

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 5 April 2018 (P.25 - P.26), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

3 - 120

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, 5th April, 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
	Mrs B S Fortune		D A Webster
	K G Hardisty		

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

P.25 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 8 March 2018 (P.23 - P.24), previously circulated, be signed as a correct record.

P.26 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) 17/02761/FUL - Change of use from bank HSBC to a Costa coffee shop/café at HSBC, Market Place, Easingwold for Erindale SC Ltd

PERMISSION GRANTED

- (2) 17/01394/FUL - Proposed development of 17 dwellings at Part OS Field 1407, Stokesley Road, Northallerton for Yorvik Homes Ltd

PERMISSION REFUSED

(The applicant's agent, Stuart Sharpley, spoke in support of the application).

- (3) 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 Stuart Edwards

PERMISSION GRANTED

- (4) 17/01095/FUL - Construction of five dwellings at Land adjacent to The Golden Lion, Ainderby Road, Romanby for Punch Taverns PLC

PERMISSION GRANTED

(Christine Wall spoke objecting to the application.)

- (5) 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

PERMISSION GRANTED because the Committee felt the development would reflect the existing built form and character of the village and would not have a detrimental impact on the open character of the surrounding countryside.

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

(The applicant's agent, Steve Hesmondhalgh, spoke in support of the application).

The meeting closed at 2.35 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 3 May 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 3 May 2018

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/02319/FUL Mrs H Laws Burrill with Cowling Page no: 7	Construction of a detached dwelling with integral single garage For: Clifton & East Witton Estate At: Ivy Cottage, Burrill RECOMMENDATION: GRANT
2	18/00352/OUT Mrs H Laws Hackforth Page no: 17	Outline application with some matters reserved (access and layout included) for the construction of a single dwellinghouse For: Mr C Jordan & Mrs A Morgan At: Land to the north of Sheilings, North Road, Hackforth RECOMMENDATION: GRANT
3	17/02555/FUL Mrs C Strudwick Huby Page no: 25	Two bedroom detached bungalow with parking and turning spaces For: Mr James Peter Williamson At: 4 Stillington Road, Huby RECOMMENDATION: REFUSE
4	17/00751/FUL Mr K Ayrton Kirkby Page no: 31	Demolition of buildings and construction of new dwellinghouse and ancillary equestrian facilities For: Mr Robert Jones At: Dromonby Bridge Farm, Busby Lane, Kirkby in Cleveland RECOMMENDATION: REFUSE
5	18/00280/FUL Mr K Ayrton Kirkby Page no: 45	Product development facility with office accommodation and associated car parking For: Marlow Foods Limited At: Station Road, Stokesley RECOMMENDATION: GRANT
6	18/00206/FUL Mrs H Laws Kirklington-cum-Upsland Page no: 53	Part demolition and conversion of an agricultural building to form a single dwellinghouse, construction of two dwellinghouses, relocation of access drive and construction of replacement garage and parking areas For: Mr Biker At: Goldswang Farm, The Green, Kirklington RECOMMENDATION: GRANT
7	18/00207/LBC Mrs H Laws Kirklington-cum-Upsland Page no: 53	Listed Building Consent for demolition of buildings, relocation of access drive and construction of replacement garage For: Mr Biker At: Goldswang Farm, The Green, Kirklington RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	17/02114/OUT Mrs H Laws Maunby Page no: 61	Outline planning application for two dwellings with all matters reserved For: Mr James Hill-Walker At: OS Field 3146, Maunby RECOMMENDATION: GRANT
9	18/00271/OUT Miss C Cornforth Raskelf Page no: 71	Outline application with details of access and layout (all other matters reserved) for three dwellings For: Mr Johnson At: Land West of 6 The Green, Hag Lane, Raskelf RECOMMENDATION: GRANT
10	18/00489/OUT Mr K Ayrton Rudby Page no: 81	Outline application for the construction of five dwellings For: Mr D Bainbridge At: OS Field 2719, Stokesley Road, Hutton Rudby RECOMMENDATION: GRANT
11	17/02625/FUL Miss C Cornforth Sandhutton Page no: 91	Construction of a fabrication workshop for the manufacturing of agricultural steel framed buildings to include associated hard standing and boundary security fence For: J.M.W. (Property) Ltd At: Crossbones Farm, Skipton Old Airfield, Sandhutton RECOMMENDATION: GRANT
12	18/00164/OUT Miss C Cornforth Sandhutton Page no: 103	Outline application with details of access (all other matters reserved) for the construction of one dwellinghouse For: Mrs S Jackson At: Kellan Grange, Sandhutton RECOMMENDATION: REFUSE
13	17/00010/TPO2 Miss C Cornforth Sandhutton Page no: 109	Tree Preservation Order 2017/10 –T1 (Lime) T2 (Lime) T3 (Lime) (T4 Beech) For: Mrs Rachel Fairhurst At: Braithwaite House, Sandhutton RECOMMENDATION: CONFIRM
14	18/00239/FUL Miss R Hindmarch Thormanby Page no: 117	Change of use of annexe to dual use as a holiday cottage and ancillary residential use For: Mr Gareth Dadd At: The Old Black Bull, Thormanby RECOMMENDATION: GRANT

Parish: Burrill with Cowling
Ward: Tanfield
1

Committee date: 3 May 2018
Officer dealing: Mrs H Laws
Target date: 11 May 2018

17/02319/FUL

Construction of a detached dwelling with integral single garage
At: Ivy Cottage, Cowling Road, Burrill
For: Clifton & East Witton Estate

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site, which is 0.01ha in size, lies on the northern side of the village street towards the eastern end of the village leading towards Bedale.
- 1.2 The site is currently part of the garden of Ivy Cottage, a detached two storey listed building. The land forms the side garden, and is partly separated from the remaining garden by a mature hedge. The site is bounded at the front by a stone wall.
- 1.3 There is currently a gated vehicular access to the application site at the western end of the plot, immediately adjacent to the neighbouring property known as The Row. The access track is separated from the main part of the plot by a stone wall.
- 1.4 The existing access to Ivy Cottage is at the eastern side of the dwelling and not therefore adjacent to the application site.
- 1.5 It is proposed to construct a two storey detached dwelling on the plot, with the dwelling facing southwards onto the village street. The dwelling would be L-shaped and finished in stonework and clay pantiles with timber windows and doors.
- 1.6 The original submission proposed to set back the dwelling further into the site from the frontage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00330/OUT - Outline planning application for a single detached dwelling with all matters reserved. Application withdrawn August 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 – Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 – Conservation

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

4.0 CONSULTATIONS

- 4.1 Parish Council – The proposed entrance appears to be very narrow, approximately only 8' wide and is between the end of a house and a wall which is subject to a preservation order. It is felt that the proposed entrance would be very crowded for existing properties and for the proposed new properties. The garage could be turned around and entered from the other end. The materials used for the proposed properties should match the existing properties and not be red brick.

The Parish Council is still not happy with this application and does not support it. It is situated close to Ivy Cottage and takes away a large part of its garden. The shared access with The Row is not ideal either.

- 4.2 Highway Authority – No objection; conditions recommended.

- 4.3 Yorkshire Water – No comments received.

- 4.4 Ministry of Defence – No safeguarding objections.

- 4.5 Public comments – objections have been received from residents of five properties within the village, which are summarised as follows:

- This will inevitably cause congestion problems, indeed I have suggested this could even be construed as an excessive use and derogation from the original grant;
- There have been regular issues with the village mains drainage and whilst the installation of a treatment plant has taken the waste away from the beck, the sewerage pipe through the village is narrow and has caused a number of problems within the village in the recent past;
- The proposed dwelling does not fit comfortably enough within the plot to allow for vehicular access independently of The Row. To my knowledge there is currently no existing shared access between the identified plot and The Row;
- The garden is a productive vegetable plot and adds positively to the traditional cottage building and the village setting;
- detached dwelling would seem to do little to support the needs of those who are unable to purchase properties within small villages;
- I am sure that land could be found within the village for the building of affordable housing and I would fully support this;
- Squeezing a Modern house between Ivy Cottage and the Row, all within the garden of Ivy cottage will overshadow and detract from this fine 18th Century Grade 2 Listed Building, and it's near neighbour the 19th Century Row Cottage;
- It would spoil what is a well-balanced row of properties, Especially the finely proportioned Grade 2 Ivy Cottage and gardens;
- Ivy Cottage is a Grade 2 listed building and the garden is a noteworthy setting for this property. The property is surrounded by stone walls which are fundamental to the overall character of the property and the setting of this building makes considerable contribution to its significance;
- There have been occasions when raw sewage comes up through the drains after heavy rain;

- The proposed development would have a detrimental impact on the setting of a heritage asset. Any infilling would affect the prevailing linear character of the village and the loss of the garden would leave Ivy Cottage very disproportionate to its surroundings;
- There is a question as to whether the access is adequate and fit for purpose and there would be a major adverse effect on the residential amenity of neighbours by reason of noise , disturbance and loss of privacy should this development go ahead;
- The existing access is narrow and unsuitable for access, both for any building contractors and any future occupants;
- Moving the proposed property forward towards the road boundary in order to reduce the overshadowing of the adjacent properties, will only obscure more of the 17c Grade 2 Listed Ivy Cottage;
- The Row will lose the sole use of its drive and privacy, after decades of maintenance;
- The amendment does not in any way address any of the original objections and concerns particularly with regard to access and the residential amenity of neighbours by reason of disturbance, privacy and daylight;
- A matter for serious consideration must be how a detached dwelling could be built within such a confined site without construction vehicles or worker's vehicles being parked on the highway;
- The impact it would have on the existing mains drains, as services are already inadequate for current housing needs with a history of sewer problems and blockages; and
- The driveway tapers considerably at the house corner. The idea that this would be a suitable shared driveway for traffic from 2 dwellings or for the equipment needed to build a new house is hard to understand.

5.0 OBSERVATIONS

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

The principle of development

- 5.2 The site falls outside of Development Limits as Burrill does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

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

- 5.4 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the Settlement Hierarchy contained within the IPG, Burrill is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Burrill in which there are no services but it lies approximately 1.5km from the edge of Thornton Watlass, which is defined as a Secondary Village with facilities including a school, a pub and a church. The site also lies within 2km of the edge of Bedale, which is a Service Centre. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

Character and appearance of the village

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. There have been no other dwellings granted planning permission in the village since the introduction of the IPG and it is considered that the proposed development is small scale.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.9 The dwelling would be on an infill plot between existing dwellings, following the general building line and form of the existing village street. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the built form of the village and as such the proposed development is considered to be in accordance with these aspects of the IPG.

Design

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new

developments are appropriate in terms of scale and location in the context of settlement form and character.”

- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The submitted Design and Access Statement considers the proposed dwelling to be typical of the village and in keeping with the adjoining properties and the streetscene. The dwelling is a two storey property with traditional proportions and detailing including a steeply pitched roof and relatively narrow gables. It is considered that the scale, proportions and materials of the proposed dwelling would be appropriate to the village and the neighbouring property.

Heritage Asset

- 5.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.15 The submitted Heritage Statement concludes that there is potential for harm to result due to the proximity of the application site to the grade II listed building that is Ivy Cottage. It considers that part of the significance of Ivy Cottage is the visibility of its west gable within the streetscene. The position of the dwelling, as originally submitted, was set further back into the site to maintain the views of the gable from the road and to maintain the break between buildings to the west. It is appreciated that this siting protects the setting of the listed building but it is suggested that it introduces another issue of concern, which is the position of the proposed dwelling in relation to the neighbouring dwellings and the effect of this on the appearance of the street. The positioning behind the rear wall of Ivy Cottage, and well behind the rear wall of The Row, appeared contrived and not a natural reflection of the form and character of the village.
- 5.16 The siting of the dwelling has now been amended and it has been moved forward on the plot by 3 metres. This means it no longer lies wholly behind Ivy Cottage and therefore part of the gable, would be obscured. A drawing has been received that shows that more than 75% of the gable remains visible when viewed from the same position along the street to the west. The full gable remains visible but not from as wide a viewpoint as is currently available.
- 5.17 Notwithstanding the limited restriction in the view, the siting of the proposed dwelling would retain the aspect of Ivy Cottage as the more prominent property, thereby retaining its overall dominance in the streetscene.
- 5.18 Although the existing gated access is narrow, its use, rather than the creation of a new access in the front boundary wall, would have less of an impact on the importance of the listed building.
- 5.19 On assessment of the application it is considered that it would not cause harm to the character or setting of the listed building.

Effect on residential amenity

- 5.20 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The relationship of the dwellings to Ivy Cottage and The Row is such that there would be adequate separation distance to avoid any overlooking or overshadowing that would harm the amenity of existing or proposed residents.
- 5.21 The existing access is shared with the neighbouring dwelling at The Row although this property has a separate access allowing parking at the front of the house. Vehicles accessing the proposed dwelling would therefore pass closely to the existing dwelling but as the access already exists and is available for use by the occupier of Ivy Cottage it would be possible for an element of disturbance to occur at the moment. The proposed development, although in practice would result in increased usage, would not serve more than a single dwelling unit, as it currently does.
- 5.22 The dwelling opposite the site, at Manor House, lies more than 21m from the application site frontage and therefore the proposed development would not detract from the residential amenity of that property.
- 5.23 The proposed development would not therefore be contrary to LDF Policy DP1.

Surface water flooding

- 5.24 There have been several concerns raised regarding drainage within the village and with regard to surface water flooding. There is a mains sewer and it is proposed to discharge foul drainage into the existing system. Yorkshire Water has no comments to make regarding this proposal.
- 5.25 The Environment Agency website suggests there is a low risk of surface water flooding in small areas within the village but this would not affect or be affected by the application site.

Highway matters

- 5.26 The Highway Authority has no objections to the additional dwelling being served from the village street. The existing access is narrow but capable of being used. Conditions are recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. No above ground construction work shall be undertaken until detailed cross sections have been submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. 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: The existing access shall be improved by reconstructing in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference SK1B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless otherwise approved in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 16/1466 SK1B; and SK3 received by Hambleton District Council on 24 October 2017 and 27 March and 3 April 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

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

Informatives

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

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

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

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

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

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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Parish: Hackforth
Ward: Bedale
2

Committee date: 3 May 2018
Officer dealing: Mrs H Laws
Target date: 11 May 2018

18/00352/OUT

Outline application with some matters reserved (access and layout included) for the construction of a single dwellinghouse

At: Land to the north of Sheilings, North Road, Hackforth

For: Mr C Jordan & Mrs A Morgan

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the northern end of the village, on the eastern side of the main village street leading north towards Catterick. The site, which covers an area of 0.08 hectares, is currently a paddock area with a stable block, used in association with Sheilings, a detached single storey dwelling.
- 1.2 To the west of the site lies Mill House; open countryside lies beyond the site to the north and east. The land to the west forms part of Hornby Castle Park, which is a grade II listed, Registered Park and Garden.
- 1.3 It is proposed to remove the stable block and construct a four bedroomed dwelling with the first floor accommodation within the roofspace. The matters for approval at this stage include access and layout. The remaining matters, i.e. appearance, landscaping and scale would be for a later application if this is approved.
- 1.4 A new access is proposed to the south of the existing access. It is proposed to retain the existing hedges and post and rail fencing.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/87/062/0023 – Construction of a block of 2 stables with feed stores and tack room. Permission granted 29 February 1986.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 – Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

- 4.1 Parish Council – no objection to this planning application and wish it to be approved.
- 4.2 Highway Authority – In order to satisfy visibility requirements based on DMRB guidance at this location, the tree to the north of the proposed access will require cutting down as per drawing HDC/3123/02. Conditions are recommended.
- 4.3 Yorkshire Water – no objections
- 4.4 Public comments – comments have been received from a local resident as follows:
- It was understood that the Village Building Boundary could not be extended past our property and the stable that is there at present was only permitted as a temporary structure. If planning is passed for one house, does that mean in future more could be built on this land; and
 - It is understood that any housing built would be of an in-fill nature within village boundaries.

5.0 OBSERVATIONS

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

The principle of a new dwelling

- 5.2 The site falls outside the Development Limits of Hackforth, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, Hackforth is no longer defined as a Secondary Village but as an 'Other Settlement'. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including

services in a village nearby. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. The dwelling would lie within walking distance of all of these facilities. Additionally, Hackforth is close to Langthorne which has a village green which adds to the sustainability of the area (Hackforth not having such a facility). The village is also within cycling distance (3km) of Crakehall where there are further facilities although this should be given only marginal weight due to the distance. Given the form and variety of services and facilities in the village and in nearby Langthorne, which equate to those that might be found in a small Secondary Village, in this case it is considered that criterion 1 would be satisfied.

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposal is for a single dwelling and would not therefore be of too great a scale for the village although consideration needs to be given to the cumulative impact of an additional dwelling. A development of 5 dwellings was granted planning permission within the Development Limit boundary in 2014 and again in January 2017 (16/01618/FUL); planning permission was also granted for a development of 4 houses in 2014 and again in August 2016 (16/01330/MRC), latterly as being compliant with the IPG. Three other sites have been granted planning permission since the introduction of the IPG, a single dwelling adjacent to the Village Hall (16/00219/OUT); a single dwelling on Silver Street (16/01308/FUL); and a single dwelling opposite The Greyhound Public House (17/02175/FUL). Based on 2014 figures there are a total of 61 dwellings within the village; an additional 12 dwellings would be an increase of almost 20%. Removing the 5 dwellings that were within the Development Limit boundary from the calculation, takes the increase to 11%.
- 5.6 None of the sites mentioned above lie at the northern end of the village close to the application site and do not relate to the site in terms of form and character. It is not considered that the construction of a single dwelling on this site would overwhelm the village in respect of scale, form or character and is considered to be acceptable.

Character and appearance of the village and the rural landscape

- 5.7 The land is immediately adjacent to the domestic curtilage of the existing dwelling and opposite part of the domestic curtilage of 7 North Road. It is not considered to be of special visual merit.
- 5.8 The construction of a dwelling on this plot would result in an encroachment beyond the existing line of development at the edge of the village but not significantly and due to the existing stable on the site the land is not currently open and undeveloped.
- 5.9 The view of the site, on the approach into the village from the north, is of the existing dwellings and therefore the open aspect of the countryside to the east would not be compromised.

Layout

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

- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The submitted Design & Access Statement includes an assessment of local character. The proposal, albeit in outline, is for the construction of a bungalow style of dwelling as it reflects the design of dwellings in the immediate vicinity. It is also considered to be an appropriate form of development as it would be a low level development at the entrance to the village.
- 5.14 Hornby Castle Park, which is a Registered Park and Garden and therefore a heritage asset, lies opposite the application site. The history of the Park is as a medieval hunting ground and then as landscaped parkland, and its association with its previous owners and designers, forms part of its significance. The village of Hackforth lies immediately to the south east of the corner of the Park with open countryside to the south and east. The open countryside surrounding the Park also adds to its significance.
- 5.15 The application site already accommodates development in the form of a stable block. Albeit a rural building in character, its position on the site already reduces the open nature of the site in relation to Hornby Castle Park. The proposed building would be larger in scale than the stable but would be positioned as a relatively small extension to the village, on the opposite side of the road from the south eastern extremity of the Park.
- 5.16 It is not considered that an additional dwelling as proposed would harm the form and character of the village or the setting of the nearby heritage asset of Hornby Castle Park.
- 5.17 The proposal is in accordance with LDF Policies CP17 and DP32.

