

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 5 December 2018

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 13 December 2018**
Time **9.30 am**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Councillors
K G Hardisty
R W Hudson
C Patmore
B Phillips
C Rooke
D A Webster

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 15 November 2018 (P.16 - P.18), attached.
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2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS
Report of the Deputy Chief Executive.
Please note that plans are available to view on the Council's website through the Public Access facility.
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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 10.00 am on Thursday, 15th November, 2018 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	R W Hudson
	M A Barningham		C Patmore
	D M Blades		C Rooke
	S P Dickins		D A Webster
	Mrs B S Fortune		

Also in Attendance

Councillor	D B Elders	Councillor	Mrs I Sanderson
	Mrs C S Cookman		

Apologies for absence were received from Councillors K G Hardisty and B Phillips

P.16 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 18 October 2018 (P.14 - P.15), previously circulated, be signed as a correct record.

P.17 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:-

- (1a) 18/01849/FUL - Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5); erection of 3 retail units (Use Class A1); change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions; associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses at East Road, Northallerton for Central Northallerton Development Company Limited

PERMISSION GRANTED subject to an additional condition requiring the provision of space within the site for the display of information relating to the site history.

(The applicant, Jonathan Stubbs, spoke in support of the application.)

(Mr Ronald Pratt spoke objecting to the application.)

Note: The meeting adjourned at 12.00pm and re-convened at 12.05pm

- (2a) 18/01850/LBC - Listed building consent for internal and external alterations to former prison buildings at East Road, Northallerton for Central Northallerton Development Company Limited

PERMISSION GRANTED

(Mr Brian Jennings spoke objecting to the application.)

Note: Morning session concluded at 12.30pm and reconvened at 13.30pm.

Note: Councillor R Hudson joined the meeting at the beginning of the afternoon session

- (1) 18/01354/FUL - Construction of dwelling and detached garage at The Croft, Main Street, Alne for Mr and Mrs P Tomlinson

DEFER for further consideration of the impact on the Conservation Area.

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

(Dr Gudrun Gaudian spoke on behalf of Alne Parish Council objecting to the application.)

(Tim Axe spoke objecting to the application.)

- (2) 18/02070/FUL - Full planning application for the construction of a detached bungalow at Fallosen, Forest Lane, Alne for Mr Davidson

PERMISSION GRANTED

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

- (3) 18/00592/FUL - Residential development comprising 14 dwellings at The Allotment Gardens, Masham Road, Bedale for Arncliffe Homes Ltd

DEFER for site visit.

- (4) 18/01762/OUT - Outline application with all matters reserved for a proposed 2 bed detached bungalow adjacent 41 Ripon Way at 41 Ripon Way, Carlton Miniott for Mr and Mrs Wilson

PERMISSION REFUSED

(The applicant's agent, Paul Walkland, spoke in support of the application).

- (5) 18/02110/FUL - Replacement of old conservatory at Whistling Green, Crayke for Mr John Binks

PERMISSION GRANTED because the Committee decided that, subject to suitable materials, the development would not harm the character and appearance of the property, Conservation Area and Area of Outstanding Natural Beauty.

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

(The applicant, John Binks, spoke in support of the application.)

(Colin Merritt spoke on behalf of Crayke Parish Council in support of the application.)

- (6) 18/01120/REM - Application for approval of reserved matters (appearance/landscape and layout) following outline planning permission - 17/02409/OUT on 12 January 2018 at Wayside, 1 Oulston Road, Easingwold for Mr Tooze

PERMISSION REFUSED

- (7) 18/01609/FUL - Retrospective change of use to residential at Annexe at rear of 97 Long Street, Easingwold for Ms Jessica Lane

PERMISSION REFUSED because the property falls below the size identified in the Nationally Described Space Standards.

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

- (8) 17/02137/FUL - Change of use of building and proposed extension to form independent dwelling to replace a residential caravan at OS Field 1961, Broughton Grange, High Street, Great Broughton for Mr Billy Foster

PERMISSION REFUSED

- (9) 18/02135/OUT - Outline application for the construction of one dwelling at Land west of The Paddocks, Hornby for Mr M Morrison

PERMISSION GRANTED

- (10) 18/01175/OUT - Outline application (all matters reserved) for the construction of 5no. dwellings (scheme reduced) at OS Field 4442, Easingwold Road, Huby for Mr Steve Chapman

PERMISSION GRANTED subject to an additional condition to control finished floor and ground levels.

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

(David Birkenshaw spoke objecting to the application.)

- (11) 18/01992/FUL - Construction of 4no bungalows and associated garages and parking facilities at Land south of Bonny Croft, Back Lane Raskelf for Mr and Mrs Mandefield

PERMISSION GRANTED subject to an additional condition requiring the provision of additional parking.

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

- (12) 18/02101/FUL - Construction of a Pig Farrowing House at Romanby Grange, Boroughbridge Road for Mr Paul Phillips

PERMISSION GRANTED

- (13) 17/00442/OUT - Outline application with all matters reserved for five dwellings at Stokesley Used Car Sales, Tame Bridge for Mr M Da Silva

PERMISSION GRANTED subject to an additional condition restricting the development to bungalows and/or dormer bungalows

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

- (14) 18/00856/FUL - Retrospective application for conversion of outbuilding to form two dwellinghouses and provision of five parking spaces and associated turning area at Framfield House, Main Street, Shipton by Beningbrough for Mrs M Johnson

DEFER for further information on the size of the dwellings and consideration of the safety of vehicle movements within the site.

(The applicant's agent, Stephen Sadler, spoke in support of the application).

(Kate Broadbank spoke objecting to the application.)

- (15) 18/01008/MRC - Application for variation of conditions 7,10,11,15,16 and 18 and removal of condition 12 (location of events within the grounds of Rudby Hall to previously approved application 15/00961/MRC at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Mr Michael Hepburn

DEFER for further consideration of impact on neighbour amenity.

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

(Alastair Powell spoke objecting to the application.)

- (16) 17/02448/REM - Reserved matters of appearance, landscaping, layout and scale for residential development of 40 dwellings at Land off St Mary's Close, Thirsk for Mr JR Barker and Mrs R Taylor

PERMISSION GRANTED

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

- (17) 18/02129/FUL - Retrospective application for construction of a roof over existing feeding area for cattle at Mowbray Hill Farm, Well for Mr Webster

PERMISSION GRANTED

Disclosure of Interest

Councillor D A Webster disclosed a pecuniary interest, as the Applicant is a family member, and left the meeting prior to discussion and voting on this item.

P.18 **18-01413-FUL - LAND SOUTH OF BEDALE ROSE AVENUE, LEEMING BAR - MATTER OF URGENCY**

All Wards

- (18) 18-01413-FUL – Creation of New Detention Basin at Land South of Bedale Rose Avenue, Leeming Bar for Mulberry Homes Yorkshire Limited - Matter of Urgency

This report was as a matter of urgency owing to the need to ensure that a suitable sustainable drainage system was delivered for the existing homes , to protect those homes and other homes in the vicinity in the case of a 1 in 30 year (or worse) flood event.

PERMISSION GRANTED subject to an additional condition relating to the planting scheme for the basin.

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

(Chris Cunningham spoke objecting to the application.)

The meeting closed at 6.10 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 13 December 2018. The meeting will commence at 9.30am.

