considered that the scheme would provide a suitable form and mix of development on the site. The outstanding matter, which weighs against the proposal, is the substandard amount of affordable housing proposed.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development fails to provide the required level of affordable housing (40% requirement) and as such is not considered to accord with the requirements of Core Policy CP9 or Development Policy DP15 Allocations Document Policy NM5B, all of which require a 40% affordable housing contribution. It is considered that whilst the applicant's submission demonstrates that the 40% target cannot be achieved on the basis of viability, the 23.5% proposed affordable housing provision is considered to be inadequate and lacking suitable justification.

Parish: Raskelf
Ward: Raskelf and White Horse
3

Committee date: 5 April 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 9 April 2018

18/00060/OUT

**Application for outline planning permission with all matters reserved for the construction of a single detached dwelling
At Pond Corner, 4 The Green, Raskelf
For Mr and Mrs Edwards**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is approximately 0.3 hectares and is used for garden land in association with the property of Pond Corner to the west of the site.
- 1.2 The application site is boarded by a hedge that curves around the front of the plot, with a fence and planting along the north-eastern boundary to Langsdale. The north western boundary adjoins further garden land in association with the Pond Corner. The south and eastern boundary faces the road. The land falls from west to east with Pond Corner sitting higher than the application site.
- 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, is 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 residential development. However, the proposed indicative site layout plan shows one single storey dwelling close to the north eastern boundary of the plot with a gable facing the road frontage. The existing access that serves the dwelling of Pond Corner would be utilised with a driveway running along the front of the plot with two car parking space and on-site turning space shown.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

The application site

- 2.1 94/51011/O – Outline application for the construction of a bungalow and domestic garage; Refused 20 December 1994 on the grounds that the development would:
 - Not safeguard the street scene and open spaces which add to the character of the area and may set an undesirable precedent;
 - Result in the loss of an important space identified as important to the village character;
 - Be out of character with the village, resulting in a strident and incongruous feature within the street scene; and
 - Have substandard visibility along the public highway in a south westerly direction, prejudicial to highway safety.

The dwelling of Pond Corner

- 2.2 96/51098/P – Alterations and extension to include a domestic double garage to replace existing garage; Granted 23 April 1996.
- 2.3 00/51204/P – Alterations and extension to include a domestic double garage; Granted 16 November 2000.

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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Object due to concerns for access and parking for both properties.
- 4.2 Highway Authority – No objection subject to conditions regarding discharge of surface water, private access and verge crossings, visibility splays and details of access, turning and parking. The design standard for the site is Manual for Streets and the required visibility splays are 2 metres by 33 metres. The location of the access to the site will be determined by the provision of these visibility splays.
- 4.3 Yorkshire Water - The proposed building may be located over the line of the surface water sewer, which could jeopardise Yorkshire Water's ability to maintain the sewerage network. The developer is strongly advised to ascertain the dimensions of the surface water sewer (diameter, depth) before submitting a proposed site layout.

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

- 4.4 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; (iv) highway safety and (v) drainage issues, including the surface water sewer.

Principle

- 5.2 The site falls outside the 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 includes 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.

The character of the village

- 5.7 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale. The proposed dwelling is also located

between 2 existing residential properties are therefore regarded as infill development, within an existing residential area. The indicative site layout also shows a bungalow and the Council's Size, Type and Tenure of New Homes SPD identifies a need for more choice for older people including that of bungalows.

- 5.8 IPG criterion 3 states that development must not have a detrimental impact on the natural, built and historic environment. By virtue of its scale and siting, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.
- 5.9 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.10 The proposed dwelling would be located between two existing residential properties and is therefore regarded as infill development within an existing residential area and is not located on the edge of the settlement.
- 5.11 It is therefore considered that the proposal would not have a detrimental impact upon the open character and appearance of the surrounding countryside.

Residential amenity

- 5.12 It is considered that the plot is capable of accommodating a single dwelling without prejudicing residential amenity, particularly that of Pond Corner and Langsdale by being overbearing in presence, causing loss of light or loss of privacy. A single storey dwelling has been suggested and this is considered to be appropriate given that the dwelling of Langsdale to the north is a single storey dwelling.
- 5.13 With adequate boundary treatments and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwelling and the existing dwelling of Pond Corner will still have private amenity space to the north.