Residential amenity

- 5.18 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling lies adjacent to Sheilings and it is considered that adequate separation distance would be available to ensure there is no loss of amenity for existing or proposed residents.
- 5.19 The proposed development would not adversely impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

Highway safety

- 5.20 The Highway Authority has no objections to the creation of a new access onto the main road subject to appropriate conditions.

6.0 RECOMMENDATION

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

of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access 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 verge shall be constructed in accordance with the approved details and Standard Detail number E6; (e) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; and (f) That part of the access extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All

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

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road C36 North Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. The permission hereby granted shall not be undertaken other than in complete accordance with drawings numbered HDC/3123/02B; and 03 received by Hambleton District Council on 16 February 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.

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

Informatives

1. 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. 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: Huby

Ward: Huby

3

Committee date: 3rd May 2018

Officer dealing: Mrs C Strudwick

Target date: 11th May 2018

17/02555/FUL

Two bedroom detached bungalow with parking and turning spaces as amended plans received by Hambleton District Council 22 March 2018

At: 4 Stillington Road, Huby, North Yorkshire, YP61 1HW

For Mr James Williamson

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

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The site lies to the rear of 4 Stillington Road, within the domestic curtilage. The site is within the development limits of Stillington.

1.2 The village has no Conservation Area. There are no listed buildings near to the site. The site boundary abuts Tally Hill, which is a green open space, used for public recreation.

1.3 This application seeks full planning permission for the construction of a 2 bedroom (3 bed space) bungalow, with access off Tally Hill. The ownership of the private road 'Tally Hill' is currently unknown. The applicants agent has advertised the proposal seeking to identify the owner of Tally Hill but no claim for ownership has been made. The application proposes 2 parking spaces within the curtilage. The boundaries of the site abut 6 Stillington Road to the east, Tally Hill Green Space to the North, 2 Stillington Road to the west and 4 Stillington Road to the south.

1.4 The dwelling is set about 2.6m from the western boundary, the space provides one of the two parking spaces, a further space is shown to the northern side. There is a proposed separation distance of approx. 50cm at its narrowest, and 60cm at its widest from the eastern boundary with the garden of 6 Stillington Road. To the south side is a strip of 3.3m between the dwelling and the garden of 4 Stillington Road.

1.5 At the time of the application being made, the site was bounded by a mature conifer hedge. During the course of this application the hedge has been removed.

1.6 Improvements have been secured as follows:

The bungalow has been reduced in size from 70.5m² to 66m² and height to 2.5m at the eaves and 4.5m at the ridge. (66m² is above the 63m² minimum standard of the Nationally Described Space Standard.)

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – - concerns about rear garden development and do not support.

- Any decision should be subject to agreement on the ownership of the road
- The hedge-line along Tally Hill must be retained
- Work vehicles must obtain permission from the Parish Council before accessing Tally Hill
- Work vehicles must not block any access on Tally Hill
- Work on site must be subject to reasonable hours e.g. Monday-Friday 0800-1800, Saturday 0900-1300, no work on Sundays and Bank Holidays.

4.2 Highway Authority – No formal comment other than to note that the visibility splay was outside the application site (red line) boundary and following the inclusion of the visibility splay within the application site boundary comment on the scheme are awaited.

4.3 Public comments – 4 observations have been received, 1 notes that the height should be the same as the others on Stillington Road, and at present could accommodate a loft conversion in the future which would overlook the neighbouring properties.

3 objections, from the same individual, notes that:

The revised plans are still too close to the neighbouring boundaries

The site would appear cramped, and at odds with the existing bungalows in the area.

The height of the proposal would be visible above the roofs of the existing bungalows.

The proposal would over shadow neighbouring garden.

The garden of 4 Stillington Road will be completely enclosed by views of brick walls and overbearing roof.

The hedge is not under the control of the applicant and so cannot guarantee that visibility splays will be maintained.

5.0 OBSERVATIONS

5.1 The application site is located within the development limits of Huby, DP8 sets out that permission for development will be granted with the settlement Development

Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies.

- 5.2 The main issues to consider are: (i) impact on the character and form of the village; (ii) design matters; (iii) impact on the neighbouring properties; and (vi) highways issue;

Character and form of the village

- 5.3 This area of Huby is characterised by 1970s growth, of low level linear development along Stillington Road, with 2 storey 1970s development curling round the rear of the bungalows. On the west side of Tally Hill dwellings sit in a less regular pattern but generally relating to the unmade road of Tally Hill.
- 5.4 The site layout has been arranged to accommodate the bungalow and 2 parking spaces, along with outdoor amenity space. Stillington Road is characterised by the low level development, and the proposal is a bungalow where the height has been reduced to bring it in line with the existing bungalow ridges. Despite this, it is considered that the proposal will be visible between the existing bungalows on Stillington Road as a new line of development which is not currently seen in this part of Huby.
- 5.5 To introduce additional development in this location is out of keeping with the existing form of the village. The form of the village, in this particular part of Huby, is one of detached dwellings within generous curtilages to the front and rear. The form of this plot would appear cramped within the boundaries, and overbearing to numbers 4 and 6 Stillington Road due to the lack of separation distances to the site boundaries.
- 5.6 It is considered that the scale of development in this location does not meet the tests of DP32 General Design, particularly "Form" as the proposal does not respect the local linear character when viewed from Stillington Road, nor respect the scale of spaces and buildings in the area. The dwelling footprint has been pushed to the east of the site so parking spaces can be accommodated at the front of the dwelling, however it is considered that the site area is not large enough to accommodate what is proposed on site without resulting in an overcrowded appearance.
- 5.7 The hedge to the west of the site previously screened the garden and collection of outbuildings at 2 Stillington Road. Without this landscaping the bungalow will be seen beyond the curtilage of 2 Stillington Road, highlighting that the development does not follow the form of development in this area, where it fronts a highway (adopted or otherwise).
- 5.8 For this reason the application is considered contrary to CP1, CP17, DP1 and DP32.

Design matters

- 5.9 Materials proposed are matching brick with the existing bungalows, with natural clay pantiles to the roof.
- 5.10 The design of the dwelling previously has a circular window proposed to the north elevation, in the roof space. This did give the impression of habitable space. The roof ridge has since been reduced and this window removed.
- 5.11 It is considered that the architectural detailing of the dwelling design reflects and respects the vernacular design in the area.

Impact on the neighbouring properties

- 5.12 The greatest concern for impact on neighbouring amenity is in relation to the outdoor amenity space to the rear of 4 and 6 Stillington Road. The proposed dwelling is positioned just over 50cm from the boundary with the neighbouring property at 6 Stillington Road.
- 5.13 There is one window on the eastern elevation that serves the shower room. It is not indicated that this is to be obscured glazed, however that can be conditioned to protect both future occupants and neighbouring amenity.
- 5.14 The curtilage of the proposed development is about 10m from the original rear wall of the 6 Stillington Road and less to the extended dwelling. Due to the height and position of the proposed bungalow it is considered that the proposal adequately protects the neighbouring amenity of the habitable rooms of the dwellings on Stillington Road. However there are significant concerns regarding the overbearing impact upon 4 and 6 Stillington Road, due to the increased enclosure and overshadowing of outdoor amenity space given the proximity of the development to the site boundaries.
- 5.15 It is acknowledged that the occupiers of the neighbouring house have raised concern regarding the loss of the view of the trees and green space at Tally Hill, however, these are not matters which can be protected through the planning system.

Highways issue

- 5.16 As set out above, part of the site was initially bounded by a mature conifer hedge which was not in the applicant's ownership. Comments from the Highways Authority questioned how the visibility splays at the site access point from Tally Hill would be maintained when not within the applicants control or within the redline boundary. As such the red line boundary was amended to include the necessary part of the hedge, however, this hedge remained outside the applicant's ownership so it was suggested that a S106 agreement would be necessary to ensure adequate visibility splays would be maintained.
- 5.17 The entire hedge, from Stillington Road to Tally Hill has now been removed and so, currently, the line of sight is continuous southward to Stillington Road. It remains the case that the land is outside the control of the applicant and not part of the adopted highway and as such development upon the land could obstruct visibility on to Tally Hill.

Conclusion

- 5.18 The development proposed would create an additional dwelling in a reasonably sustainable location. The development would however result in a cramped form of development that would harm the residential quality and character of the area.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development would result in a cramped residential environment for the new dwelling and the host dwelling at 4 and harm the amenity of 6 Stillington Road and qualities of the residential area contrary to Local Development Framework Policies CP17 and DP32 that requires development to respect the local character in terms of scale, volume and massing. Development should be of a scale appropriate to the size of the site area and form of the village. It is considered that the dwelling, by reasons of the site location and its scale, is cramped and out of context with the surroundings,

constitutes an overdevelopment of the site and would have an adverse impact on the character and appearance of Tally Hill and Stillington Road.

2. The inter-visibility of the proposed vehicular access and the road known as Tally Hill depends on a view over land that is not within the highway and not in the control of the applicant; as such a satisfactory standard of inter-visibility cannot be achieved. The development is therefore contrary to the provisions of the Local Development Framework Policy DP4 as the proposal does not ensure safe access for all potential users.

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Parish: Kirkby
Ward: Stokesley
17/00751/FUL
ITEM 4

Committee date: 3 May 2018
Officer dealing: Mr K. Ayrton

Demolition of buildings and construction of new dwellinghouse and ancillary equestrian facilities
At Dromonby Bridge Farm, Kirkby in Cleveland
For Mr Robert Jones

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the east of Great Busby, with an existing access off the main road (Busby Lane), which links Great Busby with Kirkby in Cleveland to the east. The site accommodated a mixture of agricultural buildings, the majority of which have now been demolished. These included buildings constructed of stone, brick and open portal framed structures.
- 1.2 Immediately adjacent to the site is a farmhouse (Dromonby Bridge) operating as a B&B along with agricultural buildings not in the control of the applicant. They are served by a separate access off Busby Lane. Dromonby Hall (Grade I) is located approximately 300 metres to the east of the site. The Dromonby Hall site also accommodates a grade II listed farm building.
- 1.3 The applicant's wider land ownership extends to the north. Planning permission has been granted for the construction of three large agricultural buildings to be used in connection with livestock. These are currently under construction and are served by a separate vehicular access located to the west, further along Busby Lane.
- 1.4 The site and wider area is predominantly rural in character. Whilst the site is not covered by any national or local landscape designations, the site's character is consistent with the appearance of the wider countryside which provides a sense of place, openness and tranquillity. The North York Moors National Park is located some distance to the south, with views of the hills along the western fringe of the Park visible from the site. The existing buildings on the site are not readily visible from nearby public views, most notably Busby Lane to the south.
- 1.5 The North Yorkshire and York Landscape Characterisation Project report (2011) was prepared to provide a consistent and integrated County-wide picture of the landscape in order to help raise awareness of local distinctiveness. The application site is located within the "Vale Farmland with Dispersed Settlements" character type, which extends to the north and west across the width of the District. Key characteristics include:
 - Generally low lying, gently rolling, landscape which contains several small river corridors;
 - A distant sense of enclosure in views east and west provided by the backdrop of the North York Moors;
 - A medium to large-scale agricultural landscape which is delineated by a network of mature hedgerows, often containing hedgerow trees; and
 - A dispersed settlement pattern of farmsteads, small hamlets and villages.
- 1.6 The landscape is identified as having moderate sensitivity as a result of the combination of open views to adjacent Landscape Character Type and a sense of

enclosure provided by pockets of deciduous woodland. It is also considered that there is a high landscape and cultural sensitivity overall as a result of the dispersed settlement pattern, pockets of historic parkland and predominantly rural character.

- 1.7 Located approximately 500m to the south is the “Sandstone Moors Foothills” character type, which as its name suggests, sits at the foot of the National Park. Key characteristics includes a pattern of medium sized fields with woodland on the steeper slopes; and strong inter-visibility with surrounding lower landscape.
- 1.8 The village of Great Busby is formed by a small cluster of houses located around two sharp bends in Busby Lane. This main part of the settlement lies some 500 metres from the application site. There are some examples of development between, most notably a range of large agricultural buildings that are currently unused. Adjacent to these are two residential properties and a temporary traveller site (appeal allowed on a temporary basis at appeal) a short distance to the east. However this cluster of development is also some 400 metres from the application site.
- 1.9 The proposed development includes the demolition of the existing structures (but does not include those adjoining the application site) and the construction of a substantial detached residential property, with private equestrian facilities. The development includes:
 - A detached eight-bed house comprising 891 sq m of internal floorspace;
 - Plant room;
 - Garaging;
 - Equestrian stables, office/stores and arena;
 - A new access off Busby Lane;
 - A renewable energy system, comprising a range of resource conservation and energy generation strategies, including the incorporation of an anaerobic digestion system; and
 - A hard and soft landscaping scheme, including native planting, pockets of woodland, kitchen gardens, wildlife pond (also to be used as an attenuation pond linked to a wider sustainable drainage scheme), a stream, and the creation of a grassland parkland setting.
- 1.10 The supporting documents originally included landscaping proposed for additional land located to the south of the site on the opposite side of Busby Lane. However, the applicant does not own this land and it does not form part of the application.
- 1.11 Since submitting the application, the applicant has constructed large stretches of dry stone walling, comprising stone that that does not appear to be locally sourced. A section of the wall has been constructed by the proposed entrance to the site and parallel to the neighbour’s access road. This has been constructed with the benefit of permitted development rights. The applicant’s submission includes a local sandstone wall alongside the neighbour’s house (Dromonby Bridge) and access, but not along the frontage of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00108/FUL - Construction of a farm entrance to comprise of gates, walls, driveway and associated landscaping; Withdrawn 1 April 2016.
- 2.2 16/02333/FUL - Construction of 3 farm buildings comprising a cattle shed, machinery shed and silage/manure shed – Approved 26/07/2017

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 – Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Kirkby-in-Cleveland Parish Council - Wishes to see the application refused for the following reasons (summarised):

- This dwelling is proposed under Para. 55(4) of the NPPF, which has four bullet points all of which have to be met for an application to be approved under this paragraph. Development must 'significantly enhance its immediate setting' and 'be sensitive to the defining characteristics of the local area'. The design proposed for the new dwelling does neither of these;
- The architect has taken the historic herringbone patterning on the sandstone traditionally used for dwellings and farm buildings in this part of North Yorkshire and used it completely out of context. Using these angles in a three-dimensional manner to create a harsh angular roofline is quite out of keeping with any defining characteristic of the local area;
- There is a Grade 1 Listed Building in the immediate vicinity of this proposed dwelling, Dromonby Hall, in separate ownership from Dromonby Hall Farm. Nowhere in the document is any consideration given to the detriment to the setting of this significant part of the local historic heritage;
- It is difficult to ascertain the exact dimensions of the proposed dwelling as nowhere are there elevations or floor plans with these clearly marked, but the new dwelling will be within 0.5 kilometres of the house and its angular roof, uncharacteristic of the local landscape, will be visible over the top of the nearby hedge and trees;
- The proposed dwelling will be clearly visible from Busby Lane where it passes the proposed new entrance. This is an open agricultural field. Any proposed planting will take many years to form any kind of screening. Yet there is no Viewpoint consideration from this location, the most significant for people travelling by the site;
- It is proposed to transform this field into a relaxed entrance to the property, thus being lost to its original farming use;
- It will be clearly visible from the North York Moors where three national trails pass – the Coast to Coast, the Cleveland Way and the Lyke Wake Walk – and will be detrimental to the outlook from and the setting of the North York Moors;
- This application converts a large area of prime agricultural land into domestic or parkland. There is a brownfield area where the original farm buildings are situated which would seem a more appropriate place to site a farmhouse, which

would be less prominent, nearer to the cattle sheds and would require less loss of agricultural land.

- The proposed entrance is not in keeping with all the other entrances on that stretch of road, even the Grade 1 Listed Building, Dromonby Hall, has a simple farm style metal gate at its entrance from the road. The proposed entrance is not in accordance with the stated objectives of the Village Design Statement;
- There are some inaccuracies in the planning application. Under 3. Description of the Proposal it asks if any work has already started and the answer marked is No. However there are walls being built on a daily basis on the site. On Existing Site Plan (Doc. No. 195-DR-PL-3037) it is our understanding that the applicant does not own the area of land at the road end of the drive to Dromonby Bridge B & B. This belongs to the B & B and the person farming the land relating to Dromonby Bridge Farm has access over it;
- The Parish Council consider that this application should be considered in conjunction with Planning Application No. 16/02333/FUL by the same applicant for 3 farm buildings;
- On this application there is reference to access to the cattle sheds (Access Strategy Doc. 195-DR-DE-2309) and on planning application No. 16/02333/FUL the applicant states quite clearly under 1.2 of the Planning Statement that it is his 'intention to develop his pedigree livestock business'. Also under 5.3 it states that 'the additional benefit of the enterprise is the waste generated by the livestock, which (subject to planning approval) would provide waste to be used in a new energy system to heat a proposed NPPF Paragraph 55 dwelling on land to the east.'; and
- We should also like to point out that the applicant does not own the 124 acres cited in this application for the growing of winter wheat, winter barley, winter oilseed rape, spring beans and grass. This could compromise the viability of the business plan for the farming enterprise and/or create an inappropriate increase in large vehicles bringing in the necessary feedstuffs.