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 13 December 2018
9:30am

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	18/01354/FUL Mrs C Strudwick Alne Page no: 11	Construction of dwelling and detached garage For: Mr & Mrs P. Tomlinson At: The Croft, Main Street, Alne RECOMMENDATION: GRANT
2	18/01800/FUL Mrs C Strudwick Brandsby Page no: 21	Retrospective change of use of agricultural land for the siting of a Shepherd's Hut to be used as an office For: Mr & Mrs Michael & Emily Gould At: Brandsby Hall, Brandsby RECOMMENDATION: GRANT
3	18/00007/TPO2 Miss R Hindmarch Carlton Miniott Page no: 25	Hambleton District Council (Carlton Miniott Parish Council) Tree Preservation Order 2018 No. 7 Owner: Mr Alistair Ratcliffe At: Islebeck House, Carlton Road, Carlton Miniott RECOMMENDATION: CONFIRM
4	18/00964/OUT Mrs H Laws Carthorpe Page no: 27	Outline planning (all matters reserved) for the construction of one detached dwelling and formation of a new access For: Mr Askham At: Field House, Carthorpe RECOMMENDATION: GRANT
5	18/00011/TPO2 Mrs H Laws East Cowton Page no: 37	Hambleton District Council (East Cowton) Tree Preservation Order 2018 No. 11 Owner: Mr M Scales At: North east of The Briars, Raby Lane, East Cowton RECOMMENDATION: NOT CONFIRMED
6	18/01546/FUL Mrs H Laws Exelby, Leeming & Newton Page no: 41	Construction of a detached house with integral double garage For: Mr & Mrs Brown At: Land west of Exelby Grange, Exelby RECOMMENDATION: GRANT
7	18/01547/FUL Mrs H Laws Exelby, Leeming & Newton Page no: 51	Construction of a detached house with integral double garage For: Mr Clarkson At: Land west of Exelby Grange, Exelby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	18/01939/OUT Miss R Hindmarch Raskelf Page no: 61	Outline application with some matters reserved (to consider access and layout) for residential development of 4 detached dwellings For: Mr & Mrs Rutherford At: Scatterpenny, The Green Raskelf RECOMMENDATION: GRANT
9	18/01008/MRC Mr Sean Rawling Skutterskelfe Page no: 71	Application for variation of conditions 7,10,11,15,16 and 18 and removal of condition 12 (location of events within the grounds of Rudby Hall to previously approved application 15/00961/MRC For: Mr Michael Hepburn At: Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN RECOMMENDATION: GRANT
10	18/02031/FUL Mr M Pearson South Kilvington Page no: 83	Construction of a new workshop building/extension of yard area For: RWS Bodyworks Ltd At: OS field 7782, Rear of Barns Park, Stockton Road, Thirsk RECOMMENDATION: GRANT
11	18/02177/FUL Mrs Justine Forrest Sowerby Page no: 91	Revised application for first floor extension and two storey/single storey rear extension to dwelling For: Mr & Mrs Rylance At: 2 Croft Gardens, Sowerby RECOMMENDATION: GRANT
12	18/00013/TPO2 Miss C Cornforth Sowerby Page no: 95	Hambleton District Council (Sowerby) Tree Preservation Order 2018 No: 13 For: Mr MacDonald At: Melbourne Place – North of 28 Topcliffe Road and South of 3 Victoria Avenue, Sowerby RECOMMENDATION: CONFIRM

Parish: Alne
Ward: Easingwold
1

Committee date: 13 December 2018
Officer dealing: Mrs Caroline Strudwick
Target date: 21 December 2018

18/01354/FUL

Construction of dwelling and detached garage as per amended plans received by Hambleton District Council 12th October 2018

At The Croft Main Street Alne

For Mr & Mrs P. Tomlinson

This application is referred to Planning Committee as the application is a departure from the Development Plan and this application was deferred at the meeting of 15th November 2018 in order to issues of the public benefits of the scheme and to investigate the footings of previous development on site.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies to the rear of The Croft, between the two dwellings known as Seymour House to the west and Croft Barn to the east.
- 1.2 The site has a brick wall along the boundary with Back Lane, and a set of double sheet metal gates adjacent to Croft Barn. The land is a grassed area of land with a pebble dashed roller shutter door garage in the north western corner and a green house on the eastern boundary, at approximately the half way point of the site length. The site is bounded by a mix of brick wall and timber fencing on all sides, with a timber gate in the south eastern corner to access The Croft.
- 1.3 The site is outside the Alne Development Limits; this boundary runs some 10m north of the rear elevation of The Croft. The site is inside the Alne Conservation Area with the boundary running along the opposite side Back Lane. The predominant character of this area is the narrow Back Lane, bounded by mature trees and hedges to the northern side and the end of the rear curtilages of the Main Street dwellings, demonstrating the historic toft and croft pattern of the village.
- 1.4 The application seeks permission for the construction of a new independent dwelling on the frontage with Back Lane. The design has been amended a number of times through the application process to address concerns of scale, number of window openings, generation of light pollution, and impact on the Alne Conservation Area.
- 1.5 It has been shown through historic Ordnance Survey mapping that the application site was formally occupied by a building. A series of pits have been dug on site to expose the original foundations of the building. The footings have not been exposed continuously; however the footings which have been uncovered at various points which do appear to follow the form of the building shown on the 1911 map and follow the line of the rear elevation to match Croft Barn and Seymour House, as shown on the historic maps. The south eastern corner of the original footings measures approximately 5m from the boundary wall and line up with the rear boundary of The Croft and Seymour House. The plans show the south eastern corner of the two storey element of the proposed building to be 5.7m from the wall; the proposed footprint is larger than the footprint of the former agricultural building. The footings have been excavated to a depth of 40cm at this point (3 brick courses). No floor of the building has been found, however a small section of a cobbled surface has been uncovered to the south of one of the footing sections.

- 1.6 The western boundary wall has a number of nibs that line up with the exposed footings and where the external southern walls would have tied into the western wall.
- 1.7 The original boundary wall will either be re-pointed, and where necessary, damaged bricks replaced or will be carefully taken down and rebuilt using reclaimed bricks upon new foundations. The external elevations of the dwelling will then be extended upwards from the position of the existing wall, finished in a weathered timber cladding to replicate a number of other agricultural conversions in Alne (Park Farm, Village Farm and Oak Busks) but to also delineate between the existing wall and new construction on site.
- 1.8 The single storey rear element has a contemporary design, the scheme incorporates six full height glazed panels, a flat green living roof with three slightly raised roof lights.
- 1.9 Amendments have been made to the proposal. The number of glazed panels has been reduced, and the previously proposed roof lanterns have been replaced with roof lights to address concerns of light pollution from the development.
- 1.10 The ridge of the building has been reduced during the course of the application to make it lower than Croft Barn and in line with Seymour House. The pitch has also been altered to reflect the 33 degree pitch on the neighbouring properties. This has been done to respect the existing dwellings either side. The gates to provide access into the site have been relocated south, away from the frontage, previously being flush to the front elevation. This is to give some variety of depths, and break up the continuous development.
- 1.11 The number of windows on the Back Lane elevation has been reduced to reflect the small number of windows on the conversions either side of the application site. The style of the windows has also been amended to a more traditional style. The front elevation has had punctuated brickwork slots added to reflect the similar detail at Seymour House.
- 1.12 A detached garage is proposed within the site, to the rear, in the south eastern corner. The ridge height of the garage has been reduced by 0.5m to 3.8m in response to neighbour concerns of over shadowing.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/02085/FUL Application for the construction of a detached dwelling with detached garage, terrace and driveway – application withdrawn 30th January 2018

All other planning history relates to development at the host property, The Croft.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 – Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all

- Development Policies DP9 - Development outside Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Practice Guidance
- National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – one comment of objection has been received from the Parish Council, received 19th July 2018. An additional consultation period has been advertised but no further comments have been received from the Parish Council. The original objection was made because –

- Outside development limits
- Out of keeping with the Conservation Area
- Result in a significant increase of traffic on Back Lane
- Impact on local infrastructure

4.2 Highway Authority – Recommended conditions

4.3 Public comments – 37 comments have been received, in response to both the 21 day and 10 day re-consultation. These consist of 24 objections, two neutral comment, and 11 supports. It should be noted that a number of the objections are multiple submissions.