Highway safety

- 5.14 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage and the surface water sewer

- 5.15 Yorkshire Water has stated that the proposed new building may be located over the line of the surface water sewer and this could jeopardise their ability to maintain the sewerage network. The condition suggested by Yorkshire Water, that the developer should ascertain the dimensions (diameter, depth) of the surface water sewer before submitting a proposed site layout can be attached to any approval. The impacts of the layout of the site to accommodate the position of the sewer or arising from the re-alignment of the sewer are issues for consideration at the reserved matters stage.

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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. 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.
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 shall not be occupied 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. This should include measures to ensure the protection of the boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
8. This decision grants permission for no more than 1 dwelling. The size of the dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.

9. 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.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) the details of the access shall have been approved in writing by the Local Planning Authority; (d) The crossing of the highway footway shall be constructed in accordance with the approved details and/or Standard Detail number E6; (e) any gates or barriers shall not be able to swing over the existing highway; and (h) the final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the development protects the local aquatic environment
4. 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.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.

6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP17, DP32 and DP33.
8. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with LDF Policy DP13 and the Size, Type and Tenure SPD.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. To ensure satisfactory visibility splays, in the interests of highway safety.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

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

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

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

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Parish: Romanby
Ward: Romanby
4

Committee date: 5 April 2018
Officer dealing: Mr K Ayrton
Target date: 11 July 2017

17/01095/FUL

**Construction of four dwellings (amended from five)
At The Golden Lion, Romanby
For Punch Taverns PLC**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located in Romanby and forms part of the car park for the Golden Lion public house. The car park is set to the rear of the public house with an access off Richmond Rise, which is a cul-de-sac serving several detached dwellings.
- 1.2 The surrounding use is predominantly residential, other than the public house and a convenience store, with a mix of two storey dwellings and a more limited number of bungalows on the entrance to Richmond Rise. The dwellings are relatively modern and of limited character. The frontage of the public house and adjoining buildings are more reflective of the Romanby Conservation Area, which includes the public house and extends to the west. However, the rear of the buildings, which front the application site, have been the subject of several extensions and alterations. There is a small grass verge and trees to the front (north) of the site and a small area of open space to the rear (south), which also adjoins the access road into Ainderby Gardens - a relatively modern housing estate.
- 1.3 The proposal is to construct four semi-detached properties. The dwellings would be sited to reflect the established building line on Richmond Rise and of a traditional form and appearance, with a contemporary touch with the use of render and openings. The public house car park would be reduced in size (24 spaces retained) with a new access being formed to serve the dwellings, which requires an opening to be formed in the boundary wall. The existing mature tree to the front of the site would be retained.
- 1.4 The scheme as originally submitted was for five four-bedroom dwellings. During the consideration of the application, the agent responded positively to concerns raised, by reducing the height of the proposed dwellings, introducing a dormer bungalow and a greater amount of smaller dwellings. The scheme was finally amended to remove the bungalow and reduce the number of units down to four (two pairs of semi-detached houses).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No recent 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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 – Development Limits
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
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Contaminated Land: To review phase 1 study

4.2 Environmental Health Officer: the proposed development is in close proximity to a public house and associated car park. I have concerns that noise from this enterprise may cause impact on the local amenity for the future occupiers of the proposed dwellings. The public house is open Monday - Friday from 10:00-00.30 and 11:00-00:30 on a Sunday.

However, it is clear that some of the suggested mitigation measures are going to be implemented e.g. screening of the pub car park and proposed gardens to reduce noise levels. The position of the properties in the proposed site layout plan will minimise any noise impact created by the existing public house as the properties are not directly facing the noise sources.

I therefore feel it appropriate to suggest that any approval of this application should be granted subject to the condition that all works detailed in the construction management plan shall be implemented and maintained throughout the development.