Great Busby Parish Meeting - Objects to the proposals for the following reasons (summarised):

- Residents are not opposed to modern architecture large buildings must respect the character of the countryside;
- The proposed design, wing shape of the roofs and the ranch-style layout of the riding arena and stables, is ostentatious and would detract from rather than enhance the traditional farmed landscape;
- The very 'loud' modern design is particularly inappropriate close to listed buildings at Dromonby Hall and Dromonby Hall Farm;
- We do not agree that the change in view from Hunger Hill (one of the approaches to Busby used daily by residents) would be beneficial. The style and layout of the new buildings do not seem to have taken anything from the local area or the nearby hills and we do not think they will blend comfortably into the surroundings - the link to the herringbone pattern in local sandstone is not convincing. The stables, riding arena and circular entrance area are particularly out of keeping;
- We think that application 16/02333/FUL for new farm buildings should be considered alongside this application for the new house as the two are clearly inter-related. We would not want another house in open countryside near the sheds for a livestock manager and this should be resolved as part of the consideration of the applications;
- It seems to us that the farm buildings should be positioned closer to the proposed new house and if accommodation for a farm manager is needed that should be included as an annex to the main house; and

- Concerned about the small size of the agricultural holding in comparison to the size of the farm buildings and the implications for HGVs on the small roads in and around Busby.
- 4.2 Highway Authority – The design standard for the site is Design Manual for Roads and Bridges and the required visibility splay is 2.4 metres by 90 metres. The available visibility is 2.4 metres by 100 metres to the east and 2.4 metres by 140m to the west although there is a short length of the nearside channel line which is obscured by the neighbouring hedge. In this direction however 2.4m by 90m is available to the centre line. Considering the above and that the new access has better visibility to the east than the existing access to the site a highway refusal would be difficult to sustain.
- 4.3 Environment Agency – No objection.
- 4.4 Ramblers Association – No objection.
- 4.5 Northumbrian Water Limited - A trunk water main crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to our apparatus and therefore will contact the applicant direct to establish the exact location of its assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. For planning purposes, the Council should note that the presence of Northumbrian Water's assets may impact upon the layout of the scheme as it stands.
- 4.6 Public comments – One objection have been received on the following grounds:
- Although there is mention in the documents that there are Listed Buildings in the surrounding area, Dromonby Hall, a Grade 1 listed property , is not shown as been the nearest listed property at just 200m away;
 - It has to be noted that the manor of Dromonby Hall had a wind mill in the 13th century , and the new small wind turbines are a modern design of old technology;
 - The Architect should have taken inspiration from the old farm yard setting as he has done in previous buildings as shown in the landscape character assessment;
 - The old buildings at Dromonby Bridge Farm had a 36m long old Dutch barn, the floor area of this could be used to build a modern steel and glass Dutch barn farm house with an extension in sandstone and brick, out the back, on the old farm building site, this would be in-keeping with the history of the site and a modern twist of the use of a glass and steel Dutch Barn. It would also be on an existing agricultural brown field sit and not a green field site as proposed;
 - This Grand Designs application should be refused on the grounds that the house and buildings are totally out of character;
 - In the Landscape Character assessment it says the house should significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. This application does not conform to the above statement;
 - As stated in the application, the new house and the new agricultural sheds (application already submitted) going to be a working farm. These 2 applications should be view together as this is a new Fare Stead although well screened with trees on the plans this will take more than 10 years to grow. The sheds need to be moved into the same field as the proposed house, this will mean the animals can be better looked after and it will mean that there is no need in the future for a farm workers house, as it states that 2 full time staff will be needed to run the cattle farm;
 - Recently in Busby parish a local farmer had his agricultural shed turned down because it was too far away from the main farm yard and farm house. Having the farm buildings near to the new farm house would enhance the local character of scattered farm settlement in the area and be more in keeping;

- The building would be on a green field site in open country side, and would be very visible from Busby Lane and the surrounding area and the North York Moors;
- The Building with its huge V shaped wing roofs are nearly 10m high, the house is 30m wide and has a hideous stable block and horse arena area alongside;
- There are many different materials used on the house, zinc cladding, white render, western red cedar cladding, sand stone block work and large glass windows; and
- The large V shaped wing roofs do not represent the outline of the moors to the south.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location in terms of Development Plan policies; (ii) whether the design of the development is of exceptional quality or innovative nature and therefore can draw support from paragraph 55 of the National Planning Policy Framework; (iii) the impact on residential amenity; (iv) highway safety; and (v) heritage impact.

Principle

- 5.2 The site falls outside of Development Limits (Great Busby does not have any Development Limits) as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. None of the exceptions identified under Policy CP4 are considered to apply. These include where development: is necessary to meet the needs of farming, forestry, recreation, tourism, and other enterprises with an essential requirement to locate in the countryside; is necessary to secure a significant improvement to the environment of the conservation feature; would provide affordable housing; would re-use existing buildings and support a sustainable rural economy; would make provision for renewable energy generation; or it would support the social and economic regeneration of rural areas.
- 5.3 Whilst the submission makes reference to compliance with this policy through the proposed equestrian facilities potentially bringing employment in terms of management and maintenance, the equestrian element of the application is clearly described as being ancillary to the dwelling and is therefore not a rural business. Accordingly this facet of the scheme cannot be afforded significant weight in terms of its support for the principle of development.
- 5.3 The proposed development is considered to fail to accord with the principles set out in the Development Plan and as such is considered to be a Departure from the Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. The most pertinent element of the Framework is Paragraph 55 which 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 rural areas.

- 5.5 However, the IPG specifically relates to small scale housing development within and immediately adjacent to villages, with the supporting text explaining that the IPG will support small scale development adjacent to the main built form of a settlement. As the site is located approximately 500 metres from the main built up part of the village, it is considered that the proposed development finds no support through the IPG.

Whether the design is of exceptional quality or innovative nature

- 5.6 Paragraph 55 of the NPPF offers support for housing of outstanding and innovative design in the countryside as an exception to normal housing policy and states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- *Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- *Reflect the highest standards in architecture;*
- *Significantly enhance its immediate setting; and*
- *Be sensitive to the defining characteristics of the local area.*

- 5.7 The application is presented in the belief that it complies with the requirements of paragraph 55. The argument for compliance with paragraph 55 is inextricably linked to the proposed design and the impact on the character and appearance of the area.
- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 The Development Plan also contains policies CP16 (Protecting and enhancing natural and man-made assets) and DP30 (Protecting the character and appearance of the countryside), which require the openness, intrinsic character and quality of the District's landscape to be respected and where possible enhanced.
- 5.12 The above requirements all need to be considered alongside the requirements of paragraph 55. Whilst the requirements of paragraph 55 are demanding, they have to be achievable.
- 5.13 In assessing the requirements of paragraph 55, it is useful to consider the development against each of the criteria. This assessment has been informed with advice from the Yorkshire and Humber Design Panel, which was contracted by the Council to assist in the assessment of the design.

NPPF criterion 1: be truly outstanding or innovative, helping to raise standards of design more generally in rural areas

- 5.14 Unlike previous versions of the policy, most recently included in Planning Policy Statement 7, the requirement is to be truly outstanding or innovative, not necessarily both. The architect considers that their approach to architecture, including initial analysis, design strategy, design development, through to the final proposal is truly outstanding and will help to raise the standards of architecture generally, in rural areas by demonstrating the benefits of a robust design process informed by detailed examination of the site and surroundings.
- 5.15 It is accepted that the approach undertaken by the architect was a robust one and as such is likely to result in high quality designs. However, the planning decision must concentrate on the merits of the proposal over the process by which it arose. The supporting statement makes the following statements:
- *The proposed layout is a contemporary interpretation and combination of elements found in linear and multi-courtyard layouts. This is based on an analysis of the design guidance covering North Yorkshire, including the North York Moors National Park Design Guide;*
 - *The 'Herringbone Punch Stone' feature has been drawn out from the analysis and features throughout the design. This is a material that is used locally, including some of the derelict buildings on site. The feature has been included in the roof form of the dwelling and stables, the external materials with the use of the herringbone punch stone itself and the use of other materials, such as timber and zinc, in a manner that reflects the herringbone pattern. The feature is also applied more subtly to the internal room partitions; and*
 - *A series of technologies adopted for the site, chosen specially to exploit the resources (and waste streams) available on site. These include the incorporation of an anaerobic digestion system that can use the waste that will be produced by the livestock enterprise. It is argued that the use of anaerobic digestion is innovative here, being used for a single dwelling.*
- 5.16 Many of the above qualities are recognised, particularly following discussion with the architect. However, the NPPF's requirement that the design should help to raise standards of design more generally in rural areas must depend upon the design being visible and legible to the public. A failing of this proposal is that many of its features would be hidden from public view, particularly from short distances, and are therefore primarily for the benefit of the applicant. The reference to the herringbone pattern would not be immediately obvious in the roof form or arrangements of internal rooms and is unlikely to be discerned from most public viewpoints. This is not necessarily a criticism of the design itself, and it is acknowledged that the submission has made reference to design guidance that requires new buildings in the countryside to be sited so as to minimise their impact. However, it does somewhat dilute the argument that the dwelling would help to raise standards of design more generally in rural areas. Whilst, the policy itself does not specifically require the dwelling to be widely available to public view, it is considered to be a reasonable point to highlight as it is important to consider the level to which the design approach would be understood and would influence wider standards of design. Indeed, this is a point raised by planning inspectors in considering comparable proposals.
- 5.17 It is reasonable to expect that the approach taken and practices included in the design could be shared at a professional level through publications and would thereby make a contribution in helping to raise standards of design. However, it is also considered that if the development is largely out of public view, only limited public benefit would arise from its design merits.

- 5.18 The architect has highlighted the point that whether or not someone likes the appearance of a dwelling is a personal view and makes reference to paragraph 60 of the NPPF, which states planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. However, the NPPF also goes on to highlight the need to promote or reinforce local distinctiveness.
- 5.19 The applicant has presented the case that the approach taken to the design has removed the subjectivity out of the process and made it a more objective exercise, to reflect the policy requirements. The final appearance is a result of this robust methodology which the Architect considers to be outstanding. The robustness of the chosen methodology is not disputed but, as indicated earlier, it cannot directly address the NPPF's requirement that the design of the building, not the design process, should raise standards more generally.
- 5.20 The architect considers that the proposal is a contemporary sustainable dwelling that takes on the language of farmsteads and their integration with the open countryside. They add that the choice of materials is sensitive to local distinctiveness, including herringbone punch local stone, and slate tiles with reference to traditionally higher status buildings. The roof form has continued the herringbone theme whilst also responding to the backdrop created by the landform of the North York Moors National Park.
- 5.21 Whilst it is recognised that there are farmsteads scattered within the surrounding area, these generally comprise a single main dwelling and associated farm buildings. The submitted analysis document recognises this in referring to "a number of standalone dwellings and farm buildings set within the landscape, accessed from Busby Lane". In this instance the proposal would introduce a large, new dwelling adjacent to an existing farmstead. The arrangement of buildings proposed is also more serpentine in form, compared with the more traditional farmstead arrangement in the locality. The architect has identified the creation of an "arrival courtyard" and an "equestrian courtyard". However, officers are not convinced that the arrangement reads clearly as a courtyard arrangement reminiscent of traditional farmsteads in the locality and the views available of the development would not necessarily be read as such. This is not assisted by the site's close proximity to a traditional farmstead, which emphasises the contrast. The two resulting farmsteads, which would be of contrasting styles, would not be consistent with the wider landscape character. It is understood that the V-shaped roof forms are partly a reference to the skyline of the nearby Cleveland hills. However, for the reasons already given, this would not be legible from many public viewpoints.
- 5.22 Therefore the proposal is not considered to be outstanding in terms of the way in which it responds to traditional farmsteads found in the locality,
- 5.23 The architect also considers that the combination of energy generation technologies has been used in an innovative way, designed specifically to take advantage of waste generated from the wider site (reference to the livestock buildings currently under construction). The architect has specifically highlighted the use of anaerobic digestion (AD), which they advise is innovative for a single dwelling. It is understood that AD has not really been feasible at a domestic scale due to a shortage of suitable biomass waste that would normally be available to a household and the requirement of larger scale systems to maintain the temperatures required for efficient biogas production.
- 5.24 The AD plant would be used alongside other renewable technologies. However, the heart of the system is the AD plant, which would be fed by a combination of rape

seed, oats, barley and triticale (hybrid between wheat and rye) grown at the farm and slurry from the livestock. The identified AD equipment would generate biogas to fuel a combined heat and power unit and capture heat for hot water and underfloor heating, with excess electricity fed into the grid. It is not disputed that this would be a new approach for a dwelling, although only possible due to the adjacent livestock enterprise, but it is not something that would be legible, even at close quarters, and it is questionable how this might “raise standards of design more generally in rural areas”, as the NPPF requires.

NPPF criterion 2: reflect the highest standards in architecture

- 5.25 The project architect is Richard Hawkes. His practice has previously obtained planning permission for dwellings in countryside locations on the basis that they meet the requirements of paragraph 55 (and a similar policy included in the former Planning Policy Statement 7). However, not all the consents highlighted were entirely reliant on design merits; some included replacement dwellings for example. However, there is no doubt that the architect designs and delivers high quality developments.
- 5.26 Having reviewed the supporting documentation it is evident that the approach to the design is reflective of the high standards of Richard Hawkes’ practice. This is in respect of the site analysis, linking its opportunities and constraints, design development and the proposal itself.
- 5.27 The detailed and thorough approach taken to the design has rarely been seen in Hambleton and should be commended. Whilst there are some areas of disagreement as to whether the proposed design fully reflects the analysis undertaken, the proposal is considered to meet this requirement.

NPPF criterion 3: significantly enhance its immediate setting

- 5.28 The site is not subject to any natural or local landscape designations. The standard policy requirement is to respect or where possible enhance the openness, intrinsic character and quality of the District’s landscape. Paragraph 55 of the Framework adds the extra requirement of ‘significantly’ enhance the dwelling’s immediate setting.
- 5.29 The existing buildings on site are in a state of disrepair and do not appear to be capable of being brought back into their original use or conversion to an alternative use. However, they are not readily visible from the wider area and therefore do not cause any harm to the character and appearance of the area and are relatively indicative of the agricultural character of this part of the District. Indeed, their current state would suggest that they would soon be absorbed back into the landscape. As such, little weight can be given to their removal. Further, the site of the proposed dwelling and equestrian facilities is of no particular value in itself, being unremarkable compared to the surrounding landscape. Indeed, the wider site incorporates farmland typical of the wider area, which is interspersed with farmsteads.
- 5.30 Immediate views of the dwelling would be limited, with the closest being from the entrance into the site off Busby Lane. There would be some more medium distance views from a permissive footpath (not a public right of way) located to the north east, following a tributary of the River Leven. These would afford views of the site against the backdrop of the Cleveland hills. There would also be some long distance elevated views from the National Park located approximately 2km to the south.
- 5.31 The application site also covers the wider land ownership of the applicant and it is proposed to deliver a comprehensive package of landscaping works. This includes areas of enhancement to the wider network of hedgerows through the introduction of native species, an informal access route bordered by woodland planting, a more

formal garden layout to the rear of the dwelling, including gardens and a wider parkland landscape to the north.

- 5.32 The rationale behind the landscaping is to filter long distance views from the National Park, interconnect the woodlands with the new native planting and enhance the landscape character. Again, the scheme proposed has been informed by a detailed analysis of the local context, with the architectural solution being landscape led. Most notably this has included a detailed Landscape and Visual Impact Assessment and analysis of the features that are typical of the immediate and wider context. This includes heritage assets, settlement pattern, landscape pattern and features, geology and soil characteristics, local distinctiveness, sensitive viewpoints and biodiversity habitat. It is evident that this analysis was undertaken to inform the design.
- 5.33 The supporting Landscape and Visual Impact Assessment identifies the visual receptors (e.g. dwellings, public rights of way) and assesses the impact of the development against these. It identifies no detrimental impacts. All impacts are considered to be negligible, of moderate benefit or of major benefit. The benefits are mainly identified as being the introduction of new hedgerow and woodland planting. Where views (from the permissive footpath) of the dwelling would be prominent, the report considers that the new woodland planting proposed would filter views of the dwelling over time; and whilst views of the dwelling would remain, its high standard of design should offer an interesting and attractive addition to the views. It is agreed that it would add interest from these limited viewpoints, although as reflected in the public observations, not everyone agrees that it would necessarily be attractive.
- 5.34 Perhaps the most significant changes introduced to the landscape (other than the buildings) would be the creation of a parkland setting to the north of the dwelling and an informal access route, which would replace the informal agricultural access. The applicant has already constructed dry stone walls with stone pillars at the position of the proposed access point. It is understood that the stone has not been sourced locally.
- 5.35 Whilst described as a parkland setting, it is noted that the landscape would remain relatively informal, making use of the existing mature oak trees. The landscape character type is identified as having parkland features. Therefore the landscape is capable of accommodating this feature. The water features introduced are also informal in appearance and tie in with the wider drainage strategy. They are mainly limited to the more formal gardens located close to the house, with connections to the nearby beck. The attenuation pond proposed works with the fall in levels, sitting between the more formal garden and wider parkland.
- 5.36 The design of the access from Busby Lane would undoubtedly elevate the status of the entrance to the site, announcing the entrance to a residential property compared with the existing low key access. There are examples of other stone walls and access pillars further along Busby Lane, although these use more traditional stone and are generally lower key in form and detailing.
- 5.37 The stone walls are constructed of a material that is not in keeping with the more considered choice of materials proposed for the dwelling. This undermines the wider package of improvements set out in the proposal, which include biodiversity benefits and enhancements to the wider landscape framework. However, many of these improvements would be beyond what is considered to be the dwelling's immediate setting. Overall, it is not considered that the development would significantly enhance its immediate setting.

NPPF criterion 4: be sensitive to the defining characteristics of the local area

- 5.38 This requirement is consistent with the local policy requirement to deliver local distinctiveness. In order to accord with this, it is important to fully assess the site's context. This has been achieved, with a thorough analysis of the site and surroundings area, along with a review of policy and guidance. This has helped to draw out and identify the local characteristics.
- 5.39 It is accepted that the idea of a farmstead concept reflects the wider landscape character, although concern has been raised as to whether the proposed arrangement of buildings and spaces reads clearly as a courtyard arrangement. Existing farmsteads form a part of the landscape, often featuring a principle farmhouse with associated farm buildings. These are scattered along the road between Great Busby and Kirkby in Cleveland served by private driveways. The proposed layout of buildings and spaces set out in the application is not considered to be reflective of this traditional arrangement. The choice and application of materials has been informed by those traditionally used in the locality as acknowledged in section 5.20.
- 5.40 Therefore the analysis, design concept and use of materials lead to the view that the development would be sensitive to the defining characteristics of the area. However, as noted earlier, it is not accepted that the proposal would read clearly as a typical courtyard arrangement and it is questionable whether this sensitivity would be publicly legible.

Impact on Residential Amenity

- 5.41 Policy DP1 requires development proposals to adequately protect amenity. The nearest property is the farm house located to the south of the site. This is screened to some extent by existing boundary planting. The dwelling has an area of hardstanding to its rear, which is closest to the site. The main part of the proposed dwelling is located away from the boundary. The nearest part of the development will be part of the stables buildings, which are single storey. Considering the separation distance that has been achieved and the private nature of the proposed use, it is considered that the scheme would not be detrimental to neighbouring residential amenity.

Highway Safety

- 5.42 A new access would be formed onto Busby Lane. The applicant has recently constructed a stone wall with gate pillars, which are set back from the main highway. The Highway Authority is satisfied that adequate visibility splays can be created and raises no objection.

Heritage

- 5.43 The Parish Council response has made reference to the impact on heritage assets, with specific reference to Dromonby Hall (Grade I) located to the east of the site. The Dromonby Hall site also accommodates a grade II listed farm building.
- 5.44 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.46 In this instance, due to the separation between the proposed development and the identified heritage assets, it would not necessarily be viewed in the same context. Importantly there is a linear woodland belt along the eastern boundary of the application site, which avoids Dromonby Hall being viewed in the same context. Therefore Dromonby Hall and its setting are not readily apparent from Busby Lane or

the site. Views that are available are of a farmstead with a mix of traditional and modern farm buildings that are typical of the landscape. Whilst Grade I, it does not appear in the landscape as being a building that was located or designed to be seen as a high status building. The siting of the development, which would replace existing buildings and adjoin the neighbouring farm buildings, will not impose itself onto the setting of the Dromonby Hall site and as established in the analysis, farmsteads (which the scheme has taken inspiration from) are a typical feature of the landscape.