The objections can be summarised as –

- Over development of the village as a whole.
- Unacceptable cumulative impact of back land development throughout the village.
- Over development of the site.
- Unacceptable impact on the rural character of Back Lane.
- The proposed building is not in character with other properties and will deter from the natural beauty of Back Lane.
- No evidence that a large agricultural building stood on the site, the scale and height to the one proposed.
- Design does not meet the tests of the NPPF's heritage section, and will not protect or enhance the character and setting of the Conservation Area.
- The principle of development in this location will set a precedent for more new homes fronting Back Lane, in rear gardens.
- Back Lane is a village amenity that should be protected as it is used by dogwalkers, joggers, ramblers & horse riders as a safe, quiet area of the village. Back Lane should remain a safe place for children to play and for individuals to enjoy the countryside

- An additional building of substantial height which will block the light, tree and skyline view in between the two existing barns. Proximity to neighbouring properties and potential for overlooking into proposed dwelling and neighbouring properties.
- Impact on Croft Barn by vehicles accessing the site, and disturbance to the neighbouring occupiers.

The 11 comments of support:

- Consider that the proposed plans are entirely sympathetically with the local surroundings.
- Extensive research has gone into ensuring that they are based very much along the style of the previous historic building on this site.
- Back land development is inevitable and it is far more preferable that this is undertaken by someone with a local understanding and empathy as demonstrated by the amount of research and cooperation that has gone into their planning consultation.
- This is excellent in design, taking into account the heritage of the village.
- A natural infill with existing access. There is sufficient turning and parking on site.
- There is a play area in the village, why are children being encouraged to play in the road?

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the impact of the proposal on the character and appearance of the Alne Conservation Area; (iii) access issues; and (iv) impact on residential amenity, including any loss of recreational use.

Principle

- 5.2 Alne is categorised as a secondary settlement in the Settlement Hierarchy published in the 2007 Core Strategy and is unchanged in the updated 2014 hierarchy, and therefore has prescribed Development Limits, however this site lies to the north of the Development Limits. For that reason any new housing in this location is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The Council's Interim Policy Guidance (IPG), allows small-scale development to be considered within the village.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 78, "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 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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:

- Development should be located where it will support local services including services in a village nearby.
 - Development must be small in scale, reflecting the existing built form and character of the village.
 - Development must not have a detrimental impact on the natural, built and historic environment.
 - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - Development must conform with all other relevant LDF policies.
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the north edge of the village of Alne. The IPG allows for development on land that is outside the Development Limits of settlements. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development, complying with the first criterion.
- 5.6 The development is small in scale as it is for 1 dwelling. The development will occupy land that is considered to be domestic curtilage to The Croft.

Impact on Conservation Area

- 5.7 As the site is within the Alne Conservation Area there is a requirement under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 “that in exercising an Authority’s planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas”. The National Planning Policy Framework at paras 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.8 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. On the topic of conserving and enhancing the historic environment the Planning Practice Guidance (paragraph 003; Reference ID: 18a-003-20140306) states that “Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past.”
- 5.9 The public benefits of heritage assets is set out in the Planning Practice Guidance (Paragraph: 020 Reference ID: 18a-020-20140306) as including benefits such as:
- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation.

- 5.10 Further advice is given in the Planning Policy Guidance (Paragraph: 023 Reference ID: 18a-023-20140306) it sets out that “A conservation area is an area which has been designated because of its special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” and development in Conservation Areas must preserve or enhance the character or appearance of Conservation Areas in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.11 There is no doubt that the development will impact on the Conservation Area, but it is considered that this is not a detrimental impact as it will not result in an erosion of the character or create a harmful impact on the place or its setting. It is considered, in accordance with NPPF paragraph 192, that this proposal will sustain the significance of the Conservation Area, put this piece of land to a viable use in a way which is consistent with the assets conservation and ensure that the new development will make a positive contribution to the local character and distinctiveness.
- 5.12 The sensitivity of the location in the Alne Conservation Area and of Back Lane was a significant concern of the Planning Officer during the course of the application; the introduction of a building needed to be carefully designed so that the character and setting of the Alne Conservation Area is adequately protected. The applicant asserts that the principle of a building in this location should be supported as it is demonstrated by historic mapping that there was a substantial building here as early as 1845 through to 1952, and from 1893 the three buildings stood as a row. By reinstating a building which follows the historic footing the past layout of Back Lane will be recreated, mirroring the traditional croft and toft arrangement of the plots, where the main house was at the Main Street end, and an agricultural building at the opposite end, fronting onto a secondary lane, the two separated by grazing or arable land. There is no evidence available of how high the building was or how it appeared in the streetscene.
- 5.13 There is concern from the local residents that the principle of development in this location will unacceptably erode the character and setting of the Alne Conservation Area, particularly the visual amenity of Back Lane and the recreational value.
- 5.14 There are concerns regarding the imposing nature of a building between Croft Barn and Seymour House, and the potential for a tunnelling effect which may result in a sense of increased enclosure of Back Lane at this point. In response to these concerns the ridge line has been reduced to take it below Croft Barn, and in line with Seymour House and the access gates have been pushed back from the frontage to provide a variety of depths of the frontage. The degree of enclosure by the earlier agricultural building is an unknown factor. A degree of enclosure exists through the dwellings of Croft Barn and Seymour House and the boundary wall, the proposed dwelling increases the enclosure but that enclosure is not necessarily harmful, indeed it may reinstate an historic feature and be considered beneficial to the character of the Conservation Area.
- 5.15 As a result of the amendments which have been made to the scheme it is considered that the development will not result in a harmful sense of enclosure when travelling down Back Lane, but will return the row of three agricultural buildings as seen on historic mapping dated from 1845 to 1952. The IPG, section 3 Built Form seeks that: “Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area”. The plot between Croft Barn and Seymour House does not allow glimpses into the countryside due to its orientation.
- 5.16 The gaps between the proposed dwelling and the dwellings, Croft Barn and Seymour House, will maintain the glimpses towards the Main Street and preserves the

separation of the dwellings. The gaps also reduce any tunnelling effect. Further by introducing the timber boarding and a reduced ridge height the character of the Conservation Area has been preserved.