4.3 Parish Council - No comments received.

4.4 Public Comments - Eight observations in respect of the originally submitted scheme:

- The proposed three storey dwellings will result in overlooking and loss of privacy;
- Five houses is excessive;
- Concerns over access for refuse delivery vehicles;
- Existing car parking problems will be increased because of the development;
- Trees need to be protected;
- Additional noise and light pollution from traffic would harm residential amenity;
- The buildings are not in keeping;
- Inaccurate statements are made in the supporting documents; and
- Enough housing has already been built in Romanby.

A further three letters of objection were received in response to the amended plans, making the following comments:

- The reduction to two storey is more appropriate for the site; however a reduction in the number of dwellings would also be welcomed;
- The trees planted on the grassed area on Richmond Rise were planted in memory of a young boy;
- Parking remains a concern - resident parking permits may help; and
- The houses will overlook properties along Ainderby Road.

4.5 Highway Authority – Awaiting highway comments on amended plans.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character and appearance of the area, including design; (iii) the impact on neighbour amenity; (iv) the highway impact, including car parking; and (v) the impact on trees.

Principle

5.2 The site is located within the Development Limits of Romanby. Policy DP8 permits development within Development Limits, providing it is consistent with other LDF policies. The site is previously developed land, used for car parking, and is located within a sustainable location, with good access to a range of services and facilities. Therefore the principle of residential development in this location can be supported.

Character and appearance of the area

5.3 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

5.4 The site is located within an area of mixed dwelling types and character. Whilst located close to the Conservation Area, its position to the rear of the public house is such that it is not viewed in the context of the Conservation Area, which is focused on the area around The Green, to the west. The dwellings that are viewed in the context of the site include those on Richmond Rise, which relate to the northern aspect of the proposed site and the front elevation of the proposed dwellings; and dwellings on Ainderby Gardens, which relate to the southern aspect of the proposed site and are of a more recent construction.

5.5 The proposed layout continues the established line of development on Richmond Rise. The dwellings would be of a comparable height, fronting the road, albeit set back behind an area of hardstanding providing access. The new access created off Richmond Rise would allow the retention of the trees located on the green area to the front of the site. These are referred to in the public observations as having sentimental value. The larger tree on the boundary can also be retained.

5.6 The rear of the dwellings would be visible from the road into Ainderby Gardens. The view would be over an existing area of public open space. Due to the variety of layouts within the vicinity, public views of rear elevations are a common feature and the development would not be out of character in this regard.

5.7 The appearance of the proposed dwellings would not match those found in the immediate vicinity of the site. As discussed previously, the area is characterised by a mix of dwelling forms and characters. Importantly the scale and layout is consistent with the prevailing character. The proposed development is considered to be of a suitably high standard of design to comply with the requirements of Policy CP 17 and

DP32, subject to the considerate use of materials, which can be controlled through condition.

Residential Amenity

- 5.8 The site is located within a predominantly residential area, therefore careful consideration needs to be given to the impact on neighbour amenity. The two main areas where harm could be caused are in relation to 14 Richmond Rise to the east and 7 Ainderby Gardens to the south. Both properties have their gable ends facing the site. However, it is considered that the proposed development has been sited to avoid any detrimental impact and the reduction in the number of units further reduces this impact. There is sufficient separation to both properties, to avoid adverse levels of overlooking or overshadowing. The situation has been helped through the reduction in height of the proposed development.
- 5.9 It can be concluded that the development would accord with policy DP1, in that it adequately protects residential amenity.

Highway impact

- 5.10 The scheme involves the loss of part of the car park which serves the public house. The retained area would be arranged to provide 24 car parking spaces for the public house. The applicant has submitted a survey of existing car parking usage, which identified that the car park generally has up to 12 spaces being used, noting that the busiest day was Saturday. It is considered that based on the evidence submitted and having viewed the site and surrounding area, which is located where there are other modes of transport available, 24 car parking spaces will be sufficient to meet the needs of the public house.
- 5.11 The proposed development would be served by a new access, independent of the public house. Within the site each dwelling would have two parking spaces along with manoeuvring space to the front of the dwellings. The provision is considered to be acceptable.
- 5.12 Concerns have been raised from members of the public with regard to existing parking pressures with a suggestion of residential parking permits. Whilst these concerns are noted, the proposed development meets the guidelines on parking standards. The local highway authority's comments on the amended plans are awaited and will be reported in the update.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 06A, 08A, 04D and 09D received by Hambleton District Council on 21 September 2017 and 20 March 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have