- 5.47 Therefore the proposed development will not result in harm to heritage assets, including their setting.

6.0 RECOMMENDATION

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

1. The proposal represents unsustainable development in an isolated location outside of the Development Limits of a village within the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework. Additionally the application site is not considered to be capable of benefiting from the provisions of the Council's Interim Policy Guidance Note on housing - Development in Villages.

2. Whilst paragraph 55 of the National Planning Policy Framework includes exceptions which allow for new isolated homes in the countryside, such as the exceptional quality or innovative nature of the design of the dwelling, it is considered that the proposed development fails to meet the stringent requirements of Paragraph 55 in these terms and as such it is considered that the development cannot be supported in this case.

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Parish: Kirby
Ward: Stokesley
5

Committee date: 3 May 2018
Officer dealing: Kevin Ayrton
Target date: 17 May 2018

18/00280/FUL

**Product development facility with office accommodation and associated car parking
At Station Road, Stokesley
For Marlow Foods Limited**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The applicant, Marlow Foods, is the owner of Quorn, which was founded in Stokesley in 1985.
- 1.2 The site is approximately 1 hectare in size, located to the south of Stokesley, forming land associated with the existing Quorn factory. Its main frontage is onto Kirkby Lane, which links to Stokesley to the north and Kirkby in Cleveland to the south. The existing Quorn facility is viewed at the southern edge of the wider Stokesley Business Park, which covers a large area of land that is physically detached from the main built up area of Stokesley, the centre of which is located 1.5km to the north.
- 1.3 The site comprises previously developed land and is currently underused, other than overflow car parking by existing employees. It is understood that the site previously accommodated buildings associated with an auction mart with associated cattle pens. Larger areas of hardstanding remain. There is a green perimeter security fence alongside the site's frontage. The existing Quorn factory to the south is used predominantly for processing, offices and research. The existing buildings include a two storey office building, which is of no particular architectural merit. This links to a steel clad (light grey) warehouse type building, which extends back into the site. There are two vehicular access points; one to the north, and one to the south of the building.
- 1.4 There is a large shed-like building to the north, which accommodates 'Mole' country stores. To the north of this is a cluster of former station buildings, the most prominent of which is now occupied by a firm of architects. There is also a handful of residential properties located approximately 100 metres to the north of the site, including a non-designated heritage asset; and a dwelling located opposite the entrance to the existing site.
- 1.5 Located to the west of the site is a nursery, comprising greenhouses. Much of this is screened by a mature hedge along the roadside.
- 1.6 There are connections to the town centre along Kirkby Lane, changing to Station Road, which passes Stokesley School. However, there is not a footpath for its entirety. Stokesley Business Park also has an access to the B1257 to the north, which allows access to the wider road network whilst avoiding the town centre.
- 1.7 The proposal is to construct a new building to accommodate offices and research and development facilities. It will be used to develop new products and also be used as the main headquarters and is therefore important in 'selling' the brand.
- 1.8 The commercial scale building will deliver two levels of accommodation, with a building comparable in height to those adjoining the site. It reflects the typical shape of a modern industrial building, albeit with echoes of a large agricultural building in its form and use of materials. The appearance is given a more contemporary edge with the treatment of fenestration, with windows punctuating the building with bright

orange surrounds and a fully glazed gable fronting the main road. The use of orange also frames the main entrance, making it clearly legible.

- 1.9 The entrance would be sited closest to the existing facility with a new pedestrian walkway linking the buildings. Landscaping is proposed to the front of the building.
- 1.10 The wider site will see the introduction of a more formal car parking arrangement. The existing facility provides a total of 225 car parking spaces. This will increase to a total of 311 over the entirety of the Quorn site. A new vehicular access is proposed at the northern most part of the site along with improved access arrangements for the existing site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The site has a lengthy planning history which is summarised below:

- 92/1275/FUL - Extension To Existing Offices - Granted 27/03/1992.
- 01/00133/FUL - Construction of office and amenities block - Granted 07/09/2001
- 04/02563/FUL - Alterations and extension to existing industrial unit - Granted 15/02/2005
- 06/01970/FUL - Alterations and extension to existing factory as amended by plan as received by Hambleton District Council on 2 November 2006 - Granted 20.11.2006
- 08/01959/FUL - Formation of a temporary car park, fence and turnstile, siting of a smoking shelter and site cabin - Granted 20.08.2008

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 – Priorities for employment development
Core Strategy Policy CP16 - Protecting and enhancing 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 DP16 - Specific measures to assist the economy and employment
Development Policies DP17 – Retention of employment sites
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Kirkby Parish Council – Expresses the following concerns:

- The increase in the volume of traffic (both car and HGV) on a small country road - would it not be possible to gain access through the business park, which would reduce the noise and heavy traffic pollution caused to local residents in the

NDHA properties. It would also reduce damage to the road surface on Station Road;

- Whether an odour suppressant is to be installed; and
- While the design of the building is acceptable is it necessary for the windows and doors to be framed in such a bright colour?

4.2 Highway Authority – Awaiting comments from local highway authority. These will be included in the update report.

4.3 Environmental Health Officer – No objection.

4.4 Northumbrian Water – No objection subject to conditions.

4.5 HDC Economic Development - As Economic Development we would be supportive of this application as it supports the growth of an important employer in the district. The new building will also improve the appearance of the existing site. Although the application provides a significant amount of parking, no details are provided about the number of employees on the site so it would be useful to have this information to assess if the parking provision is sufficient for the number of people on site day to day to ensure there is no overflow into the surrounding areas.

4.6 Public comments – Three representations have been made objecting to the scheme on the following grounds:

- Increase in noise pollution;
- The proposed orange silo is over-the-top;
- Odour issues;
- Impact of increase in traffic;
- Increase in light pollution;
- The road network is not suitable for the existing traffic let alone the increase as a result of the development;
- The site is not in a sustainable location accessible by public transport or even a public footpath link; and
- There should be a road link through the back of the site to Ellerbeck Way via Ellerbeck Court Road.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of the development in this location; (ii) the design and form of the proposed development; (iii) residential amenity; (iv) and highway matters.

Principle

5.2 The application site is within the Development Limits of Stokesley, with commercial uses to the immediate north and south and within an area recognised for industrial activity.

5.3 Core Strategy Policy CP1 states that proposals will be supported if they promote and encourage or protect and enhance, among other things, (i) the efficient use of land and infrastructure, including developments which include a sustainable and complementary mix of uses; and (viii) a high quality and adaptability of development should utilise previously developed land (“brownfield” land), where that land is in a sustainable location, in preference to greenfield sites.

5.4 The application site is in close proximity to the Town Centre and comprises previously developed land. The proposed development is considered to make

efficient use of the site and will further develop an existing business. The proposed development is considered to comply with the requirements of CP1.

- 5.5 Core Strategy Policy CP4 states that development or activities of a scale and nature appropriate to secure the sustainability of each settlement, as identified in Spatial Principle 3 and in the Core Strategy policies, will be supported within the Development Limits of the settlements in the hierarchy designated.
- 5.6 The site falls within the Development Limits for Stokesley, which has been designated a service centre and whilst not directly well served by public transport is considered to be in a sustainable location.
- 5.7 Core Strategy Policy - CP12 states that support will be given to developing and sustaining the economy of Hambleton. This is expanded upon in policy DP16, which identifies economic priorities. These include (i) diversification in the range of economic activities, in particular encouraging employment opportunities in higher skilled jobs; (v) and increasing manufacturing productivity generally, including through encouragement to the development of support services, and supporting existing businesses to grow to realise their potential.
- 5.8 The local policy is consistent with the NPPF, which confirms that the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth.
- 5.9 The proposed development would provide high quality accommodation to support Marlow Foods' development in Stokesley and enable the Headquarters to be retained in Stokesley.
- 5.10 The principle of the development in this location is considered to be acceptable.

Design and Form

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

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.14 Whilst it is understood that no local consultation took place, the scheme has been the subject of pre-application discussions, where the need to consider the highway impact and the site's context were highlighted as being key issues to be addressed in

the planning submission. In response, the application has been supported by a Transport Assessment and Design and Access Statement.

- 5.15 The context for the building is open countryside to the west but dominated by the Industrial Estate to the north, south and east with its associated industrial shed architecture. The site and surrounding area clearly offer scope for significant improvements to the appearance of the area and to raise design standards generally.
- 5.16 The design of the proposed development, whilst reflective of both the function of the site and the general character of the industrial buildings in the vicinity, attempts to create a higher quality, more attractive façade to the road frontage. This improved setting will also benefit from the introduction of landscaping, which will help to announce the proposed building.
- 5.17 The design approach is clearly to be welcomed and is considered to be of a high quality having regard to its context, better reflecting the status of the business and the use of the building.
- 5.18 The scale and siting of the building will relate well to the existing Quorn building, being of a comparable height and building line. Its position to the front of the site will avoid the large area of car parking proposed from dominating the appearance of the street frontage.
- 5.19 Overall the design will make a positive contribution to the character and appearance of the area.

Residential Amenity

- 5.20 The main impacts on residential amenity associated with this site come from the noise and odour associated with the processing plant on the neighbouring site, along with the impact of vehicle movements in the vicinity of the site. The proposed office and research and development functions to be contained within the proposed new structure are considered to have no additional impact on residential amenity.
- 5.21 Along with noise and odour, representations have raised the question of transport impacts from lorries and cars associated with the development and have suggested that an alternative route to the site be provided from the east from within the estate.
- 5.22 There are a number of residential properties located on Station Road with two properties within 100m of the existing operational building. One directly opposite the existing site; and a second immediately to the south of the existing site.
- 5.23 The application has been subject to consultation with the Council's Environmental Health Team who has raised no concerns about the proposed development. Extract ducts have been sited at the rear of the building, away from the nearest residential property. Given the absence of objection from the Environmental Health team, along with the nature and location of the proposed use, the development is considered to have no significant harmful impact on residential amenity.

Highways

- 5.24 Representations have highlighted existing on-site parking issues and noted that at times the applicant makes use of the application site for overflow parking. The applicant has included a detailed assessment of the current parking situation and the implications on parking of the proposed development. This has been informed by a detailed Transport Statement (TS).

- 5.25 The existing site has two access points. The one to the south of the building is used as an entry only, with the one to the north of the building used as an exit only. They are used by both general traffic and servicing vehicles. The supporting TS also identified a fenced off access, which presumably served the auction mart.
- 5.26 The proposed development includes the creation of a new access at the northernmost extent of the site. This will be used by cars/vans visiting/working at the new building. The existing access to the north of the existing building will be used as an entry for service vehicles only with no access permitted to general traffic. The existing access to the south of the existing building will be used as an exit only for service vehicles. Any other site traffic will also use this access as an entry/exit.
- 5.27 Pedestrian access is proposed in three locations. These include the new access to the north of the site, which heads towards the town centre. A footway has also been included along the site frontage on the eastern side of Kirkby Lane.
- 5.28 Representations have also highlighted concerns over the current and proposed use of the local highway network through both the number of vehicle movements along with the types of vehicle movements, particularly HGVs. Those making representation consider that the road network is not suitable for the number and types of vehicles using the road and that the proposed development will only exacerbate the situation.
- 5.29 An alternative access from the east of the site has been suggested in representations but does not form part of this application and in deed the applicant does not own the intervening land between the application site and Ellerbeck Court.
- 5.30 The amount of car parking proposed has been informed by County Council guidelines. The supporting TS states that the provision is slightly in excess of local standards. However, the statement goes on to add that the level of car parking proposed is based on the level of provision that is operationally required.
- 5.31 The comments from the local highway authority and any suggested conditions will be included in the update report.

Other Matters

- 5.32 A non-designated heritage asset (NDHA) has been identified to the north of the site. However, due to the separation from the site and it's context, which is in amongst existing commercial buildings, the proposed development will not result in any harm to the NDHA.
- 5.33 The application has been supported by a detailed flood risk assessment and drainage strategy. The report concludes that the site is at very low risk of flooding from all sources. It also identifies Sustainable Urban Drainage techniques to address surface water flows generated from the development. The drainage scheme can be secured through condition.

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 90/002, 21/003, 27/003, 22/007, 22/008,

20/101, 20/011, 90/010 and 2000 received by Hambleton District Council on 9 February 2018 unless otherwise approved in writing by the Local Planning Authority.

3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of work above ground level.
4. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Drainage Layout Plan" dated "January 2018". The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2302 and ensure that surface water discharges to the surface water sewer in the vicinity of manhole 2304. The surface water discharge rate shall not exceed the available capacity of 45.0 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. No permanent boundary treatments shall be erected until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
4. To prevent the increased risk of flooding from any sources in accordance with Development Policy DP43 and the National Planning Policy Framework.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.

7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.

Parish: Kirklington-cum-Upsland
Ward: Tanfield
6 & 7

Committee Date: 3 May 2018
Officer dealing: Mrs H Laws
Target date: 11 May 2018

18/00206/FUL and 18/00207/LBC

Part demolition and conversion of an agricultural building to form a single dwellinghouse, construction of two dwellinghouses, relocation of access drive and construction of replacement garage and parking areas

and:

Listed Building Consent for demolition of buildings, relocation of access drive and construction of replacement garage.

At: Goldswang Farm, The Green, Kirklington
For: Mr Biker

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Kirklington, on the eastern side of the village green. Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling is the access to the farmyard and on the other side of the access lies the dwelling known as The Old Academy, a semi-detached dwelling with an attached lean-to garage abutting the access, which is also a grade II listed building.
- 1.2 The majority of the application site lies within the Kirklington Conservation Area; the boundary of the Conservation Area excludes the rear part of the site on which lies brick and pantile outbuildings, a dutch barn and a cattle shed.
- 1.3 The farmyard towards the front of the site is occupied by a large traditional L-shaped brick and slate agricultural building; smaller brick and pantile outbuildings lie along the northern boundary; modern cattle sheds along the southern boundary; a dutch barn, and blockwork outbuildings close to the entrance into the site. Most of the buildings were last used for agricultural use by a tenant whose main farmstead is elsewhere.
- 1.4 The northern boundary of the site is a 2m high wall which forms the boundary of a large garden to the adjacent property; the eastern boundary abuts agricultural land whilst the southern boundary is contiguous with curtilages of other dwellings fronting the village green.
- 1.5 Planning permission was granted in January 2017 (16/02242/FUL) for the conversion of a large brick and slate building to provide a four bedroom L-shaped dwelling. An extension to the building was proposed to replace an existing single storey section of the building to provide a ground floor bedroom and a first floor ensuite (within the eaves) at first floor. The scheme also included the construction of two dwellings, detached but with a connecting archway at single storey height to provide pedestrian access to the side and rear of each of the dwellings. The dwellings were almost identical in form and design but set at 90° to each other. Each dwelling was four bedroomed. The existing brick and pantile outbuildings along the northern boundary were to be demolished. A new building would be constructed in a similar position on a larger footprint for use as car ports for all three dwellings.

- 1.6 The current application also proposes to retain and convert the large brick and slate building but without extension, to provide a three bedroom L-shaped dwelling.
- 1.7 The application still includes a proposal to construct two detached dwellings but at the eastern end of the site rather than the southern side, with the application site extending into the orchard area to the east. Each of the dwellings would be two storey with four bedrooms and an integral double garage.
- 1.8 A larger rear garden and a rear parking area are proposed to be used in association with Goldswang Farmhouse.
- 1.9 Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling and on the other side of the access lies The Old Academy, also a grade II listed building.
- 1.10 It is proposed to remove the existing stone, blockwork and fibre cement sheet roof lean-to garage, which is attached to The Old Academy, and construct a replacement garage on a smaller footprint with a new 1m high wall along the new boundary. This would increase the width of the area within the site and provide additional manoeuvring space within the site. Listed Building Consent is required for this element of the scheme, which is unchanged from the scheme approved in January 2017.
- 1.11 The replacement garage would be finished in brickwork and pantiles.
- 1.12 The agricultural buildings to the rear do not form part of the listed buildings' curtilages and therefore the proposed works within the farmyard do not require listed building consent.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00170/FUL - Alterations and extensions to agricultural buildings to form three dwellings, two flats and one shop; Refused 24 May 2006
Appeal dismissed 29 January 2007.
- 2.2 07/03174/FUL - Alterations and extensions to agricultural buildings to form four houses, two ancillary office/workshop units and a shop; improvement works to vehicular access; Withdrawn 13 November 2007.
- 2.3 11/02336/FUL - Alterations to form ancillary garage; Granted 19 December 2011.
- 2.4 16/02242/FUL - Demolition of buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and replacement building for parking/storage, construction of replacement garage and alterations to the access drive. Permission granted 6/1/2017.
- 2.5 16/02243/LBC - Listed Building Consent for demolition of buildings, construction of replacement garage and alterations to the access drive. Consent granted 6/1/2017.

2.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – approve the application with no comments
- 4.2 Highway Authority – conditions recommended
- 4.3 HDC Environmental Health Officer - This service has considered the above application. Based on the information provided we believe there will be no significant impact on the local amenity. Therefore the Environmental Health Service has no objections.
- 4.4 HDC Senior Scientific Officer - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form however given the agricultural land use and scale of the development the applicant is required to submit a Phase 1 Preliminary Risk Assessment. A condition is recommended.
- 4.5 Historic England – no comments.
- 4.6 Public comments – no comments received (expiry date for representations 23/4/2018).

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the village and the rural landscape; (iii) the barn as a heritage asset; (iv) the effect on the amenity of local residents; (v) highway safety; (vi) protected species; and (vii) the impact on the character, appearance and setting of the listed buildings.

Principle

- 5.2 The site falls outside of Development Limits, as Kirklington does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. The site no longer forms part of a working farmyard.
- 5.3 Planning permission has been granted for the redevelopment of the site as additional housing in Kirklington is considered to meet the requirements of criteria 1 of the IPG in principle. The permission to convert the barn and construct two additional dwellings remains extant.

Character and appearance of the village and the rural landscape.

- 5.4 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.5 Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG.
- 5.6 The design of the new-build dwellings reflects 'barn conversions' with steeply pitched roof, large window openings and slit windows, which reflect features of the main building. There is adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised.
- 5.7 The site is mostly contained within the operational agricultural area and as such is considered to contribute to the character of the settlement form as opposed to the rural character of the countryside beyond the site. The encroachment of the site into the orchard area beyond the farmyard would not adversely affect the rural landscape.

Heritage Asset

- 5.8 The proposed alterations to the brick built building are minor and respect the scale and character of the building. The barn has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria: (1) age (usually more than 30 years old); (2) rarity (not many examples locally); (4) aesthetic value/appeal (distinctive local characteristics); and (6) townscape or landscape value (key landmark buildings).
- 5.9 The building is of historic and architectural merit; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.10 The proposed alterations would re-use existing openings and retain traditional features. It is considered that the proposed works would retain and respect the agricultural characteristics of the building and would improve its appearance allowing an acceptable alternative use in a location, which is adjacent to other residential properties. The proposed conversion of this building is considered to meet the requirements of criterion ii of Policy CP4 by conserving a feature of acknowledged importance within the village.