- 5.17 The IPG demands that proposals reflect the existing built form and character of the village. The two properties either side of the plot are converted agricultural buildings, built up to the site boundary and highway verge. The proposal reflects this built form and the fact that the building will be “new” does not prevent it from reflecting the character of the older buildings. Following the line of development and providing a “natural infill” with development either side, is in accordance with the tests of the IPG, as set out at section 3, Built Form.
- 5.18 The applicant’s Heritage Statement produced by Humble Heritage assesses the historic wall, which sits on the site boundary, as an important structure within Back Lane but not a “non-designated historic asset”. Historic England has produced a set of four conservation principles which are used to help assess the significance of a place, one of which is ‘aesthetic’. It is considered that the value of this wall in its current condition is aesthetic (where sensory and intellectual stimulation is drawn from a place); and many of the public commentators note that the wall provides character to the Conservation Area which should be retained, whether this is in its current condition or as part of a development. If this wall was to be demolished and rebuilt this aesthetic value would be retained.
- 5.19 No structural report has been submitted to confirm the stability of the wall, however, the value of the wall is not as a result of its architectural detailing and there would be no significant value lost by rebuilding, as long as the bricks are re-used with a suitable, appropriate mortar. It is proposed by the applicant that any bricks which needed replacing would be sourced from the existing boundary walls on site which date from the same period as the front boundary wall. By creating a building of predominantly agricultural appearance an evidential value is introduced to the site; in that the development of a building on site yields evidence about past human activity on the site which adds to the significance of this site within the Conservation Area and making a positive contribution to local character and distinctiveness, in line with NPPF paragraph 102.
- 5.20 The rear of the dwelling is contemporary in its design, with the introduction of large glazing panels, large roof lights and flat living roof. This flat roof element is single storey and there will be limited, if any views, of this part of the dwelling from Back Lane as such the impact on the character and appearance of the Conservation Area would be negligible.
- 5.21 By virtue of the dwelling’s sympathetic design, and amended dimensions it is considered that the construction of a building in this location will cause less than substantial harm and will not result in a loss of significance of the Conservation Area. The scheme will maintain the historic layout of the Conservation Area and allow the traditional croft and toft form to be read.

Access Issues

- 5.22 There are a small number of dwellings with primary access from Back Lane and other dwellings have a secondary access from Back Lane. Additionally there are two farms that take access from Back Lane, as a consequence the land is quite lightly trafficked with no through way for motor vehicles.
- 5.23 It is noted that no objection has been raised by the Local Highway Authority Rights of Way officer to the development.

- 5.24 The greatest concern which has arisen from the community is the impact of increased traffic on the people who use the lane to walk dogs, exercise horses and children who enjoy the quiet lane to play. It is considered that the addition of one four bedroom house will not significantly increase the level of traffic on Back Lane to such an extent that those people who currently use it for leisure purposes will be unable to continue to use it for such purposes. It should also be noted that there is a playing field near by which can be used by children for playing.
- 5.25 NYCC Highways had no objection to the previously withdrawn scheme, subject to the attachment of recommended conditions. The NPPF states in paragraph 109 that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”. There will be an increase in traffic as a result of this scheme however is not expected to cause any demonstrable harm or harm to those people who use Back Lane as a pedestrian route or choose to exercise horses here. The proposal is in a location which will provide convenient pedestrian access to the village, thus minimising the need to travel. The scheme is considered to meet the tests of CP2, DP3 and DP4.
- 5.26 There is no evidence to suggest that the capacity of the infrastructure would be exceeded by the development of one dwelling. Accordingly the scheme meets the requirements of the IPG in this respect.

Impact on residential amenity

- 5.27 The site is located between two dwellings formed by barn conversions, and will back onto the rear of the properties in Main Street. The scheme originally featured a large glazed expanse at the rear, however, in response to officer concerns regarding light pollution. The potential for light pollution has been reduced by removal of the roof lanterns, these are substituted by roof lights. There will a level of light pollution, as with any dwelling, however the scheme will not result in an unacceptable level of light escaping.
- 5.28 Concerns have arisen from the neighbours regarding the potential for overlooking into the proposed dwelling and vice versa. Based on the red line location plan, there is a separation distance from the rear elevation of High Gables (south south-east of the site) to the proposed site boundary of 19.7m, there is then an additional 17.9m length of garden from the rear boundary to the rear elevation of the proposed dwelling. This is a total separation distance between the rear elevations of High Gables and the proposed single storey element of the proposed dwelling of 37.6m. It is a very similar separation distance between The Croft and the proposed dwelling. The total separation distance between Birdforth House (south of the site) and the proposed single storey element of the proposed dwelling is approximately 55m. Given these distances it is considered that there will not be an unacceptable loss of privacy or potential for overlooking.
- 5.29 The neighbour at Croft Barn has raised concerns regarding the potential for unacceptable disturbance due to vehicles passing between Croft Barn dwelling and the proposed. The neighbour has anticipated that the disturbance will occur when using the garden. Due to the principal bedroom being at end of Croft Barn which is nearest the application site there is concern that disturbance will occur when the occupants are sleeping. It is accepted that vehicles will be accessing the site, and these vehicles will create noise, however there is nothing to suggest that the occupants would be accessing the site at abnormal frequency or times or that the use of the access would be unusually disturbing.

- 5.30 It has been suggested that the property may be advertised as a holiday rental, rather than being used as an independent primary dwelling. It is not considered that there would be any additional nuisances or concerns to consider should this occur, and no reasonable justification to apply a condition which removes the allowance to use the property as a holiday rental.

Drainage

- 5.31 The proposed drainage arrangement of connection to the mains sewer for foul sewage, and soakaway for disposal of surface water, is considered to be acceptable and no objections have been raised by consultees relating to drainage. The site is within flood zone 1 and therefore not within an area of significant flood risk.

Planning Balance

- 5.32 There is a supply for land for housing of more than 8 years and no compelling case for additional homes to meet the requirement of the NPPF in this respect however the provision of an additional dwelling is a social gain as it provides an additional home in a sustainable location. It would also result in an economic gain through the investment in the new building and through subsequent spending by residents.
- 5.33 The proposal has public benefit through the creation of a new home in the village with the attendant economic and social gains and retaining the setting of the heritage asset by preserving the character of the site which in turn helps the public understand and interpret the past activity on the site, this is a social and environmental gain.

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 753/02/01/J and 753/02/02/H received by Hambleton District Council on 1st November 2018 and 753/02/03F received by Hambleton District Council 12th October 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. Prior to first occupation a landscaping scheme which sets out the type and number of species to be used on the living roof and a management plan of the roof shall be submitted, and approved in writing, by the Local Planning Authority. Any 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. Once approved the maintenance of the roof shall be carried out in accordance with the approved plan until such a time it is withdrawn in written agreement with the Local Planning Authority.

5. 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.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. There shall be no demolition of the front boundary wall until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use in the re-construction of the wall and a schedule of additional materials required to replace any failed bricks. The wall shall be carefully taken down or dismantled and the materials contained in the schedule stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule, as well as the mortar.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to help assimilate the development within the rural landscape.
5. 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.
6. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
7. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with the Hambleton Local Development Framework policy CP28.

Parish: Brandsby-cum-Stearsby

Ward: Huby

2

Committee date: 13 December 2018

Officer dealing: Mrs Caroline Strudwick

Target date: 21 December 2018

18/01800/FUL

Retrospective change of use of agricultural land for the siting of a Shepherd's Hut to be used as an office

At Brandsby Hall Brandsby

For Mr & Mrs Michael & Emily Gould

This application is referred to Planning Committee as the recommendation is contrary to policy CP4 of the LDF.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Brandsby Hall is a grade II* listed three storey stone/slate building which is currently occupied as a single dwelling. It is located approximately one kilometre south east of Brandsby village within open countryside that forms part of the Howardian Hills AONB.

1.2 This application seeks retrospective planning permission for the change of use of agricultural land for the siting of a shepherd's hut. Dimension of the hut are 5.5m long 2.2m wide 3.3m high from ground level. This location is on the southern side of the wildlife pond. The intended use of the shepherd's hut is for use as an office space away from the main house; there is no intention to use the hut as overnight guest accommodation and it will only be used in association with the main dwelling.

1.3 There is a WC in the hut, which is to be connected to a 'trench arch' drainage system. Trench arch drainage systems are normally used in churchyard to provide rural, isolated churches a mains of foul water drainage without the requirement for a septic tank or where there is no practical connection to a mains sewer.. Waste is infiltrated into the soil in the trench (the 'secondary zone') where biological, physical and chemical processes are able to provide high levels of treatment because of low loading and long retention time. As the water is free to drain away, aerobic decomposition can occur at a much faster rate than in a septic tank.