been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.
5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.
6. 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. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species unless agreed otherwise in writing by the Local Planning Authority.
7. The permission hereby granted shall not be undertaken in accordance with the Site Construction Management Plan received by Hambleton District Council on 16 May 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 compliance with Section 92 of the Town and Country Planning Act, 1990
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 avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.
7. In order to protect the amenities of residential property in the locality.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European

Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

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

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

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

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

Parish: South Otterington
Ward: Morton on Swale
5

Committee date: 5 April 2018
Officer dealing: Mr K Ayrton
Target date: 6 April 2018

17/02613/FUL

Alterations to existing dwelling and construction of one bungalow and associated access

At Crosby Lodge (and land to the rear), South Otterington
For Mrs J Robson

This application is referred to Planning Committee at the request of Councillor Phillips and as it would be a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located in the south of South Otterington, which is a Secondary Village in the Settlement Hierarchy. It forms what appears to be the rear curtilage of Crosby Lodge, a two-storey detached property. The curtilage is significant in size, with the majority of the rear part being more horticultural in appearance, which provides a gradual transition from the residential character of the front of the site and the countryside to the rear.
- 1.2 The predominant form and character in this part of the village is linear. Elsewhere in the village there are examples of development extending back from the road, however the only examples in close proximity to the site are Oaklands and The Laurels to the north of the site, with the latter being the more prominent. These jar somewhat with the overall character. The applicant advised that Oaklands and The Laurels were constructed at the same time as Crosby Lodge and Woodstock, the dwelling beyond Crosby Lodge. This description is supported by the neighbour as part of their representation. In contrast, the agent's updated supporting letter explains that The Laurels, Crosby Lodge and Woodstock were all constructed within the garden of Oaklands. This is understood to be incorrect. However, it can be seen that whilst The Laurels is set back, its relationship with Oaklands is such that it does not represent tandem development.
- 1.3 The existing arrangement of Crosby Lodge and neighbouring property of Woodstock creates a successful transition to the adjoining countryside to the south. The dwellings are set back from the road and the large, undeveloped rear curtilages assist with this.
- 1.4 The scheme as originally proposed was for the construction of two detached bungalows, sited to the rear of Crosby Lodge. The bungalows were to be sited one behind the other, extending to the back of the site.
- 1.5 During the consideration of the application, the rear most dwelling was removed, reducing the scheme to one dwelling. An access would be formed between the host property and Woodstock. To facilitate this, the existing garage would be reduced in width.
- 1.6 The proposed dwelling has wood cladding on the walls with lower brick walls and pantile roofs. The dwelling would have an attached garage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/01582/FUL - Alterations and extension to dwellinghouse and detached garage/store to rear garden; Granted 30 September 2013.

- 2.2 09/00006/OUT - Outline application for the construction of two dwellings; Refused 20 February 2009.

This application related to land to the rear of both Crosby Lodge and Woodstock. The dwellings were sited to mirror the siting of the two existing dwellings. The application was refused on the following grounds:

- Without clearly identifiable and justified exceptional circumstances the dwellings were contrary to Core Strategy policies that seek to resist new development outside Development Limits in order to prevent the spread and coalescence of settlements and to maintain the open character of the countryside;
- The absence of affordable housing; and
- The likely adverse impact upon the amenities of the occupants of the existing dwellings through noise and disturbance due to the siting of the dwellings and the access.