Residential Amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. There would be adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised. Adequate separation distances would be provided to ensure that the proposed dwellings would not adversely affect amenity as a result of overshadowing or overlooking.

Highway safety

- 5.12 The Highway Authority has no objections subject to appropriate conditions, to the existing access (as altered) being used to serve three dwellings in addition to the existing dwelling, as it would replace a busy farmyard use.

Protected species

- 5.13 The bat and bird survey submitted with the previous application identified bat roosts and the potential for roosts in some of the buildings and confirmed that breeding birds are using the buildings. Additional surveys have been undertaken in 2017, confirming that the barns are used by multiple species of bat and the report details appropriate mitigation and compensation measures.

Listed Buildings

- 5.14 S66 of the 1990 Planning Act requires us to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.15 The existing garage is an extension added to the dwelling following the grant of permission in 2011. The garage is relatively small in scale but the width appears out of proportion with the frontage width of the dwelling. The garage is of little merit and there are no objections to its removal.
- 5.16 The scale of the proposed replacement garage relates better to the proportions of the existing dwelling and the steeper roof pitch repeats the steep pitch of the main house.
- 5.17 The proposed materials of brick and pantile are in keeping with the existing dwelling and other buildings in the vicinity.
- 5.18 This element of the scheme has not changed since the previous approval in January 2017. The proposed works would not result in harm to the significance of the listed building and is not in conflict with the advice within the NPPF and is in accordance with the LDF policies.
- 5.19 The proposed works are in keeping with the original character and appearance of the listed building and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the Planning application is **GRANTED** subject to the conditions set out below:
- 6.2 That subject to any outstanding consultations the Listed Building Consent application is **GRANTED** subject to the conditions set out below:

Conditions for 18/00206/FUL

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the

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

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. 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 new dwellings. 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.
5. The extent and sequence of works of conversion shall not be undertaken other than in accordance with the Structural and Methodology Statement submitted under application reference 16/02242/DCN.
6. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
7. The package of mitigation measures as detailed within the Revised Bat Method Statement produced by Lobo Ecology, received by Hambleton District Council on 31 January 2018, shall be carried out in full.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 17-06-1638 10 Rev. B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site other than in accordance with the details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site received by the Local Planning Authority under application reference 16/02242/DCN. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site other than in accordance with the details submitted under reference 16/02242/DCN for the

provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 22 Rev 00; 15-1389 23 Rev 00; 17-06-1638 10 Rev B; 17-06-1638 11 Rev B; 17-06-1638 30 Rev D; and 17-06-1638 40 Rev D received by Hambleton District Council on 13 January, 26 February and 13 April 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
5. To ensure that the works are undertaken as a conversion in accordance with LDF Policies.
6. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. To minimise risk or disturbance to bats and breeding birds and their future use of the site in accordance with LDF Policies CP16 and DP31.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

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

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

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

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

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

Conditions proposed for Listed Building Consent Application 18/00207/LBC

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 22 Rev 00; and 15-1389 23 Rev 00 received by Hambleton District Council on 31 January 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Maunby
Ward: Morton on Swale
8

Committee date: 3 May 2018
Officer dealing: Mrs H Laws
Target date: 11 May 2018

17/02114/OUT

**Outline application for the construction of two dwellings with all matters reserved
At OS Field 3146
For Mr James Hill-Walker**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the eastern end of the village on the southern side of the road. The site, which covers an area of almost 0.2 hectares forms part of a larger field, which lies at the entrance to the village from Kirby Wiske and Newby Wiske.
- 1.2 The site forms part of a larger agricultural field, within which are sited several mature trees. These are subject to a Preservation Order (TPO 1990/01). Two sycamore trees and an ash tree lie on the frontage of the application site. Five oak trees within the same Order lie outside of the application site to the east. The application is accompanied by a Tree Survey.
- 1.3 The application site covers the north western corner of the field and fronts onto the village street adjacent to St Michael and All Angels Church and churchyard.
- 1.4 It is proposed to construct two dwellings on the site. The application is an outline application with all matters reserved. All of the trees will be retained.
- 1.5 The application is accompanied by a Flood Risk Assessment; the site lies within Flood Zone 1, which is the area of least risk but part of the site is at high risk of surface water flooding. Part of the access road leading to and from the village lies within Flood Zone 3, the area of highest risk.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 90/0169/OUT – Outline application for the construction of 2 dwellings. Permission refused 21/9/1990 for the following reasons:
 1. The proposed development would be contrary to Policy H5 of the Draft Vale of Mowbray Local Plan. That policy defines the village limits outside which development should be resisted in the interests of safeguarding the character of the area, and the proposed site lies outside those limits.
 2. If approved the development would intensify the existing scatter of ribbon development outside the main settlement which would be objectionable on amenity grounds.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – the parish council is against this proposal. The reasons for this are because the applicant has stated that the proposal is not in a flood zone area however, the flood risk in parts of the development footprint are currently within FZ2 and could potentially increase to FZ3 magnitudes in future due to climate change. Also, the site does have a history of flooding as in 2012, the road was closed due to flooding and it is the only road access in and out of the village.

As well as this, there are 3 TPO trees on the edge of the site and approximately, a further 5 TPO trees adjacent to the site.

The original application ref 90/0169/OUT for outline application for the construction of 2 dwellings in the same area was refused.

- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Yorkshire Water – condition recommended regarding surface water discharge
- 4.4 Swale & Ure Drainage Board – any surface water discharge into any watercourse requires consent from the Drainage Board.
- 4.5 HDC Corporate Facilities Manager (Drainage) - The current flood zone maps provided by the Environment Agency show that the site is located in Flood Zone One, so an area of lowest flood risk as assessed by the EA. All land in England is assessed as being in flood zones one, two or three, one – lowest and three – highest risk. I note that in a number of responses that it is stated that the proposed development site is in flood zone 3 and 2, this is not the case. The EA do assess that part of the proposed development site is subject to the risk of surface water flooding, with the front portion of the site (approximately 30%) in the high risk area so the 1 in 30 chance in any given year (3.3%), a slightly larger area of the site is subject to medium risk so up to 1 in 100 chance (1%) then there are further extents in low risk which is up to 1 in 1000 chance (0.1%).

Further information indicates that the watercourse flooding to the access roads is short lived and still allows careful vehicular access. So whilst not discounting the flood zone three extents, the potential impact on day-to-day activity is limited.

There are two surface water disposal options available to the applicant, soakaway or discharge to watercourse, there is no public surface water sewer in the village or other public piped option. The applicant must ensure that all hard surfaces on the proposed development are adequately served by drainage to ensure that the construction of new hard surfaces does not contribute to the existing surface water flood risk.

- 4.6 MOD – no objection to the principal of the development at this location
- 4.7 Public comments – a total of 19 objections have been received, mostly from residents of Maunby, which are summarised as follows:

- Outside the boundary of the village
- Outline permission previously refused in 1990 on this site
- I feel that the proposed dwellings will not benefit the local pub or church
- The South Otterington Primary School is over 1200m from the village, which means that all children currently attending are normally driven, which does not protect or improve air quality and reduce climate change
- There are currently (unfortunately due to deaths) 2 un-occupied properties within the curtilage of the village, with another 2 for sale
- The proposed site sits lower than the main road. This creates a natural collection area for surface water to collect. If this site was developed it would remove this natural defence that helps protect the only road in/out of Maunby from flooding, which has happened in the past
- Detrimental impact on the character, appearance and environmental quality of the entrance to the village
- the removal of trees is unacceptable
- If the houses were two storey rather than bungalows or dormer bungalows they would be totally out of character with the village
- The trees offer enormous character and value to the entrance to the village and create an aesthetic ambience to the village entry. They predate the bungalows on The Row and are valued by those living in the immediate vicinity
- The development does not satisfy the sustainability criteria in the HDC's Sustainability of Alternative Sites (HDC Local Plan)
- The proposed site is subject to flooding relatively regularly and pools of water collect in the field in periods of high or long duration rainfall. The flooding has extended across the highway on several occasions when access to the village has been seriously impeded.
- The predominant aesthetic character towards the entrance to the village in which the proposed site is located is parkland. Modern housing in the parkland will destroy this character. Other buildings which fall within the village on the parkland side are hidden behind the church, which marks the village boundary.
- The proposed properties do not meet requirements for HDC's sustainable appraisal of alternative sites March 2017.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; (iv) the effect on the trees (v) flood risk; and (vi) highway matters.

The principle of residential development

- 5.2 The site falls outside of Development Limits, as Maunby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances

identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

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

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.

- 5.4 In the 2014 Settlement Hierarchy reproduced within the IPG, Maunby is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies on the edge of the village; facilities in the village itself include a pub and a church. However, settlements smaller than Secondary Villages have to be capable of forming a cluster with nearby villages in order to be considered a sustainable location for development; the IPG indicates that settlements within a cluster should be sufficiently close and provide an appropriate range of facilities and services between them. The IPG indicates that such settlements should be up to approximately 2km apart and either include a Service or Secondary Village, or be a combination of Other Settlements that cumulatively provide the level of services and facilities required for a sustainable settlement. In this case, Maunby is approximately 2km from South Otterington, designated a Secondary Village, with facilities including a school, a pub and a church, therefore criterion 1 is satisfied.

Character, appearance of village and rural landscape

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposal is for the construction of two dwellings, which is considered to be of a small scale. The site currently forms part of a larger field but lies adjacent to and opposite existing development, therefore relating well to the existing settlement. The construction of two dwellings on this plot

would generally follow the building line of development in the locality, which mostly fronts directly onto the village street in a linear form.

- 5.6 The application site does not incorporate all of the stretch of field fronting onto the southern side of the village street, retaining the character and appearance of the approach into the village. Clearly the construction of two dwellings to the north east of the Church will alter the appearance of the site but with carefully designed dwellings and appropriate landscaping, it is considered that the development of this site will not detract from the character of the village or the rural landscape beyond.

Flood Risk

- 5.7 The application site does not lie within Flood Zones 2 and 3 but is within Flood Zone 1, the area of lowest risk. However, the site is at risk of surface water flooding, which means that the watercourse is not the source of the water. It is important to ensure that the proposed development would not be at risk of surface water flooding and that the proposed development would not displace the surface water risk to neighbouring properties. A condition is recommended to ensure that details are submitted to ensure that suitable measures taking this into account are included within the final design.
- 5.8 The second issue relates to the surface water drainage of the site; all hard areas need to be permeable and a condition can be imposed to ensure this is undertaken. In the event of an inundation of water, flood flows should be directed to a safe location on the proposed site and to minimise risk to neighbouring properties.

Trees

- 5.9 Two sycamore trees and an ash tree lie within the application site and are covered by TPO 1990/01. It is not proposed to remove the trees.
- 5.10 A tree report has been submitted with the application. There would be a zone towards the front of the site, along the north western corner, which could not be developed but the report concludes that there is ample space for the development to be undertaken without conflict with the trees.
- 5.11 There are a total of 8 trees covered by TPO1990/01; the remaining 5 trees would not be affected by the proposed development.

Residential Amenity

- 5.12 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling lies adjacent to the churchyard and opposite existing dwellings that are set back from the frontage of their plots on the northern side of the village street. It is considered that adequate separation distance would be available to ensure there is no loss of amenity for existing or proposed residents.
- 5.13 The proposed development would not adversely impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

Highway Safety

- 5.14 The proposed access to the development is a Reserved Matter but the Highway Authority has no objections to the creation of a new access or accesses onto the village street subject to appropriate conditions.

Other matters

- 5.15 Comments made in respect of the Local Plan process are not relevant to the consideration of the application. Assessments made during that process are considering large scale development proposals rather than small scale proposals such as the application site.

6.0 RECOMMENDATION

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

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

Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
 - a. The details of the access shall have been approved in writing by the Local Planning Authority
 - d. The crossings of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6.
 - e. Any gates or barriers shall not be able to swing over the existing highway.

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

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. vehicular and pedestrian accesses
 - b. vehicular parking
 - c. vehicular turning arrangements

No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 27 September 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
7. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
9. In the interests of road safety convenience in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.

12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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 green wheeled bin for garden waste

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

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

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

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

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

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

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Parish: Raskelf
Ward: Raskelf ad White House
9

Committee date: 3 May 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 7 May 2018

18/00271/OUT

Description: Outline application with details of access and layout to be considered (all other matters reserved) for three dwellings

At: Land west of 6 The Green, Raskelf

For: Mr H Johnson

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 consists of a small, peripheral part of a wider land parcel used for equestrian purposes by the 'GG Centre', located to the south of Hag Lane, to the south western end of 'The Green'. The site is approximately 0.2 hectares in area and is located adjacent to semi-detached dwellings (1-6 The Green) and opposite the dwellings and gardens of Scatterpenney and Fletchers. To the south west of the site is the GG Centre, an equestrian facility that comprises of stabling, paddock land for grazing, exercising and riding.
- 1.2 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.
- 1.3 The proposal seeks consent outline consent for three dwellings. The matters for approval at this stage are access and layout. The remaining matters, i.e. appearance, landscaping, and scale would be for a later application if this is approved.
- 1.4 Improvements have been secured as follows:
- Providing a mix of dwelling type that includes:

Dwelling 1 – a 2 or 3 bedroom single storey bungalow with integral garage – 98 square metres including 18 square metres for the integral garage

Dwelling 2 – a 4 bedroom, 2 storey dwelling with integral garage – 178 square metres including 24 square metres for the integral garage

Dwelling 3 – a 3 bedroom, 2 storey dwelling with integral garage – 164 square metres including 24 square metres for the integral garage
 - 2 access points are proposed off Hagg Lane, with dwellings 2 and 3 having a shared access
- A re-consultation on this scheme has taken place.
- 1.5 It should be noted that the red line does not encroach onto the neighbouring properties and is outlined to show the maximum visibility possible.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 78/1228/OUT - Outline application for the construction of a pair of agricultural workers dwellings with domestic garages; Granted 22 July 1978 but not implemented.

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 – Do not object or support the application, however wish to comment that they have concerns regarding the infrastructure of the parish. These continuing developments are putting pressure on an infrastructure which is already under pressure.

The Parish Council are concerned that this development would not be contributing any affordable housing to the community.

- 4.2 Highway Authority – no objection, subject to conditions regarding the private access and verge crossings, details of access, turning and parking, garages not being converted to a habitable room, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development
- 4.3 Yorkshire Water – no response received to date.
- 4.4 Environmental Health (Contaminated Land) - more than 2 dwellings will require a Phase 1 preliminary risk assessment.
- 4.5 Public comments – 2 objections have been received from the occupiers of 1 and 6 The Green. A summary of their objections are as follows:
- The sites are not suitable for housing with already other developments planned in the village all in close proximity of each other and people who live in the vicinity;

- There also needs to be consideration given to householders in Raskelf as well as local business and farm traffic;
- We have already had instances in recent months of builders wagons and vans blocking roads so even local bus routes were blocked by inconsiderate builders;
- The development will cause a huge amount of disruption to the small part of the village that includes a lot of elderly people and children;
- It is taking away rural countryside; and
- The road is currently very dangerous due to the very sharp bend that people drive very fast around. Lots of farm machinery leaves lots of debris on the road which causes a lot of problems

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.

The principle of development

- 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.

- 5.6 However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 450 metres (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 450 metres apart at its closest point and linked via a lit footpath (on the north west side of Hag Lane, opposite the site) 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 proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Supplementary Planning Document.

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 three dwellings and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.8 The piece of land that is the subject of this application falls within the 30mph speed limit. Dwellings 3 is opposite residential dwellings and their associated garden area and the village sign. Dwellings 1 and 2 are further west, to the north opposite these plots include domestic garden space and sheds, bounded by a boundary hedgerow to the south.
- 5.9 The application site will utilise the existing northern boundary hedge which forms an important landscape feature when on approach to this part of the village from the west. The existing trees within the hedgerow are shown to be retained. A condition to ensure that the relevant protective measures are put in place for the trees can be imposed. Further planting is proposed in the triangular parcel of land to the westernmost part of the site and trees on this boundary are to be retained. A boundary hedge along the rear of the proposed dwellings is proposed. This hedge would be in line with the existing fence and hedges that form the rear boundary of the dwellings of 1 – 6 The Green with the open countryside to the south.
- 5.10 The building line of the proposed dwellings reflects that of the building lines of the adjacent properties of 1 – 6 The Green and is considered to reflect the existing built form of the area.
- 5.11 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village. Consideration has been given to the cumulative impact of the proposed development, noting the recent planning approvals for development on 4 separate sites in The Green. The approved sites are to the north and east of the current application. Inter-visibility would occur between the two sites at Pond Corner (18/00060/OUT) and Green Acres (16/02803/OUT & 17/02536/REM) and the application site. The views would be in the context of the established dwellings and gardens of the village as well as the newly approved dwellings and the impact of the new dwellings would not result in a significant harmful visual impact when considered in isolation or cumulatively. Sites adjoining Dovecote (17/02358/OUT) and The Cottage (17/02240/OUT) adjoining the Easingwold Road have also been considered in this assessment.

- 5.12 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. By virtue of the siting of the proposed dwellings and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment. There is no recorded heritage or ecological interest in the site.
- 5.13 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. Given the shape of the land narrowing to the west, with the 30mph speed restriction failing just beyond the application site, the proposals are considered to be a logical extension to the existing built form of The Green, Raskelf. The spaces between the proposed dwellings reflect that of the existing dwellings within the locality and will provide important glimpses to the open countryside beyond.
- 5.14 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Residential amenity

- 5.15 It is considered that the site is capable of accommodating three dwellings without prejudicing residential amenity, particularly that of 6 The Green by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.16 With adequate boundary treatments and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. The existing boundary hedge and fence between 6 The Green and 'Dwelling 3'; is to be retained and this is welcomed. The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.17 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

- 5.18 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

6.0 RECOMMENDATION

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

of approval on different dates, the final approval of the last such matter to be approved.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) unless otherwise approved in writing by the Local Planning Authority.
3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site and (c) the scale (including the number) of buildings overall.
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. 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.
7. This decision grants permission for no more than 3 dwellings. The size of each dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.
8. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the crossings of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or

building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; 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.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.

The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)

15. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
16. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment shows that further investigation is not required.

17. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL5)
18. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Development Plan Policies DP1, DP28 and CP17
3. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
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 Hambleton Local Development Framework Policies CP3 and DP6
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
7. 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 Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure SPD.
8. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Hambleton Local Development Framework Policy CP2.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
11. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development, in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.

13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
16. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
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18. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.

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.

4. With regard to the conditions of land contamination CL1 - Preliminary Risk Assessments should have regard to current best practice and the advice and guidance contained in CLR11 Model Procedures for the Management of Land Contamination (Environment Agency, 2004). Further advice is contained in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017.