1.4 Due to the shepherd's hut being on wheels it is exempt from being required to comply with building regulations, this extends to the drainage system. The land levels fall from approximately 90m AOD at the road to 70m AOD, where the shepherd's hut is located. The pond is to the north of the hut. Due to the topography of the land the contents of the cess pit associated to the trench arch system will dissipate southwards, ensuring the pond is not contaminated by foul water. The applicant's property boundary is 70m to the south of the shepherd's hut.

1.5 The shepherd's hut is a bow topped timber clad structure, mounted on a four-wheel platform. Internally the hut consists of two rooms, one which is labelled office with a sink, and the smaller room contains a sink and WC.

2.0 RELEVANT PLANNING AND ENFORCMENT HISTORY

2.1 17/01507/FUL Creation of a wildlife pond; permission granted 21st November 2018

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - wish to see the application approved.

4.2 Site notice and neighbour consultation – one letter of support has been received.

5.0 OBSERVATIONS

5.1 The main issues to be considered is a) the principle of development, b) the impact of the proposed works on the visual amenity of the surrounding open countryside, c) any impact on the setting of the listed structures on site. There are no near neighbours whose amenity would be affected by the proposed development.

5.2 The site is not within a defined development limits or within domestic land. It is stated by the applicant that the large open area to the south of the hall is shown as park and ornamental grounds on a map dated 1924, and through further research earlier Ordnance Survey maps dated 1856 and 1912 show this area shaded in a light green which demotes park and ornamental grounds.

5.3 The application site lies outside the Development Limits and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4. The applicants live at Brandsby Hall and the application site is within the land owned by the applicant.

5.4 Development in the countryside will only be supported when an exceptional case can be made for the proposals. Those exceptional circumstances are:

- i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to location in a smaller village or the countryside and will help to support a sustainable rural economy; or
- ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
- iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
- iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
- v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; or
- vi. It would support the social and economic regeneration of rural areas.

5.5 It is considered that the change of use of the land for the siting of the shepherd's hut development does not meet any of the tests of CP4, and there are no exceptional circumstances which would allow support for the proposal. In conclusion on the matter of the principle of allowing a change of use and the siting of the shepherd's

hut in this location the proposal does not comply with policy CP4 of the Hambleton Local Development Framework.

- 5.6 The site of the shepherd's hut is adjacent to the recently approved wildlife pond and 400m to the south of Brandsby Hall. The shepherd's hut is intended as a quiet place for the applicant to work as well as a shelter with toilet facilities for anyone studying the wildlife within the recently approved pond. There is no intention of any overnight use of the hut by the applicant or family, or commercial use, such as a holiday let.
- 5.7 The shepherd's hut is a traditional structure that would have typically been seen in the open countryside, albeit, not on a permanent basis as this one will be. It is positioned close to the side of pond and will be read in association with the pond as a leisure structure or shelter. Given the topography of the land and the small physical form of the hut it is considered that it will have a very limited impact on the open countryside appearance, and will not detract from the openness. It is considered that whilst not compliant with CP4 the change of use and siting of the shepherd's hut is not harmful by virtue of adding a traditional structure back into the landscape, and will result in a low level of visual impact.
- 5.8 The hut is constructed of materials which would usually be associated with this type of structure, and the treated timber finish will mellow to a silver shade with weathering and age. It is considered that this scheme meets the tests of CP17 and DP32, which seek high quality design and materials. Therefore it is considered that there will not be harmful impact on the visual amenity of the wider area.
- 5.9 The proposal will not have any significant impact upon the setting of the Listed Building mainly due to the small size of the structure, the materials used and the separation distance and is therefore in accordance with the provisions of the Act and the NPPF as well as the LDF.
- 5.10 The works are compliant with the policies of the Hambleton Local Development Framework and are recommended for approval.

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 Gould/2/PL/501 REV B, 502 REV B and 500 Rev C received by Hambleton District Council on 24th August and 14th September 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. The shepherd's hut shall not be used as overnight accommodation or used as holiday or guest accommodation.
 4. The colour of external elevations of the shepherd's hut hereby approved shall not be altered or changed without prior approval from the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. The Local Planning Authority would wish to carefully examine any independent use of the shepherd's hut to assess whether the development would be acceptable in terms of policy, access and amenity.
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.

Parish: Carlton Miniott

Ward: Thirsk

3

Committee date: 13 December 2018

Officer dealing: Miss Ruth Hindmarch

Target date: 11 January 2019

18/00007/TPO2

Tree Preservation Order 2018/07

At Land to the front of Islebeck House, Carlton Road, Carlton Miniott

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 case for the confirmation of Tree Preservation Order (TPO) 18/00007/TPO2.

1.2 Islebeck House lies on the main road through Carlton Miniott close to the western edge of the village. The trees are located on a small area of grass to the front of Maple House in Carlton Miniott which is immediately to the west of Islebeck House. The land ownership boundary shows the trees are located on land under the ownership of Islebeck House. The trees are located adjacent the footpath and public highway.

1.3 The TPO refers to two Sycamore trees. The trees are actually one sycamore (T2) and one ash tree (T1).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There is no relevant planning or enforcement history.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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

4.0 CONSULTATIONS

4.1 Local Highway Authority – confirmed tree not in highway land and that a report on the trees condition has been completed which confirms there are no safety concerns but recommends routine inspections every 18 months.

4.2 Two neighbouring occupiers have objected to the TPO. The comments are summarised as follows:

- The trees are a danger to the public and road users
- Falling branches cause a danger to users of surrounding gardens and the highway
- Limbs of the trees are intertwined with service cables
- During Autumn, Winter and Spring when the sun is lower in the sky the trees takes much of the light from our property
- During Autumn the leaves block gutters and drains and make pathways slippery creating a safety issue.
- When the trees are flowering and then shed those parts they again cause blockages to gutters and drains
- The base around the trees is used for dog fouling

- Trees have not been maintained over the years due to no one taking ownership of them
- They do not have a positive contribution to this part of the village
- The trees are a sycamore and an ash not two sycamores

5.0 OBSERVATIONS

5.1 The purpose of a Tree Preservation Order is to protect trees which are deemed to be of significant benefit to the amenity of a place.

5.2 The trees are prominent in views along Carlton Road and make a positive contribution towards the character and appearance of the area. The trees are on the north side of the A61. The trees come in to view to those travelling eastbound on the A61 as part of a group of trees before entering the village. The trees are the most substantial features in this part of the village. Whilst other properties are bounded by hedgerows and gardens contain trees none are as significant to the view of the street as the Sycamore and Ash tree included in this Order. The trees are also significant to those travelling west and visually mark the 'end' of the village, albeit that there are three dwellings further west before the village gives way to open countryside.

5.3 Concern has been expressed regarding the safety of the trees and the potential for falling branches to harm or injure people or pose a highway safety risk for passing cars. The inspection report carried out by the Local Highway Authority states the Ash tree (T1) does have some deadwood that would benefit from being removed and some pruning works to provide clearance to cables but does not present any safety concerns in its current condition. With regard to the Sycamore tree (T2) the report concludes the same. There is no evidence that the trees have any structural or health problems.

5.4 Concerns regarding the area of shading caused by the trees now and the potential for greater shading in the future are stated as reasons for objection but it is considered that the shading caused by the trees when in leaf is not so substantial that it would cause demonstrable harm to the amenity of neighbouring property that it would justify the removal of protection of the trees. If works are required to address harm to amenity an application can be made to allow works to a tree that is the subject of a TPO. The application is then to be considered on its merits.