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
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP9 – Development outside Development Limits
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy 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
Written Ministerial Statement – Small-scale developers, November 2014
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Yorkshire Water – No objection in principle, subject to the development being constructed in accordance with the revised plans.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Parish Council – No comments received.
- 4.4 Public Comments – One letter of objection making the following comments:
- The properties will have a direct line of sight into the upper storey of our property;
 - The proposed drive will adjoin our boundary and cause additional traffic noise;
 - The plans do not include details of existing sewer arrangement. The proposed access goes over the existing sewer;
 - The proposed cladding is not in keeping;

- An outline application was refused in 2009;
- Approval could create a precedent for further backland development; and
- There are errors in the planning documents.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development; (ii) the impact on the character and appearance of the area; (iii) the impact on residential amenity; (iv) highway safety; and (v) affordable housing.

Principle

- 5.2 The site (other than the front part) falls outside the Development Limits for South Otterington 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.

- 5.3 Although the proposal is considered to be a departure from the Development Plan, 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".

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

- 5.5 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 reproduced in the IPG South Otterington is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating

small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

- 5.7 Criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the proposal for one dwelling is considered to be an acceptable scale.

Character and appearance

- 5.8 Along with the remainder of criterion 2, IPG criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with policies in the Local Development Framework.
- 5.9 In this instance there is concern that the siting of the dwelling to the rear represents tandem development in what is a predominantly linear form of development. The only examples of development set back from the frontage are The Oaks and The Laurels. As described in the site description, these somewhat jar with the predominant form. The application site is also sited closer to the wider countryside and the development of the land to the rear of the host dwelling would be more prominent when compared with The Laurels. The Laurels is visible on the approach to the village from the south. The proposed dwelling, whilst single storey, would be clearly visible and encroach into the countryside, out of character with South Otterington's established linear settlement pattern of dwellings principally sited along road frontage. Consequently the development would fail to accord with the IPG or policy DP30, which requires development to protect the character and appearance of the countryside and respect (and where possible enhance) the openness, intrinsic character and quality of the District's landscape.
- 5.10 The appearance of the dwelling is of a good quality. Whilst not necessarily matching other dwellings in the vicinity, its appearance and scale would be reflective of its more natural surrounds, with the predominant use of timber. Were the principle of development supported, it is considered that the design solution would accord with policy DP32.

Residential amenity

- 5.11 Concerns have been raised from the occupants of the neighbouring property in respect of their residential amenity. The closest part of the nearest dwelling (which is a garage) would be sited approximately 24 metres to the rear of the host property, Crosby Lodge. The distance to the neighbouring property is greater and at more of an angle. Considering that the dwelling proposed is single storey, the relationship is considered to be acceptable.
- 5.12 Perhaps the potential cause of a greater impact is the creation of the driveway to serve the proposed development. This would pass alongside the site of the neighbour's garage and alongside the boundary of the garden. In assessing the impact, consideration needs to be given to the site's context, which is semi-rural. It was considered that the introduction of two new dwellings as originally proposed, which included the long length of driveway along the length of the boundary would have resulted in a degree of harm that may have warranted a recommendation of refusal.
- 5.13 With the scheme being reduced to one dwelling, this lessens the impact to an extent. Whilst there would still be a degree of harm, it is considered that with the use of conditions to ensure additional mitigation (e.g. boundary treatments and landscaping), the scheme would not result in an adverse level of harm to residential amenity and therefore is considered to accord with policy DP1.

Highway safety

- 5.14 The existing access serves both the host and neighbouring property. As part of their representation, the neighbour has advised that they own 50% of the access off the highway. The scheme will require the existing highway access to be increased in width. The double garage would be modified to a single garage to allow the provision of a driveway between the dwellings to the proposed bungalow beyond. The Highway Authority has not raised an objection.

Affordable housing

- 5.15 The second reason for refusal of application 09/00006/OUT related to the lack of affordable housing provision. The provisions of the November 2014 Written Ministerial Statement removed the requirement for affordable housing provision on small sites such as this from national policy and the Council has accepted that in local decision since. Accordingly, no affordable housing is required in this instance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development would be located on the edge of a village that is identified as a Secondary village in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village and would have a detrimental impact on the open character of the surrounding countryside. The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits. The Development would therefore be contrary to LDF Policies CP1, CP2, CP4, CP16 and DP30 along with the Council's Interim Planning Guidance (2015).

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