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

Parish: Rudby
Ward: Hutton Rudby
10

Committee date: 3 May 2018
Officer dealing: Mr K Ayrton
Target date: 7 May 2018

18/00489/OUT

**Outline application for the construction of five dwellings
At OS Field 2719
For Mr D Bainbridge**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located on the eastern edge of Rudby and comprises agricultural land. It is rectangular in shape and approximately 0.80 hectares in size. The southern frontage of the site extends along Stokesley Road leading out to Skutterskelfe. This boundary accommodates a mature hedgerow with a small number of trees at the eastern end. There is a small gap in the hedge serving as a field access, opposite the junction to Rudby Lea.
- 1.2 There is residential development to the west of the site, which fronts onto Stokesley Road. The development is predominantly single storey and low density. This frontage development can also be found opposite the site, albeit this changes to a cul-de-sac arrangement, which extends behind the frontage development. Located to the south east of the site is a large cluster of farm buildings. Open countryside is beyond.
- 1.3 Rudby is located to the east of the larger settlement of Hutton Ruby. Whilst separate they have a close relationship, with Hutton Rudby accommodating the majority of services and facilities, which is reflected in their settlement status. Rudby is an Other Settlement and Hutton Rudby is a Service Village.
- 1.4 The matters for approval at this stage are access, landscaping and layout. The remaining matters, i.e. appearance and scale would be for a later application if this is approved.
- 1.5 A similar application was refused at planning committee in October 2017, which is currently at appeal. The current scheme includes the following changes:
- Reduction in the size of the site from 160 metres to 150 metres (10 metre reduction);
 - Inclusion of matters to be determined at outline stage. Previously all matters were reserved; and
 - New landscaping arrangements on the 10 metre strip omitted from the application site.
- 1.6 The supporting covering letter highlights the following benefits that result from the changes:
- Lower visual prominence on the surrounding area.
 - Scheme includes greater separation from the chicken sheds at the nearby farm, comparable to existing properties.
- 1.7 The applicant has submitted a plan, which identifies the density of development in the surrounding area. Having reviewed this plan, it is noted that it should be treated with a degree of caution, as areas have been drawn to include the highway network

(roads, pavement verges, etc), which would account for a fair proportion of the land. Were this to be omitted, the 'dwelling per hectare' calculation would increase. In comparison, the 'dwelling per hectare' calculation for the application site relates solely to the land occupied by the buildings and residential curtilages, it does not include the highway.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 78/1651/OUT - Outline application for a detached dwelling; Refused 23 February 1978.
- 2.2 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.
- 2.3 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.
- 2.4 17/01351/OUT - Outline application with all matters reserved for five dwellings; Refused by planning committee on the 16 October 2017. The decision to refuse was made against the officer's recommendation to approve the application. The reasons for refusal were:

1. The proposed development incorporates five plots which are generally larger in size than those which characterise this part of the village. The resultant plot ratio is not considered to be an efficient use of the land in this location. The proposed development is considered to fail to accord with the requirements of Criterion 1 of the Interim Policy Guidance as the proposed development fails to reflect the existing built form and character of the village and as such also fails to accord with the requirements of policy DP10 and DP32 which seek to support high quality development which respects the character and form of the settlement.

2. The proposed extension of the village into open countryside is considered to be harmful to both the character and setting of the village of Rudby and to the character of the open countryside which surrounds the village and as such fails to accord with the requirements of the Interim Policy Guidance Note, Criteria 2, 3 and 4 and fails to accord with the requirements of Development Policy DP30 and DP32.

3. The proposed development is in close proximity to a chicken farm which is likely to result in a loss of residential amenity through nuisance from odour, noise and flies contrary to the requirements of Development Policy DP1.

The decision is currently the subject of an appeal.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all

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

Hutton Rudby Neighbourhood Plan

3.2 In considering the previous application, the Chair of the Steering Group provided a timetable for the preparation of the Neighbourhood Plan. The Chair has confirmed that the schedule has slipped, and has been updated as follows:

- **End July 2018:** Completion of Neighbourhood Plan drafting
- **Aug/Sept 2018:** Statutory 6 week Consultation
- **Oct 2018:** Submission to HDC for formal review & examination
- **Feb 2019** Referendum

3.3 The Char has confirmed that part of the site has been provisionally selected by the Neighbourhood Plan as a Preferred Site for a mixed housing development (affordable and market) of approximately 15 dwellings. The Chair has highlighted the point that sites have been provisionally selected on the basis that they are suitable and sustainable location for a minimum sized development of 11 homes. This threshold was chosen to ensure the sites delivered a proportion of affordable housing.

4.0 CONSULTATIONS

4.1 Parish Council – Recommend refusal. The need for housing assessed through the Neighbourhood Plan does not support the building of large houses. There is no provision for affordable housing.

There would be 5 entrances onto a busy road out of the 30 mph limit.

4.2 Highway Authority – Considering that the proposed development will have a comparable highway impact to the previously refused scheme, the Highway Authority has advised that their recommendation will be the same as the previous application, which raised no objection subject to conditions.

4.3 SABIC (Pipeline operator) – No observations to make in this instance, as the site is approximately 250m from the pipeline.

4.4 Northumbrian Water – The application does not provide sufficient detail with regard to the managed of foul and surface water from the development. We would therefore suggest a condition requiring the submission and approval of foul and surface water details.

4.5 Environmental Health – Consider that there will be no significant impact on the local amenity. No objection.

4.6 Public comments – Four letters of objection making the following observations:

- The reduction in the site area by 10 metres will have no mitigating effect on the noise experience by potential residents;
- The site is wholly unsuitable for this type of development;

- The site has been identified in the Neighbourhood Plan as a possible site. However this is on the basis that it delivers a mix of dwellings, including affordable;
- 5 self-build plots are not required by the community;
- The development does not comply with the emerging Neighbourhood Plan, which is at an advanced stage;
- Would question the point made in the supporting documentation that there is a shortage of larger houses. A simple search on Rightmove identifies several available properties;

4.7 One letter of support has been received, noting that the development will be in keeping with the properties within this area.

5.0 OBSERVATIONS

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

Principle

5.2 The site adjoins the settlement of Rudby, which does not have any Development Limits. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

5.3 *"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 residential development within villages.

5.5 In the IPG Rudby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.

5.6 The supporting text in the IPG specifically identifies Hutton Rudby and Rudby as a cluster. This is in recognition of the close proximity of the settlements and links between them. Therefore it is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

5.7 It is stated that the site will be made available as 5 self-build plots for which there is a high demand. In contrast, the public observations make reference to the evidence

base for the emerging Neighbourhood Plan, which states that the community does not recognise the need for self-build plots.

- 5.8 There is no doubt that there will be demand for self-build plots on the edge of Rudby in what is an attractive semi-rural location. However, it is not clear that this is necessarily meeting the needs of the local community as highlighted by the Parish Council. There is no planning policy basis that would suggest that this should be a significant planning benefit.
- 5.9 As was the case with the previous application, there have been several objections raising concerns that the proposed development is premature and that the proposal does not accord with the findings of the Steering Group and the emerging requirements to be set out in the Neighbourhood Plan.
- 5.10 Paragraph 216 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.11 In this instance, the Neighbourhood Plan remains at a relatively early stage, comparable to when the previous application was determined. As such it can only be offered limited weight.

Character and Appearance

- 5.12 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. However, Rudby is considered to be of a form and scale capable of accommodating a development of five dwellings. Therefore, even though the village is low down in the Settlement Hierarchy, the proposed development is not considered to change its character or form significantly enough to be harmful. This will of course also be dependent on consideration of the details submitted at the reserved matters stage.
- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline with some matters reserved.
- 5.14 Whilst the previously refused application was in outline form with all matters reserved, the shape of the application site allowed for a clear understanding of the form and layout of development to be formed. In assessing the previous application, officers were satisfied that a development that responds positively to the built form could be achieved on the site. However, it was noted that some of the supporting documents and the illustrative layout plan suggested five relatively large dwellings at a very low density of development. Whilst in outline form, the need for any future development to accord with all policies in the Local Development Framework was

highlighted, most notably policy DP13, which encourages a mix of dwelling sizes and the inclusion of two and three-bedroom dwellings.

- 5.15 At Planning Committee, Members were not satisfied that the size of the site would deliver a development that would be in-keeping with the character and appearance of the area, being generally larger in size than those around it. Members also considered that the resultant plot ratio did not represent an efficient use of land.
- 5.16 This is considered to be a reasonable conclusion based on the requirements of planning policy. This area of disagreement has been discussed in further detail as part of the current appeal, with elements being brought into the current application.
- 5.17 The previous outline application, which had all matters reserved, had the flexibility to reflect policy requirements at reserved matters stage. The current application, which now includes layout, removes this. Therefore consideration can be given to the proposed layout plan. This identifies the footprint of five detached dwellings spread evenly throughout the site. With scale being a reserved matter, it is not known at this stage whether these will be single or two-storey properties. However, it is possible, if some of the dwellings were single storey, that the development could deliver a mix of dwelling sizes, including smaller two and three bed units.
- 5.18 The majority of the mitigating landscape proposed (also a matter for consideration) has been included beyond the red line. The slight complication is that the applicant has advised that the plots would be made available as self-build plots, which suggests that the site would be split into five separate ownerships. The use of a condition worded in a negative form (a Grampian condition) would be a way of securing the off-site landscaping works. The applicant has confirmed that they are aware of this requirement and the responsibility would stay with them.
- 5.19 The land take for five dwellings remains relatively extensive. Members previously formed the view that in the context of the site, which would extend into the countryside, away from the main built form of the village, it would fail to reflect the existing built form and character of the village and the character of the open countryside.
- 5.20 Given that the scheme has not been reduced significantly from that previously refused, Members will need to consider whether the changes have gone far enough for a different view to be formed to that previously.
- 5.21 However, officers remain of the view that the site can deliver a development that responds positively to the built form. Whilst the development will encroach into the countryside, it is read sufficiently within the context of existing development to avoid detrimental impact, most notably the development on the southern side of the main road.

Residential amenity

- 5.22 The proposed development would be linear in form, with part of it located opposite existing development on the other side of Stokesley Road. The proposed layout plan confirms that suitable separation distances to achieve an acceptable level of amenity for current and future occupiers.
- 5.23 In considering the previously refused application, Members noted the proximity of the chicken farm opposite the site when they undertook a site visit. Having regard to policy DP1, which requires (existing and proposed) residential amenity to be considered, Members had concern over the proximity of the farm being harmful, which resulted in an additional reason for refusal.

- 5.24 Environmental Health commented on the previous application and raised no objection. Considering that the reduced site area would now result in greater separation distance from the nearest proposed dwelling to the chicken farm, which is comparable to the existing properties adjacent to the farm and along the eastern edge of Rudby Lea, it is not considered that the proximity of the chicken farm would warrant refusal of the application.

Highways

- 5.25 Access is a matter for consideration. The scheme includes the formation of five individual accesses. However, the Highway Authority has previously considered the principle of development and advised that there is no highway objection, subject to conditions. The conditions will be included in the update report. The development of this site is not considered to have a detrimental impact on road safety.

6.0 RECOMMENDATION

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; and (b) design and external appearance of each building, including a schedule of external materials to be used.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The crossings of the highway verge and/or footway shall be constructed in accordance Standard Detail number E6.
 - b. Any gates or barriers shall not be able to swing over the existing highway.
 - c. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of each access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until details of (i) the provision of a footway on the site

frontage linking the site to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

6. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the footway on the site frontage linking the site to the existing footway on Stokesley Road has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 5.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle accesses, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
10. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.
11. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved

remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

12. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. In the interests of road safety.
5. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
6. In the interests of the safety and convenience of highway users.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In the interests of highway safety.
10. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.

Informatives

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

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

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

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

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

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

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

Parish: Sandhutton
Ward: Thirsk
11

Committee date: 3 May 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 10 May 2018

17/02625/FUL

Description: Construction of a fabrication workshop for the manufacturing of agricultural steel framed buildings to include associated hard standing and boundary security fence

At: Crossbones Farm, Sandhutton

For: Mr Peter Walker

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 Crossbones Farm is a former agricultural farmstead located on the western edge of the former Skipton Old Airfield to the south west of the village of Sandhutton and to the south east to the settlement of Holme, across the River Swale.
- 1.2 The proposed building will measure 123.44 metres in length to handle long lengths of steel, 16.76 metres at its widest, 7.686 metres to the eaves and 8.413 metres to the ridge. The proposed materials are to be profiled steel sheeting and concrete walls with the roof having approximately 15% roof lights to reduce the need for electric lighting. The main colour of the roof and side cladding is proposed to be dark green BS 12-B-29 with Poppy Red BS 04-E-53 flashings as a contrast.
- 1.3 Two of the existing buildings are to be retained and repaired where necessary. These buildings are to the north of the proposed building. The building furthest to the north is a 1950's former pig farrowing house building, with timber sides and will be used as an office. The other building is more modern in construction, with concrete blocks wall and fibre cement roof. This building will be used as a general purpose storage building for ancillary equipment to the main agricultural buildings including bolts, fixings, guttering, brackets, screws etc that will be stored on palettes.
- 1.4 The internal layout of the building will include (from left to right) a small steel storage area, a shotblast, CNC controlled sawing and drilling line, manufacture of fittings, cleats and end plates, a plating area with an overhead crane, a cut and drilled beam holding area, a welding line and a painting area.
- 1.5 The applicant's company has outgrown its existing site at Holly Farm, Kirby Sigston (approximately 13.7 miles from the application site via road). The applicant highlights that the company needs to set up a new production facility to install modern CNC machinery to remain competitive and be able to comply with ever increasing demands of CE marking and other legislation. The proposals would employ the equivalent of 11 full time employees on site, with the potential for this to increase.
- 1.6 The applicant has provided information that states they have searched for suitable sites both inside and outside Hambleton District, but have failed to find appropriate sites. The alternative sites and reasons that they have been discounted are as follows:

Dalton Airfield

Planning permission was granted at land on the north side of Dalton Old Airfield in 2015 for a fabrication workshop for the manufacturing of agricultural buildings.

However, the applicant has stated that in January 2017, they were having doubts as to whether the Dalton Airfield proposal was ever going to happen due to issues within the vendor's family (the details of which the applicant is not aware of). The applicant then contacted the Business and Economy Officer at the Council who provided the applicant with the names of three land-owners on Dalton Industrial Estate. The applicant contacted all of these and they were either unwilling to sell or hadn't any suitable sites available.

Sowerby Gateway

The applicant made enquiries about Sowerby Gateway to Castlevale (the administrators of the Sowerby Gateway project), and it seemed that all the land was for lease not sale and at the time they did not think that there would be any sites available of the size and shape the applicant required. As the current application shows, the applicant's require a long narrow site to get a building that allows for a straight through production line layout. The applicant has further stated that the commercial land at Sowerby Gateway is also very close to a major new housing development which for the type of activities proposed, does not seem to be sensible mix.

Allanbrook Industrial Park

The applicant has advised that Allanbrook Industrial Park has no suitable sites available either for sale or to let and is closer to residential properties when compared to the Crossbones Farm site.

York Road Industrial Estate

York Road Industrial Estate has no large enough sites available for sale or to let, and is full to capacity.

1.7 The applicant highlights that Crossbones Farm is an ideal site for their needs; for the supply chain, the proximity for the existing employees who travel from mainly Thirsk and Northallerton, it has good access for goods vehicles, it has the capacity to accommodate a long narrow building that is well suited to the highly efficient production facility proposed and it is also far away from residential areas to reduce the potential to cause a nuisance.

1.8 The applicant has also advised the following regarding the need for a shot blaster at the site.

Currently all our steel is bought in and stored already shot-blasted and painted. This is necessary to prevent the steel from rusting whilst it is being stored outside. The fact that the steel is already painted however does lead to a number of issues and inefficiencies. The largest issue to us is cost, we are currently paying £40-£45 per tonne for the steel to arrive blasted and primed whereas with a blaster of our own within the workshop we can store the steel untreated and remove all corrosion as the steel enters the workshop. This results in large savings as well as preventing the need for the steel to be primed before processing as it can go through the dry atmosphere of the workshop as clean steel without a risk of rusting. This means it only needs painting once instead of twice leading to both cost and environmental benefits as-well as reducing fumes from welding the steel as there will be no primer on the steel when it is welded. This makes the process kinder on the environment and much nicer for those working in the workshop as there are far less fumes to contend with.

1.9 The site is accessed via the existing vehicular access into the Skipton Old Airfield off the A167.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/01278/APN - Application for prior notification to provide storage facilities for straw, tractors and accessories and hospital/recovery accommodation; Granted 31.07.2002.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP11 - Distribution of new employment development
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP36 - Waste
Development Policies DP42 - Hazardous and environmentally sensitive operations
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Parish Council – recommends that the application is refused. The reasons are as follows:

- This is a step change in the use of the airfield from mostly agriculture to heavy industrial. If passed it then sets a precedent for the rest of the airfield for heavy industry like Dalton;
- The hours of working are unsatisfactory 6 days a week 7am-7pm and Sunday working;
- The development has the potential to be very noisy and it appears no independent analysis has been taken on the impact of the increase on the residents of Sandhutton Village;
- HDC planners have previously stated that the site is unsuitable (see reference 17/01290/APN 10th July 2017). What has changed to now allow this application?
- The eventual number of lorries accessing will be considerable. To say they will enter the site from the south is not acceptable as there is no way this can be enforced;

- The information provided by 'JMW Transport Details' again is lacking in detailed information; and
 - The Parish Council have raised the poor transport infrastructure around the airfield however, HDC planning department appear to ignore this issue when processing planning applications, including this one.
- 4.2 Highway Authority – The applicant has previously provided additional transport information relating to the expected growth of the business. This information is considered to be satisfactory and the Local Highway Authority recommends that the routing of construction traffic is conditioned.
- 4.3 RAF Linton on Ouse – No safeguarding objection to the proposal.
- 4.4 Environmental Health (Contaminated Land) – The land contamination and UXO risk assessments submitted by the developer in support of the development have not identified significant contamination that could pose a risk to the development with the exception of asbestos cement roof sheeting. This material is proposed to be removed by an disposed of by licenced contractor.
- As the site has a past use as military land and agricultural/industrial use there is a potential risk of unidentified contamination existing on site and therefore I would recommend, as a precautionary measure that a condition is added that if contamination is found or suspected, any time during development that was not previously identified all works shall cease.
- 4.5 Natural England – No comments.
- 4.6 Yorkshire Wildlife Trust – In light of the submitted Bat, Breeding Bird and Barn Owl Survey by MAB Ecology, the survey is thorough and good quality and shows that although bats are very unlikely to be using the buildings for roosting that Barn Owls are present and also breeding birds. I would recommend that Section 9, Mitigation and Compensation on pages 18 and 19 are conditioned so that there is no impact from the development on wildlife.
- 4.7 Environmental Health – following receipt of Nova Acoustics report dated 09/03/2018, the Environmental Health Officer has stated that the noise assessment demonstrates, subject to detailed mitigation measures, that the development could operate without significant loss of amenity. To control the impact on amenity it is necessary to ensure that the measures detailed in the report are implemented and maintained. 11 conditions are recommended.
- 4.8 Environment Agency – no response received to date.
- 4.9 Yorkshire Water – no comments regarding waste water.
- 4.10 Public comments – a letter of objection has been received from the occupier of The Snuggle Up, a residential property located on the south edge of the village of Sandhutton, approximately 1.5 kilometres from the site (as the crow flies). A summary of the objection is as follows:
- I can see no reason why Crossbones Farm on Skipton Airfield would now be deemed as acceptable for this type of development;
 - The applicant has a site on Dalton Airfield with planning permission (Planning Application No.15/02803/FUL) for a fabrication workshop for the manufacturing of agricultural steel framed buildings which was said to be "The Ideal Site" with the steel supplier being on site and the improvement in the road infrastructure making access to the A19 & A1M vastly improved;

- The applications own Traffic Survey state that there will be "A substantial increase in HGV traffic" onto the site, most of which will be travelling through Sandhutton Village (this is incorrect)
- Too many small rural villages are seeing inappropriate developments because they meet with HDC wider plan, against local Parish Council wishes and without proper consultation with the village parishioners most of whom never hear about the application till it's too late, this application would affect the village as a whole but no letters of consultation have gone out to anyone; and
- Skipton Airfield has historically been for agricultural use being mainly pig breeding units and turkey sheds, lately there has been a trend towards none agricultural developments again without consultation with the people that live in the rural village.