5.5 Problems relating to leaf debris are acknowledged however this can be controlled by appropriate maintenance and does not warrant removal of protection of the trees.

5.6 It is acknowledged the trees would benefit from some maintenance including removal of deadwood. Any works over and above dead wooding would require consent and an application for appropriate works can be submitted and considered.

6.0 CONCLUSION AND RECOMMENDATION

6.1 It is considered that the trees positively contribute towards the character and appearance of the area.

6.2 There appears to be no structural or health reasons why the trees cannot be maintained in the longer term, and as such it is considered that on balance of the issues of public benefit against the concerns expressed by near neighbours, confirming a TPO on the trees is appropriate.

6.3 It is therefore recommended that TPO 2018/07 Order be confirmed.

Parish: Carthorpe

Ward: Tanfield

4

Committee date: 13 December 2018

Officer dealing: Mrs H Laws

Target date: 21 December 2018

18/00964/OUT

Outline planning (all matters reserved) for the construction of one detached dwelling as amended by email received by Hambleton District Council on 22 October 2018

At: Field House, Carthorpe

For: Mr Askham

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 existing dwelling lies within a substantial plot on the southern side of the street, towards the western end of the village. The existing dwelling is a bungalow style, brick and tile, detached property with first floor accommodation served by rooflights. A detached double garage lies on the eastern side of the plot with a utility area and office at first floor.
- 1.2 The site has a well-established landscaped garden with several trees and shrubs.
- 1.3 It is proposed to remove the existing detached garage and construct a two storey detached dwelling.
- 1.4 There are no matters included for approval at this stage. All matters, i.e. access, appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.5 The application was originally submitted for two dwellings with one proposed to the rear of the existing garden area. The application has been amended to delete this dwelling from the scheme. An illustrative layout has been received, which shows a single dwelling located in a similar position to the existing garage.
- 1.6 The existing access would be used to serve the proposed dwelling. The application also includes details of a proposed new access at the western end of the site frontage and for the formation of a new driveway to serve the existing dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02454/FUL – Construction of double garage, porch and re-positioning of car port. Permission granted 16/12/2011.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – The proposed buildings are quite tight together and the access appears narrow. Concern had been raised regarding site lines for vehicles accessing and leaving the site and issues of increased road side parking on the brow of the hill. The development is inconsistent with the linear structure of the village and sets a precedent for back filling. There is a supporting comment in the application that Burneston has a shop and post office – these are about to close down.
- 4.2 Highway Authority – In order to satisfy the visibility requirements under Manual for Streets guidance, the Western boundary hedge will require cutting back. It is also to be noted that the Eastern boundary hedge should also be cut back to improve visibility to the East when leaving the existing access. Conditions are recommended.
- 4.3 MOD – no safeguarding objections
- 4.4 Public comments – objections have been received from two residents regarding the original plans, which are summarised as follows:
- The sun room of the neighbouring house has 2 windows facing west, directly onto the proposed side wall of the new 4 bedroom house. These windows currently face open sky and let in much light. Concerned that light levels will be severely affected by a tall building built directly opposite. If the new house was aligned as the existing building is then it wouldn't be such a problem.
 - The design and Access Statement submitted with the application makes the very valid statement that "Carthorpe is generally a linear settlement", yet it purports to support an application to move away from that established practice
 - This site cannot be considered infill as it is already entirely occupied by a domestic dwelling and its ancillary buildings.
 - Flood risk. Land in this area drains principally to the South (the rear of the proposed site) to an area which floods readily after rain. An increase in hard surfaces could result in worsening this problem.
 - Housing Stock. Recent applications have raised the housing stock by 11 properties, 10% of the parishes housing stock. A further two substantial homes are therefore not required.

- Utilities. Carthorpe Parish Council has already expressed real concern that "all utilities - mains water, sewerage, electric and broadband - would not be able to cope with the incremental demand unless they were updated".
- Mix of properties. The Parish Council has repeatedly expressed the view at recent meetings that affordable housing is required not substantial detached homes beyond the reach of the local population
- The claim services in Burneston are of equal value to Carthorpe is opposite to the comments made by the council who are clear when they say "Although the village of Carthorpe is a cluster village, in reality there are no amenities without a car ride, other than a pub, and the bus service has now ceased". Can a village with a declining level of amenities suddenly have to cope with such a significant increase in its population?
- Concerns about the proposed additional access point to the public highway which would emerge at a point where parking is at highest demand due to proximity to the Village Chapel, Village Hall and a bed and breakfast establishment. This is in addition to it being at a narrow part of the street and close to the brow of a hill where the view of road users is often already obscured by parked cars.

A comment has been received neither in support nor objecting to the proposal, making the following comments:

- It is essential that no surface water or foul water be discharged to drains to the south of the site as this drain is already over capacity and floods Clarkes Holding on a regular basis during heavy rain.

Following receipt of the amended plans to reduce the scheme from two to one dwelling, the following comments have been received:

- Maintain concern over access to the highway at this point. Consideration should be given to restricting entry to a shared driveway, perhaps using the existing access point, rather than building a second so close to the brow of a hill.
- It is not clear from the outline plan how high the new house will be and the development line in relation to neighbouring property
- Concerns over the blocking of light into neighbouring sun room from a tall development in that location.
- Potential privacy issues with windows looking into neighbouring sun room, bedroom and rear garden
- A tall fence or wall should be constructed to fill the gap produced when the outbuildings are demolished
- The existing boundary hedge should be protected. The plan states that they will be maintained, but the highways department states that "the Western boundary hedge will require cutting back

5.0 OBSERVATIONS

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

The principle of development

- 5.2 The site falls outside of Development Limits, as Carthorpe does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission 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 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the settlement hierarchy contained within the IPG, Carthorpe 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 Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially which continues to the present day. Collectively they have churches, a primary school, two pubs and a shop. Connectivity is good between the two villages which are readily accessible on foot or bicycle as well as by car. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

Character and appearance of the village and the rural landscape

5.7 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.

5.8 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 application has been amended and is now for a single dwelling. This is considered small scale, and is for infill development between two existing dwellings within a part of the village where there have been no previous IPG approvals. The dwelling would replace a large detached garage building and would have adequate space to all sides for it not to appear as a cramped addition in the street. Subject to details of scale, siting and design, it is suggested that the site is capable of accommodating an additional dwelling unit without detracting from the character and appearance of the village.

Impact on the amenity of neighbouring occupiers

5.10 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 main impact to consider is in relation to the occupiers of the adjacent dwelling, Hill Top Cottage, to the east.

5.11 The position of the site is such that it would allow for a design to achieve satisfactory levels of separation and avoid overlooking and overshadowing. The effects of the proposed dwelling on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the residents at Hill Top Cottage and the existing dwelling at Field House.

5.12 The site lies far enough from the dwellings on the opposite side of the road for there to be no impact on the amenity of the residents of those properties. The proposed development would not therefore be contrary to LDF Policy DP1.

Surface water drainage

5.13 The site does not lie within an area of flood risk but it would be 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.

Highway safety

5.14 Access to the site is a matter reserved for future consideration but it is proposed to use the existing access to serve the proposed dwelling only. This is no different to

the existing access serving the existing dwelling and therefore the Highway Authority has no objections. It is recommended that the existing hedgerow is cut back to improve visibility and this can be achieved by condition.