4.11 Lead Local Flood Authority - Further to the additional information submitted, the LLFA has now reviewed this and is happy for the application to proceed, subject to a suitably worded condition.

We note that the applicant has identified the destination for surface water as the River Swale. This will require consent from the Environment Agency and the applicant should approach the EA for this prior to construction of the drainage system.

The applicant has confirmed in the additional information provided that the discharge rate from the site will be the assumed greenfield rate of 1.4 litres per second per hectare. This rate will apply to all rainfall events up to and including the one in one hundred year rainfall event with an additional 20 % allowance for increased rainfall due to climate change.

Exceedance flows from the site will be managed by use of an overflow from the attenuation pond which is to direct such flows safely towards the receiving watercourse and away from buildings and plant. A map or plan of this route should be provided at the detailed design stage.

The applicant has provided a maintenance schedule, detailing maintenance requirements for the attenuation basin and the hydro brake. The person or body responsible for maintenance should be identified and the maintenance regime communicated to them at the detailed design stage.

The applicant has confirmed that permission is in place in the form of a wayleave, for drainage to cross land adjacent to access the watercourse. A condition regarding the runoff rate, storage requirements and maintainable is suggested.

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development, (ii) the impact of the proposals upon the character of the area, (iii) the impact of the proposals on the amenities of nearby residents, (iv) servicing and access arrangements (including traffic flows) and (v) flooding and drainage.

The principle of development

5.2 Policy CP11 of the Local Plan guides on the Distribution of new employment development and promotes most employment development in the Service Centres (and Leeming Bar and Dalton Airfield), although small scale development will be supported in Service Villages. In the Thirsk area, most development will be encouraged to locate in the Thirsk Service Centre, but if land cannot be identified in

Thirsk, some development will also be supported at Dalton Airfield as will development to meet the needs of existing businesses.

- 5.3 The proposals are however, not related to a new business but a consolidation of an existing business that is based within Hambleton District and in need of investment and renewal. Consideration should be given to supporting existing businesses to grow to realise their potential and this could include relocation, in accordance with Policy DP16. The proposals would employ the equivalent of 11 full time employees on site, with the potential for this to increase.
- 5.4 The former Skipton Old Airfield is not an allocated site for development. The LDF Allocations Document does not set out how, or if, the Old Airfield should be allowed to develop for employment purposes. As a result, any proposal for development must be assessed on its merits in the light of the Development Plan policies.
- 5.5 The National Planning Policy Framework guides that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 5.6 Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
- 5.7 In this case, considered should be given to the scale and shape of the proposed building and relocating an existing business within the District should be noted.
- 5.8 The applicant has considered Sowerby Gateway amongst other sites within the District and has found these not to be suitable for their needs as the land was for lease not sale and at there are no available sites of the size and shape required to achieve the production line layout.
- 5.9 The applicant's concern about taking a site close to housing is understood. The fabrication process involves use of steel and this would risk noise complaints if dropped or handled without extreme caution if there was housing nearby.
- 5.10 There are nearest noise sensitive receptors (NSR) within and around the Old Airfield. To the south east, there are some NSRs that appear to be associated with one of the nearby agricultural businesses they are approximately 1.1km from the site. To the east in Sandhutton there are NSRs at about 1.4km. The nearest NSR to the south of the site is at a distance of approximately 1.7km. To the west in Holme on Swale at about 1000m and to the north at about 1.3km
- 5.11 Policy CP11 concludes that development must comply with the Policies of the LDF and in particular should be sustainable in design, in conformity with Policies CP1, CP17, and address the objectives of Policy CP18 in relation to protecting and minimising the loss of natural resources.
- 5.12 In this case, the proposed building will remove a vast amount of derelict buildings and the proposed building will improve the visual appearance of the area. Weight should be given to that fact that the applicant has explored numerous other allocated employment sites within the District and for reasons that have been detailed in this report, this has not been possible. Weight should also be given to the fact that the site is some distance from residential properties. The activities associated with the use include shot blasting which is an activity that causes noise.

- 5.13 The assessment of the proposal has shown that the operational requirements of the business are for an area of land that cannot be accommodated within allocated employment sites. Whilst the requirements of the business are not explicitly for a rural location the assessment shows that there are no available sites within the Development Limits of settlements, this was a conclusion found in the previous application for the fundamentally the same development that was approved on land at Dalton Old Airfield (15/02803/FUL). Therefore whilst there remains a policy tension with the provisions of CP4 i. with regard to the test:

“it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village of the countryside...”

the absence of available sites would preclude the growth of the business, as such resistance to the proposal would be contrary to the intension of the final part of CP4 i. that allows for development that

“...and will help to support a sustainable rural economy.”

- 5.14 Therefore, it is considered that subject to satisfying the other material planning considerations that will be appraised further throughout the report, the principle of development is considered acceptable.

The impact of the proposals upon the character of the area

- 5.15 The proposals have been designed in a manner that serves the function of the building, by being long and narrow to handle long lengths of steel. The building is large in scale and forms major development by virtue of its floor area.
- 5.16 The proposed building will remove a vast amount of derelict buildings and the proposed building will improve the visual appearance of the area the agent has stated that the scale of the proposed building is similar to others on the airfield.
- 5.17 The siting of the building will retain the historic association of the site and the cross bone shape. The scale, form, detailed design, use of materials and colour of the materials are considered appropriate and sympathetic to the character and appearance of the area.

The impact of the proposals on the amenities of nearby residents

- 5.18 Following receipt of Nova Acoustics report dated 09/03/2018, the Environmental Health Officer has stated that the noise assessment demonstrates, subject to detailed mitigation measures, that the development could operate without significant loss of amenity. To control the impact on amenity it is necessary to ensure that the measures detailed in the report are implemented and maintained. 11 conditions are recommended.
- 5.19 It is therefore considered that subject to conditions the proposal will not cause a material adverse impact upon neighbouring amenity.

Servicing and access arrangements (including traffic flows)

- 5.20 The applicant has stated the following with regard to transport:

The initial increase in local traffic is set to consist of in the region of three inbound deliveries a week and three outbound deliveries a week, although this is expected to rise considerably. Currently there are a large number of companies based on the old airfield including several large poultry rearing

sites with biomass boilers serving them, a grain handling and drying facility, Harper Bagged Products, and a large green waste recycling facility. We are setting up a manufacturing facility which will only have raw materials in and finished product out, so the rise in traffic is small in comparison to the current quantity of traffic. This is an acceptable impact as the roads are quite capable of carrying the increased traffic without noticeably affecting traffic through populated areas.

- 5.21 The applicant further highlights that the company's existing employees are currently based between Northallerton and Thirsk and the proposed site will make very little change to their current driving pattern. A large percentage of the customers are based to the south of our current location and the proposed new site will considerably reduce travelling time. Access to and from the major trunk roads (A1 and A19) north and south is good, using either the A61 or the A167 for raw materials in and finished product out.
- 5.22 Within the site there is to be a circular route for all goods vehicles in the interest of safety and efficiency and to allow all vehicles to enter and leave the site in forward gear. There is also space within the site for staff and visitors to park. Staff will also car share that will reduce the comings and goings to the site.
- 5.23 Considering the above and the comments of the Local Highway Authority, it is therefore considered that the proposals would be acceptable and would not materially impact on highway safety.

Flooding and drainage

- 5.24 The site falls within flood zone 1, which is at the lowest risk of flooding.
- 5.25 The new building will be constructed slightly above existing ground levels and it is considered that this reduces the already small risk of flooding and means that any flood water can easily drain away from the building should the highly unlikely event of flooding occur.
- 5.26 Foul drainage will be dealt with by means of a package treatment plant discharging to a soak-away separate from any rainwater drainage.
- 5.27 The applicant has stated that there is an existing surface water drainage system left from when site was still used as an airfield that has proven more than sufficient to drain the water from the existing hard standing ground and buildings on the site however additional drainage will be required to handle the runoff from the proposed new building. The proposed new hardstanding is planned to be made of a permeable material.
- 5.28 The Lead Local Flood Authority and Yorkshire Water have raised no objection to the proposal.

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)

Map 1 - Location Plan
Map 2 – Block Plan
Map 3 – Access to site
Map 4 – Vehicle routes and parking within the completed development
Map 5 – Parking, material storage and wheel wash facilities during development stage
Map 6 – Drainage Plan
Proposed Floor Plans and Elevations – Scale 1:200 (all received 05.12.2017)
Detailed floor plan – received 12.04.2018
Unless otherwise approved in writing by the Local Planning Authority.

3. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 1.4 litres per second per hectare for up to the 1 in 100 year event. A 20% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
5. Section 9 of the Mitigation and Compensation measures as detailed on pages 18-19 of the MAB Bat, Breeding Bird and Barn Owl Scoping Survey for Crossbones Farm dated February 2018 shall be carried out in full.
6. The use hereby permitted shall not take place outside the hours of 6am and 6pm and at no time on Sundays and Bank Holidays.
7. There shall be no deliveries to and from the site and no HGV movements outside the hours of 7am and 6pm and at no time on Sundays and Bank Holidays.
8. The permitted building shall be constructed to have a minimum sound reduction index of 25 dB Rw. Details demonstrating the buildings sound reduction index shall be submitted to the Local Planning Authority. No alterations shall be made to the construction of the building without the written approval of the Local Planning Authority.
9. No shot blasting machine shall be installed or used at the site with an LAeq at 1m of more than 95dBA. Details of the shot blasting machine installed shall be submitted to the Local Planning Authority. Prior to use of the shot blasting room details of the additional acoustic cladding to be installed to this room shall be submitted to the Local Planning Authority for written approval. Thereafter the approved cladding shall be installed and maintained in accordance with the approved details.
10. Other than the movement of materials into and out of the building there shall be no working of or on metal outside of the building hereby permitted.

11. All doors and windows shall remain closed other than the time needed for pedestrian or materials access/egress.
12. All conveyor entrances shall be fitted with PVC strip curtains which are installed and maintained so that there are no gaps in the curtains and the opening is closed when no materials are passing through.
13. Prior to commencement of the development details of surface finishes for roads and parking areas and programme of work shall be submitted to the Local Planning Authority for approval. There after the surface finishes shall be installed and maintained in accordance with a programme of works that has been approved.
14. Loading and unloading of materials shall not take place other than in the areas identified in Appendix C of the Nova Acoustics report dated 9/3/18.
15. Prior to commencement of the use of the development a 3.2m closed board acoustic fence with a minimum density of 10kg/m³ shall be installed in the location identified in Appendix C of the Nova Acoustics report dated 9/3/18. Thereafter the fence shall be maintained in accordance with the details of the aforementioned report.
16. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs (see informative notes CL2 and CL4).
 - a) No further development shall commence until the approved remediation scheme has been implemented.
 - b) The development shall not be brought into use until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority (see informative note CL5).

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. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
4. In the interests of highway safety and the general amenity of the area.
5. To minimise the risk or disturbance to bats and their future use of the site, in accordance with Hambleton Local Development Framework Policies CP116 and DP31.
6. To control the impact on amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
7. To control the impact on amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1.

8. To control the impact on amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
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15. To control the impact on amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
16. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.

Informative

1. Contaminated Land Notes for Applicants

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported

onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

Parish: Sandhutton
Ward: Thirsk
12

Committee date: 3 May 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 10 May 2018

18/00164/OUT

Description: Outline application with details of access (all other matters reserved) for the construction of one dwelling

At: Kellan Grange, Sandhutton

For: Mrs S Jackson

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 currently comprises an area of domestic curtilage used primarily for vehicle parking in association with the dwelling of Kellan Grange. The development site is bound by the southern elevation of an agricultural building (with an approved use of calf rearing) and timber close board fence to the northern boundary. The western boundary is vegetation that separates the site to the agricultural land beyond. The agricultural building to the north of Kellan Grange and the land surrounding it was formerly within the ownership of Kellan Grange but was sold in 2013.

1.2 The matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved. The agent has stated that the size of the dwelling extends to a maximum footprint of 10.3m x 8.5m. Vehicular access would be taken via the existing access from the public highway (A167) to Kellan Grange to the north-east.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 85/0172/FUL (agricultural building) – planning permission granted 28.02.1985 - details of construction of a calf unit at O.S.1245 (Former O.S. 49), Sandhutton.

2.2 86/0213/FUL (Kellan Grange) – planning permission granted 01.08.1986 - construction of an agricultural worker's dwellinghouse with domestic garage at Part O.S. 1245, Sandhutton.

2.3 15/01203/CLE (Kellan Grange – granted - Application for Certificate of Lawfulness for the removal of an agricultural occupancy restriction as set out in condition 2 to permission ref 2/86/126/0001D.

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 – No observations.
- 4.2 Ministry of Defence – No safeguarding objection.
- 4.3 Natural England – no objection
- 4.4 Highway Authority – No objection; recommends conditions regarding details of access, turning and parking.
- 4.5 Contaminated land - the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.
- 4.6 Environmental Health – Note that there is no history of complaints relating to the use of the adjacent agricultural building. However up until recently the closest dwelling was the subject of an agricultural tie and its occupation as an agricultural dwelling would have reduced the likelihood of complaint. If the agricultural building was to remain empty then potential impact would not be an issue, however this is unlikely and the Council has no available powers to ensure this. Placing an agricultural tie on the new residential development is not an option in this case because the sites are in different ownership.

Giving consideration to the close location, size, construction and functionality of the agricultural building a concern remains that this will have a negative impact on the amenity of the proposed dwelling from noise and odour. It is therefore recommended that the application should be refused.

- 4.7 Public comment – None received to date.

5.0 OBSERVATIONS

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

The principle of development

- 5.2 The village of Sandhutton does not have any Development Limits as defined within Policy CP4 of the Core Strategy. Policy CP4 states that Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan.

However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the revised settlement hierarchy published with the IPG, Sandhutton is defined as a Secondary Village and therefore is now considered a sustainable location for small-scale development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The 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.

Impact upon the character and appearance of the area

- 5.6 The application site has a distinct freestanding character, which is separate to the built form of the village. The site is some 160 metres from the edge of the settlement of Sandhutton (the garden of 1 Craddock Row) The site is also located outside of the 30mph speed limit to the village and the signs that state 'Sandhutton' that are a clear indication that you have entered or left the village.
- 5.7 The site is close to the village hall of Sandhutton, separated by Kellan Grange, approximately 280m from the nearest bus stop and 320m from the public house and core of the village.
- 5.8 The IPG clearly states that 'small scale development will be supported in villages' and goes on to say that a consideration is whether small scale development is 'adjacent to the built form of a settlement'. This growth should be organic which reflects the character of rural villages.
- 5.9 The site and its context include the village hall, the main dwelling of Kellan Grange and an agricultural building. This cluster of buildings has a distinct freestanding character typical of the farmsteads that can be found within the surrounding open countryside and not within a village. The site is considered to not be adjacent to the built form of the settlement of Sandhutton. The built form to the village on the northern edge stops at the terrace of properties known as Craddock Row.

- 5.10 The development would not appear as organic or incremental growth of the settlement.

Highway safety

- 5.11 The application site lies immediately adjacent to the existing highway with ready access. A field side path leads links the Village Hall to the body of the village to the south. There is no footway on the remaining 90m of verge between the village hall and the site entrance, other than the most northern part of the verge at the entrance to the site that is within the 60mph area the land is within the 30mph restriction area.

Infrastructure

- 5.12 Services can be provided with regard to foul drainage and other utilities and would not be an additional burden in this regard. The scale of development does not give rise to any requirement for additional infrastructure provision.

Neighbour amenity

- 5.13 The dwelling would be very close an agricultural livestock building. Whilst the building is not currently in use for the keeping of livestock the building has an approved use for calf rearing, it could also be used for other agricultural purposes without further planning permission. It is considered that given the proximity of the dwelling to an agricultural building that is not within the control of the application gives rise to potential for amenity issues such as noise and odour to arise that would harm the amenity of the new dwelling. A post and rail fence is proposed, however, this will not mitigate the potential harm that could be caused by the uses and activities associated within the building and the land.

Conclusions

- 5.14 Consideration has been given to the benefits of providing an additional home, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment and residential amenity as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 8 years; this is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 47 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Assertions are made by the applicant that the scheme will promoted health, social and cultural wellbeing but no evidence has been provided of the value of the social gain arising from the new housing, accordingly little or no weight can be given to this benefit. Accordingly, it is considered that the substantial environmental harm outweighs the benefits.
- 5.15 The proposal would result in an isolated home in the countryside it would not be within or adjacent to the village of Sandhutton and insufficient justification has been made to treat the proposal as an exception to the adopted policies of the LDF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposal represents unsustainable development on a site outside of the Development Limits the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside

and locate new housing close to existing services and facilities. The proposed development is also isolated from the built form of Sandhutton village and cannot benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

2. The proposal due to its relationship in close proximity to an agricultural building with a lawful use for calf rearing would not adequately protect or safeguard the future amenity of residents due to the noise and odour associated with the keeping of agricultural livestock. The proposed development is therefore considered to be contrary to Policies CP1 and DP1 of adopted Hambleton Local Development Framework, the National Planning Policy Framework.

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Parish: Sandhutton
Ward: Thirsk
13

Committee date: 3rd May 2018
Officer dealing: Miss Charlotte Cornforth
Target date:

17/00010/TPO2

Tree Preservation Order 2017/10
At Braithwaite House, Sandhutton
For Mrs Rachel Fairhurst

The report is brought to Planning Committee as there has been an objection made to the Order

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2017/10.
- 1.2 The dwelling lies to the rear (south side) of Sandhutton Lane and adjoins the church yard to the west. The site is located within the Sandhutton Conservation Area. The trees that are subject of this order are located along the western boundary of the site that abuts the church yard.
- 1.3 The TPO refers to 4 trees – 3 are lime and 1 is beech.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/01942/CAT - In September 2017, a notification was submitted to the Council to carry out works to remove 6 trees (T1 lime; T2 sycamore; T3 lime; T4 holly; T5 lime and T6 beech) at the site. Notification was required as the site is located within the Sandhutton Conservation Area.

Andy Elliot of Elliot Tree Consultancy was commissioned by the Local Planning Authority to advise on the proposal. The siting of the trees, their condition, form, size, location and species were carefully considered.

It was concluded that the proposed felling of 6 of the trees was considered not to be appropriate and on the evidence provide did not justify the proposals. Four trees (T1, T3, T5 limes and T6 beech) were made the subject of a Tree Preservation Order in order to protect them and ensure satisfactory retention. However, the removal of the semi mature Sycamore (T2) and Holly (T4) was considered acceptable.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP28 – Conservation

4.0 CONSULTATIONS

- 4.1 Two objections have been received to the making of the TPO from the owner of the trees and the Parish Council. The comments are summarised as follows:

The Owner

- The trees were also once pollarded to the side over hanging the driveway. But due to the trees now being in shock having had their canopies removed levelling the trees up now is an impossibility.
- T1 has been pollarded to reduce the crown under an existing planning permission gained by the previous owners, but this reduction made little impact on its size.

I would like you to reconsider the TPO on trees T1 and T4 for the following reasons:

- Tree T1 is less than 10ft away from the side of Braithwaite House. This tree has already caused damage to the roof/tiles due to the branches encroaching on our property. I have also noticed damage to the driveway wall caused by tree T1. I am concerned about the structural impact this tree will cause on the house itself given its close proximity. In addition; the fuel line from the oil tank to the boiler is situated along the edge of the house and the risk of roots damaging or breaking the line is also a concern to us.
- As for T4, this is an exceptionally large tree and because of its size we have a number of concerns. Tree T4 is clearly too big for where it is and it cannot be reduced any further without running the risk of putting it into shock. The tree has multiple trunks, which in turn means it is heavier on one side as thus unbalanced. The church wall is bulging, the church pillar is leaning as is the wall at the end of our drive together with the original brick pillar. All of which face the highway.
- My wife and I are merely trying to avoid potential catastrophic damage should the wall and two pillars give way and the tree sliding/falling into the highway, church yard or on to our neighbour's property.
- We cannot reinforce the wall. Previous attempts at patching the wall have failed and have not withstood the pressure coming from the force behind it. Any further works would not be possible as we do not own the land in front of the wall and any works would then alter the entrance to the property making it unsightly and out of character.
- In July this perfectly healthy tree fell in high winds. When it fell it fell into the graveyard of the church at the front and into the road, as it fell it took down overhead telephone wires and snapped the telegraph pole over the opposite side of the road which fell blocking road. The road had to be closed for several hours and the aftermath caused 5 weeks of disruption to amenities to 4 properties including our own. We were lucky on this occasion there were no passing vehicles or persons on foot so no injury was caused. Given the size of T4 our fear is this tree could cause catastrophic damage to Glebe Cottage or even cost someone their life. From our perspective, this is a clear Health and Safety issue and the size, age or state of the tree is irrelevant.
- Given the fact this tree is exposed, relying on a wall for support is very close to other properties, a main road through the village and opposite to a possible future housing development site we feel the risk is significant.
- In our original planning application I included the fact I would replant trees. For clarity, I would like to say that these would not have been mere saplings, we planned and still would, given the opportunity to, invest in well-established trees to minimise the impact to the village that we live in.

The Parish Council

- It would appear both arboriculturists agree that the trees have been poorly maintained by the previous owner of Braithwaite House.
- The report from HDC arboriculturist does not appear to consider the issue of risk. These are large trees which have been poorly maintained. T4 is causing damage to the wall at the entrance to the house.
- HDC may not be aware that a tree recently fell in that area causing damage to telephone lines. The tree fall had blocked the road and brought down a telegraph pole lines. Had this occurred when traffic or people had been passing, this could have proved dangerous. This is in the same area where the TPO's are being proposed.
- Finally the original application does propose replacing the trees.
- We accept that no one wants to cut down trees without good reason however, as stated previously both reports acknowledge the trees are not what they should be.

5.0 OBSERVATIONS

- 5.1 The trees are prominent within the street scene and the wider setting of the Church and Churchyard and are considered to make a positive contribution towards the character and appearance of the Conservation Area.
- 5.2 The applicant's agent concluded as part of the 17/01942/CAT tree notification application that there is little that can be done in terms of pruning to correct the historic pruning/ pollarding to the Lime trees that has already been done. The agent has further stated that the Beech tree poses a liability in this location as the crown is 80% over the road and the main stem has a lean over the road of around 25 degrees.

Council's Consultant's advice

- 5.3 The assessment from Elliot Consultancy on behalf of the Local Planning Authority as part of the 17/01942/CAT stated the following:

Tree 1 - Mature Lime. The tree has been crown-reduced to around 10m with subsequent dense re-growth occurring from the pruning cuts as described in the report. Such extreme tree surgery is not good practice and leads to ongoing future management requirements - i.e. the regrowth need removing on a cyclical basis (at least every 5 years on a tree of this size - more regularly if possible). However it would be presumed that the owner of the tree had considered this before undertaking this form of management. If maintained in 'pollard' form, there is no reason why the tree cannot continue to function as at present adjacent to the graveyard for some considerable time.

Tree 2 - Semi-mature Sycamore. (Not subject of the TPO) This tree is as described - suppressed and with poor form. The tree is not structurally or physiologically damaged and will live for a considerable time. However it could be argued that the trees removal will allow both Trees 1 & 3 to flourish and arguably provide a better aesthetic treescape.

Tree 3 - Mature Lime. The tree has also been crown-reduced to around 10m with subsequent dense re-growth occurring from the pruning cuts as described in the report. If maintained in 'pollard' form, there is no reason why the tree cannot continue to function as at present adjacent to the garden for some considerable time.

Tree 4 - Semi-mature Holly. Small bush with little value. (Not subject of the TPO)

Tree 5 - Mature Lime. This tree has only been crown-reduced on one side, with two of the main scaffold limbs having been cut with subsequent dense regrowth. The remaining stem is reasonably well formed (albeit a little suppressed due to the past crown sections that have been removed), and will be expected to continue to improve form-wise as the crown grows to exploit the increased light levels. The two pruned-off stems could either be re-cut, or preferably removed back to the stem leaving the remaining stem to prosper. Again there is no reason why this tree cannot continue to provide value in the future.

Tree 6 - Mature Beech. As the report notes the tree does have co-dominant main stems with bark inclusions, and these bark inclusions can become considerable structural defects. However, these bark inclusions have been present for decades on this tree - Beech very commonly have this characteristic defect - but as in this case where the crown is upright and closely formed, this does not merit removal on structural grounds as a matter of course. A reasonable policy of inspection of the stem unions should be undertaken to monitor any changes that become apparent. N.b. As noted within the report there is damage to the wall at the base of the tree, and this will be due to incremental growth at the base of the tree, however this is due to the wall being located without providing growing space and immediately abutting the tree base etc. When the wall is rebuilt room could be given to the tree roots and future damage prevented.

Amenity

- 5.4 All of the trees are visible from public view and therefore provide some contribution to visual amenity of the village. The health and stability of the trees is not a factor that would preclude the making or confirmation of a TPO. If the contribution to amenity is considered significant then there is no reason why the TPO cannot be confirmed. The Council's consultant advised that the omission of, and therefore removal of, Tree 2 may in fact benefit the long-term conditions and aesthetic value of Trees 1 & 3.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 It is considered that the trees provide a positive contribution towards the character and appearance of the Sandhutton Conservation Area.
- 6.2 As noted by the Council's consultant there is no tree structural or health conditions reason why the trees cannot be maintained in the longer term and as such making a TPO on the trees is appropriate. It was accepted at the time of making the TPO that the removal of T2 will benefit the long term condition and aesthetic values of T1 and T3.
- 6.3 The 3 lime trees and 1 beech tree make a significant contribution to the character and appearance of the Sandhutton Conservation Area, with appropriate routine maintenance they can be retained and will continue to make a significant contribution to the character and appearance of the Sandhutton Conservation Area and the setting of the adjacent St Leonards Church.

- 6.4 Removal of the trees would result in harm to the character and appearance of the Sandhutton Conservation Area and the setting of the adjacent St Leonards Church. Furthermore the trees are highly visible from the public realm and make a positive contribution to the village as a whole.
- 6.5 It is therefore recommended that TPO 2017/10 is confirmed.

ANNEX A – Owner’s full objection to the TPO

- I would like it noted on record that it was the previous owners of Braithwaite House who applied for permission to work on the trees who then chose to engage a ‘friend’ to undertake the work; thus leaving the trees in the state they are now.
- The trees were also once pollarded, (I believe by a professional) who as per instructions only pollarded the side over hanging the driveway. But due to the trees now being in shock having had their canopies removed levelling the trees up now is up now is an impossibility.
- My wife and I had the trees inspected when we first moved into the property and have also had more than one tree surgeon to inspect trees T4, T3 and T2. All of which are suffering from over pollarding and thus resulting in the trees going into shock. The result of which means the trees will now no longer grow as normal trees and produce branches. They will now produce water shoots that will never grow strong enough to be branches and they continue to fall off.
- My wife and I have worked hard to maintain the trees including at great expense having T1 pollarded to reduce the crown under an existing planning permission gained by the previous owners, but this reduction made little impact on its size.
- The report makes reference to the positioning of tree T1 and the proximity of a wall to the tree and that sufficient room was not left to allow growth of the tree. This seems neither helpful nor constructive given neither were within our control. The tone of this statement within this report implies that this is something we should have considered but given the age of the tree and wall this is not something we clearly had any influence on!
- I would like you to reconsider the TPO on trees T1 and T4 for the following reasons: Tree T1 is less than 10ft away from the side of Braithwaite House. This tree has already caused damage to the roof/tiles due to the branches encroaching on our property. I have also noticed damage to the driveway wall caused by tree T1. I am concerned about the structural impact this tree will cause on the house itself given its close proximity. In addition; the fuel line from the oil tank to the boiler is situated along the edge of the house and the risk of roots damaging or breaking the line is also a concern to us.
- As for T4, this is an exceptionally large tree and because of its size we have a number of concerns. Tree T4 is clearly too big for where it is and it cannot be reduced any further without running the risk of putting it into shock. The tree has multiple trunks, which in turn means it is heavier on one side as thus unbalanced. The church wall is bulging, the church pillar is leaning as is the wall at the end of our drive together with the original brick pillar. All of which face the highway.
- Both the tree and the wall given their age were clearly in situ long ago, thus out of our control. My wife and I are merely trying to avoid potential catastrophic damage should the wall and two pillars give way and the tree sliding/falling into the highway, church yard or on to our neighbour’s property.

- We cannot reinforce the wall. Previous attempts at patching the wall have failed and have not withstood the pressure coming from the force behind it. Any further works would not be possible as we do not own the land in front of the wall and any works would then alter the entrance to the property making it unsightly and out of character. It would also mean the wall on the opposite side of the driveway entrance would need changing to maintain symmetry and this wall would belong to our neighbours so again beyond our control.
- As a little bit of background information, which is what actually prompted my wife and I to approach the Council with our application and future plans is that in July of this year there were in fact 5 trees along the driveway. The tree was behind T1 if you look up the driveway.
- In July this perfectly healthy tree fell in high winds. There was no indication of disease or weaknesses. It was a tree which like the others was old but you would say healthy. When it fell it fell into the graveyard of the church at the front and into the road, as it fell it took

down overhead telephone wires and snapped the telegraph pole over the opposite side of the road which fell blocking road. The road had to be closed for several hours and the aftermath caused 5 weeks of disruption to amenities to 4 properties including our own. We were lucky on this occasion there were no passing vehicles or persons on foot so no injury was caused. Given the size of T4 our fear is this tree could cause catastrophic damage to Glebe Cottage or even cost someone their life. From our perspective, this is a clear Health and Safety issue and the size, age or state of the tree is irrelevant.

- Furthermore, we would like to seek clarification on who would be liable in the event this tree did fall; more so given we have highlighted the risks to yourselves.
- Given that a perfectly healthy tree can fall in high winds, and given the fact this tree is exposed, relying on a wall for support is very close to other properties, a main road through the village and opposite to a possible future housing development site we feel the risk is significant. It is worth mentioning at this point that T1 is currently so large the branches over hang the highway and that high sided vehicles have been known to rip branches off. If permission is given to develop on the farm land opposite our driveway the increasing traffic most definitely raises concerns.
- In our original planning application I included the fact I would replant trees. For clarity, I would like to say that these would not have been mere saplings, we planned and still would given the opportunity to invest in well-established trees to minimise the impact to the village that we live in. Speaking to the owners of the properties that this directly affects they are still in support of having these trees removed.
- We have received comments from villagers that they do not deem these trees as an asset and would rather they be replaced with more in keeping aesthetically attractive trees thus maintaining the backdrop. We have been told that many villagers do see the trees as a threat and if another one falls it could cause unspeakable damage to the Church itself and many of the headstones. Not that it alters things currently but the consensus in the village is our application was wholeheartedly supported and the surprise we have received when our application was only agreed in part and the TPO put in place was overwhelming.
- I did not make this application lightly or without serious thought, it was with a heavy heart as we are not in the habit of removing such old trees. Our application was not made on the basis the trees were diseased etc my wife and I hoped our plans would

enhance the village not be a detriment and remove any threat to property, injury or even life.

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Parish: Thormanby
Ward: Raskelf & White
Horse
14

Committee date: 5 May 2018
Officer dealing: Miss R Hindmarch

Target date: 10 May 2018

18/00239/FUL

**Change of use of annexe to dual use as a holiday cottage and ancillary residential use
At: Annexe Two At, The Old Black Bull, Thormanby, North Yorkshire, YO61 4NN
For Applicant**

This application is referred to Planning Committee because the applicant is a member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The Old Black Bull, formerly a public house but now a private dwelling, lies on the eastern side of the A19 within the main village street in Thormanby. The dwelling is a three storey property, with the second floor accommodation within the roof space, attached to its neighbour at The Old Rectory.
- 1.2 Access to the property is via a driveway at the north western edge of the plot, which gains access into a courtyard area at the side of the house. A detached annexe lies within the courtyard.
- 1.3 It is proposed to change the use of this ancillary residential annexe to a dual use as a holiday cottage and ancillary residential use.
- 1.4 No physical alterations are required to the building, this application purely relates to its use.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/99/154/0007F - Change of use of public house to private dwelling; Granted 23 September 1999.
- 2.2 2/02/154/0007G - Alterations and extensions to existing dwelling and construction of a domestic treble garage with store; Granted 10 May 2002.
- 2.3 2/05/154/0007H - Single storey extension to existing dwelling to form ancillary accommodation; Granted 20 June 2005.
- 2.4 14/00083/FUL - Conversion of existing detached garage to form an annexe and single storey extension to side of dwelling; Granted 6 March 2014.
- 2.5 16/02380/FUL – First floor extension to dwelling; Granted 5 January 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
National Planning Policy Framework - published 27 March

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received
- 4.2 Highway Authority – There are no local highway authority objections to the proposed development
- 4.3 Public comments – none received

5.0 OBSERVATIONS

- 5.1 The issues to be considered include whether the site would be a sustainable location for the proposed development; the impact on the amenity of the adjacent residents and access to the site.
- 5.2 The building already has an authorised use as an annexe to the main dwelling.
- 5.3 New sites for tourist accommodation of the kind proposed will generally be more sustainable when located close to existing settlements and other services as some local services may be accessed by means other than the car. Policies CP1 and CP2 of the LDF require that development should be located to minimise the need to travel, including by car.
- 5.4 Paragraph 28 of the NPPF requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas. Policy CP4 of the Hambleton LDF establishes a general presumption against development in locations outside of the Development Limits of sustainable settlements, as defined by the settlement hierarchy. Policy CP4 also recognises that there must be exceptions to this principle, for example where development would help to support a sustainable rural economy.
- 5.5 The site lies within Thormanby which is defined as an ‘Other Settlement’ and therefore not considered a sustainable location. Thormanby has very few services or amenities within the actual village that holiday accommodation would help to support, although there is a regular bus service that runs through to York to the south and Thirsk to the North which would help to minimise the need to travel by car to access services.
- 5.6 The closest facilities would be located in Carlton Husthwaite which is approximately 1.7km to the north east which offers a pub and café in Birdforth, there is a public footpath from Thormanby to Carlton Husthwaite. Husthwaite village is approximately 2.5km to the east of Thormanby, via a public right of way. By road the distance between Thormanby and Husthwaite is 4.2km. The village has a pub and village hall. Although within walking distance it is more likely that holidaymakers would rely on private transport to access these facilities.
- 5.7 Despite the site being located outside the limits to development in a village with no services there is the opportunity for the occupants of the holiday accommodation to access services by foot within nearby villages and further afield by public transport. It is considered the addition of the holiday accommodation use would help to support a sustainable rural economy and on balance the provision of the dual use is considered acceptable in principle.
- 5.8 Additional consideration would need to be given in respect of unrestricted permanent occupation; as it is close to the main dwelling there is potential for there to be an impact on residential amenity due to a loss of privacy and increased disturbance.

Appropriate conditions are recommended to restrict occupancy to that proposed in this application for holiday use or as an annexe to the dwelling.

- 5.9 There are no alterations proposed to the building and therefore no impact on the visual amenity of the locality. There are no alterations proposed and the accommodation is already in residential use albeit ancillary to the existing dwelling.
- 5.10 There is space present within the site for car parking facilities for both the holiday let building and the main dwelling. It is considered that the holiday let will not cause a significant increase in traffic movements to and from the site. The Local Highway Authority has raised no objection to the proposal.
- 5.11 The proposed change of use is acceptable, subject to appropriate conditions, and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
 - 1. The development hereby permitted shall be begun within three years of the date of this permission.
 - 2. The annexe building, as shown on drawings 02 B and 03 dated 16/10/13, shall not be used other than as a unit of holiday accommodation or as accommodation ancillary to the occupation of the main dwelling known as The Old Black Bull, Thormanby, North Yorkshire. The mixed use of residential dwelling, residential annexe and holiday use shall remain as a single planning unit.
 - 3. The occupation of the annexe building as holiday accommodation shall be as follows: (i) the accommodation is occupied for holiday purposes only; (ii) the accommodation shall not be occupied as a person's sole, or main place of residence; and (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

The reasons are:

- 1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. The Local Planning Authority would wish to carefully examine any independent use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with LDF Policies CP1, CP2 and CP4 or other relevant policies of the Development Plan.
- 3. To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc., and in accordance with the objectives of the Hambleton Local Development Framework.

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