- 5.15 There are also no objections to the proposed creation of a new access to serve the existing dwelling. Again, it is recommended that the hedgerow is cut back to improve visibility and this can be achieved by a condition.
- 5.16 Adequate parking space would be available off-street to avoid any increase in on street parking to the detriment of highway 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 dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the landscaping of the site (d) the means of access to the site.
 3. The outline permission for development hereby approved is for a single dwelling only.
 4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 6. No above ground construction work shall be undertaken until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment for that dwelling has been implemented in accordance with the approved details and thereafter retained.
 7. 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.

8. 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.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(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 crossing of the footway shall be constructed in accordance with the approved details and/or 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 or proposed highway.
11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43.00m measured along both channel lines of the major road C52 Carthorpe Village Street from a point measured 2.40m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. vehicular and pedestrian accesses
 - b. vehicular parking
 - c. vehicular turning arrangementsNo 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
13. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered

necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 8 May and email received on 22 October 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 In order that the scale of development is acceptable and to accord with the requirements of development policy DP32 and the Council's Interim Policy Guidance.
- 4 To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
- 5 In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
- 6 To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
- 7 To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
- 8 In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
- 9 In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
- 10 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4
- 11 In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
- 12 To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
- 13 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
- 14 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

- 2 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. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 10.

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18/00011/TPO1

Tree Preservation Order 2018 No.11
At: North east of The Briars, Raby Lane, East Cowton
For: Mr M Scales

The report is brought to Planning Committee as there has been a representation contrary to the recommendation.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2018/11.
- 1.2 The tree is located on the roadside in Raby Lane within a hedgerow boundary, approximately 12m to the north east of the existing neighbouring dwelling known as The Briars. The hedgerow forms the roadside boundary to a field.
- 1.3 The tree is a sycamore with an elm tree intertwined and has been made the subject of a Tree Preservation Order.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 In February 2018 the Council received a planning application for the construction of a dwelling (18/00414/FUL). The application included a proposal to remove the hedgerow in order to provide visibility splays. Plans were provided to demonstrate that the required splays could be implemented even with the retention of the tree. Planning permission for the dwelling was granted on 24 July 2018.
- 2.2 It was considered that the tree made a positive contribution to local visual amenity and as such the Council imposed a Tree Preservation Order to protect the tree, on 9 August 2018.
- 2.3 An objection from the owner has been received regarding the making of the Tree Preservation Order.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 An objection to the imposition of the TPO has been received from the applicant whose planning application for the construction of a dwelling lead to the imposition of the TPO. The comments are summarised as follows:
 - Our agreed visibility splay is within inches of the tree in question. If we are prevented by a TPO from cutting, topping or lopping of this tree it will in effect prevent us from being able to maintain the visibility splay as the tree grows, or

in the event of any weather damage which could dis-lodge a branch and obscure visibility, endangering ourselves and the public if this cannot be addressed with immediate effect;

- The agreed planning permission requires the finished floor level of the dwelling to be 200ml above road level. The tree itself sits about 2ft above road level. Should we have to excavate the driveway to a similar level there is no way of knowing at this stage if this could expose the root structure making it a danger to the building and those working on the site;
- We have had an arborist take an informal look at the tree, his initial comments being that the tree is not of particular visual importance, and that the thick covering of ivy will likely cause the tree to fail in the coming years, and more importantly, will cover any cracks or damage to the trunk which could make the tree unsafe, which is of particular significance as it is growing by the roadside and in the vicinity of powerlines;
- While we are both happy to keep the tree and eager to do what we can to make this happen, we feel that keeping control of the tree with regard to the proximity to the build, the agreed visibility splay, and the safety of ourselves, contractors, and the public; is more important than the local visual amenity value.

4.2 East Cowton Parish Council – make the following comments:

- Was a survey of the immediate locality carried out before the order was made?
- The TPO appears to protect a single sycamore tree when there are other trees in the immediate vicinity including two elm trees, one of which is immediately adjacent and effectively intertwined with the sycamore.
- There is also a species-rich hedge.
- In those circumstances the Parish Council would have anticipated the making of a group TPO to include the hedge and both elm trees.

4.3 A letter of support has been received from a local resident whose comments are summarised as follows:

- Support the Tree Preservation Order (TPO). This is a substantial tree forming part of an ancient hedgerow and has huge amenity, street scene and ecological value on the entrance to this village as have other trees along this hedgerow which would benefit from similar preservation attention.
- There is also a known presence of bats in the vicinity which are likely to roost among the ivy clad trunk and branches and use the area regularly as a readily available supply of insects
- This bank along the roadside rises steeply to about one metre high and is where the developed root system will be present; destruction of the root system would compromise the existence of the ash tree and could not be avoided to obtain a suitable access driveway.

5.0 OBSERVATIONS

5.1 The tree is located in a prominent position at the entrance to the village from the north, clearly visible from the road and from adjacent properties.

5.2 The presence of the mature tree on the roadside adds visual amenity value to the approach into the village. The tree is considered to be of visual merit and contributes to the character and appearance of the village.

- 5.3 An independent report has been undertaken by North Yorkshire County Council on behalf of the District Council, which considers that the future life expectancy of the tree is medium to low. There is a stem on the northern side of the tree that is dead and there is a large wound on the northern side of the trunk.
- 5.4 As planning permission has been granted for the construction of the dwelling and associated works, the confirmation of the order could lead to a requirement for changes to the approved scheme to avoid damage to the root system as a result of the creation of the new access. This would not outweigh the need for a preservation order should the tree be of such significance but due to the above comments it is not considered that the tree is not of sufficient merit.
- 5.5 The conclusion of the North Yorkshire County Council's Arborist's report is that the TPO should not be confirmed.
- 5.6 A hedge cannot be included within a Tree Preservation Order. Consideration of the removal of the hedge was discussed within the report to Planning Committee in respect of the planning application.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 The tree contributes to the amenity of the area when considered against the relevant planning criteria and results in a degree of public benefit. The report from North Yorkshire County Council's Arborist concludes that the tree has a medium to low life expectancy and the TPO should not be confirmed.
- 6.2 It is therefore recommended that TPO 2018/11 is not confirmed.

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Parish: Exelby, Leeming and Newton
Ward: Bedale
6

Committee Date: 13 December 2018
Officer dealing: Mrs H Laws
Target Date: 20 December 2018

18/01546/FUL

**Construction of a detached house with integral double garage
At land west of Exelby Grange, Exelby
For Mr & Mrs Brown**

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the northern side of the main village street. The site extends to an area of 0.07 hectares (approximately 40m x 16m). The site is currently part of an agricultural field bounded by a hedgerow to the south fronting onto the street, with post and wire fencing to the western boundary. Exelby Grange, which is currently the last property at the western end of the village on this side of the road, lies beyond the paddock to the east; an agricultural building now used for non-agricultural storage lies to the west.
- 1.2 Outline planning permission was granted for a larger part of the paddock, of 0.14 hectares, for the construction of three detached dwellings in February 2017. This application is for approximately one third of that site plus an additional small section to the rear and is for the construction of one detached dwelling. Another planning application for the central third of the original site plus additional land to the rear, is also being considered (18/01547/FUL) elsewhere on this agenda.
- 1.3 The application is for full planning permission and covers a piece of the paddock that was not included within the outline application site boundary to make the site longer in depth to allow for more garden space to front and rear. The proposed dwelling is two storey, with four bedrooms and an integral double garage with an individual access onto the village street. It is proposed to retain the existing hedgerow at the front other than for the creation of the access.
- 1.4 The dwelling would be L-shaped with a gable to the front elevation. The dwelling would be finished in brickwork and slate.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 16/02514/OUT - Outline application (all matters reserved) for the construction of 3 dwellings. Permission granted 6 February 2017.

2 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – no reply received (expiry date for representations 20/8/2018)
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Yorkshire Water – satisfied that there is sufficient distance between the proposed dwelling that is the subject of applications 18/01546/FUL and 18/01547/FUL and YW’s sewage pumping station such that YW’s access to the pumping station and associated sewers will not be adversely impacted. Occupiers of the property nearest the SPS may occasionally notice odour for example during maintenance/repair operations and we would advise screening of the SPS from the development. The application forms state that surface water will drain to soakaway so we have no further comment to make on the application)
- 4.4 MOD Safeguarding – no safeguarding objections
- 4.5 NYCC Heritage – a Written Scheme of Investigation for archaeological monitoring has been submitted and can confirm that it meets the required professional standards and is an appropriate scheme. A condition is recommended.
- 4.6 HDC Environmental Health Officer - The environmental health service has considered the above application and has concerns about the close proximity of agricultural buildings (former chicken sheds) which, if they revert to operational use, could impact on the amenity of residents living immediately next door to the site. I can confirm that the environmental health service has not received any complaints about the activities carried on in these premises. However, should the site revert to operational use there would be no controls in place for the management of dust, noise, odour or flies associated with this type of industry, especially considering the minimal separation distance between the sheds and the proposed development. Whilst the service does not object to the scheme, these issues should be highlighted with the agent.
- 4.7 Public comment – one letter of support has been received as follows:
- New application by Mr Brown is fully in keeping with other properties in the village

5.0 OBSERVATIONS

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

The principle of development

- 5.2 The site falls outside of Development Limits as Exelby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Exelby 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 or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proximity to Burneston allows Exelby to form a cluster that

represents a sustainable community and therefore the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.7 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.
- 5.8 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 application site lies beyond the built up part of the village and forms part of a larger field beyond the built up boundary of the village. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.9 The application site is undeveloped but its position, in line with, and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary with the existing storage unit and would follow the line of the existing development down the village street, retaining the remaining part of the field to the rear; and would not protrude significantly into open countryside. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and as such the proposed development is 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 Planning supports this approach and, at paragraph 130, 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 that the design fits suitably into its context, providing an individually designed two storey dwelling, whilst

providing the applicant with an up to date energy efficient, architecturally rewarding building.

- 5.14 The proposed dwelling is relatively large in scale but is well-proportioned and in keeping with the scale and plot size of existing dwellings within this part of the village, particularly Exelby Grange and the dwelling to the east. Features such as the two storey gabled offshoot, which reflect the nearby existing dwellings, have been incorporated into the scheme. It is considered that the resultant dwelling would not detract from the character and appearance of the village or the surrounding rural landscape and is reflective of the scale and design of the larger dwellings that lie on the edge of the village. The proposal is in accordance with LDF Policies CP17 and DP32.

Heritage assets

- 5.15 The site lies adjacent to the ancient village of Exelby and the development would have the potential to encounter archaeological remains. A written scheme of archaeological investigation has been received, comprising a watching brief to be undertaken during excavations. The County Council's archaeologist has no objections.

Effect on residential amenity

- 5.16 The closest neighbour to the proposed dwelling would be the existing property at Aschilebi House on the opposite side of the road, which is currently the final property at the western end of the village.
- 5.17 It is considered that there is adequate space available to protect the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of both sets of residents.
- 5.18 Concern has been expressed by the Council's Environmental Health Officer due to the proximity of the adjacent agricultural building to the application site, which it is suggested, could result in disturbance to the future residents of the proposed house. Although the neighbouring building has not been in agricultural use for more than 25 years it would be possible to re-use it for agricultural use without the need for planning permission in the future. A unilateral undertaking has been received, which will ensure that no livestock is housed within this building once the dwelling is occupied, thereby protecting the amenity of the future occupiers of the dwelling in the long term.
- 5.19 Concern had previously been expressed by Yorkshire Water that the close proximity of the proposed dwelling to the sewage pumping station (SPS) could adversely affect the amenity of the new residents as a result of noise disturbance. A distance of 15m was recommended between the SPS and a habitable building and this has been achieved.
- 5.20 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, would be achieved by the proposed development.

Highway matters

- 5.21 The Highway Authority has no objections to an additional dwelling being served from the village street subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. 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 a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with drawing number B24-6A or as otherwise agreed in writing by the Local Planning Authority.
 6. The development hereby approved shall not be undertaken other than in accordance with Drawing number B24-7A that shows the finished floor level of the development at 100.15, other than with the prior approval in writing by the Local Planning Authority.
 7. 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.
 8. 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.

9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for archaeological monitoring prepared by JB Archaeology (August 2018). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation referred to above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) the details of the accesses shall have been approved in writing by the Local Planning Authority; and (b) 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.
11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres in a north-easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the access roads. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
 - a. have been constructed in accordance with the submitted drawing (Reference B24-6A)
 - b. are available for use unless otherwise approved in writing by the Local Planning Authority.Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. There shall be no access or egress by any vehicles between the highway and the application site unless 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 installed in accordance with the details received by Hambleton District Council on 24 September 2018. These precautions shall be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
14. 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 received by Hambleton District Council on 24 September 2018 for the provision of (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
15. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered B24-5A; B24-6A; and B24-7A received by Hambleton District Council on 24 July and 24 September 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. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. To protect the amenity of future residents in accordance with LDF Policies CP1 and DP1.
8. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
9. This condition is imposed in accordance with Section 16 of the NPPF as the site is of archaeological significance.
10. In accordance LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance LDF Policies CP2 and DP4.
13. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
15. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

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

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

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

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

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

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

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Parish: Exelby, Leeming and Newton
Ward: Bedale
7

Committee Date: 13 December 2018
Officer dealing: Mrs H Laws
Target Date: 20 December 2018

18/01547/FUL

Construction of a detached house with integral double garage
At: Land west of Exelby Grange, Exelby
For: Mr Clarkson

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the northern side of the main village street. The site extends to an area of 0.07 hectares (approximately 40m x 16m). The site currently forms a central part of an agricultural field bounded by a hedgerow to the south fronting onto the street,. Exelby Grange, which is currently the last property at the western end of the village on this side of the road, lies beyond a section of the field to the east; an agricultural building now used for non-agricultural storage lies beyond a section of field to the west.
- 1.2 Outline planning permission was granted for a larger part of the paddock, of 0.14 hectares, for the construction of three detached dwellings in February 2017. This application is for approximately one third of that site plus another section to the rear and is for the construction of one detached dwelling. Another planning application for the western third of the original site plus additional land to the rear, is also currently being considered (18/01546/FUL) and is considered elsewhere on the agenda.
- 1.3 The application is for full planning permission and covers a piece of the paddock that was not included within the outline application site boundary, to make the site longer in depth to allow for more garden space to front and rear. The proposed dwelling is two storey, with five bedrooms and an attached double garage at the rear of the dwelling with an individual access onto the village street. It is proposed to retain the existing hedgerow at the front other than for the creation of the access.
- 1.4 The dwelling would be L-shaped with eaves to the front elevation and a gabled porch. The dwelling would be finished in brickwork and slate.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 16/02514/OUT - Outline application (all matters reserved) for the construction of 3 dwellings. Permission granted 6 February 2017.

2 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – no reply received (expiry date for representations 20/8/2018)
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Yorkshire Water – satisfied that there is sufficient distance between the proposed dwelling that is the subject of applications 18/01546/FUL and 18/01547/FUL and YW’s sewage pumping station such that YW’s access to the pumping station and associated sewers will not be adversely impacted. Occupiers of the property nearest the SPS may occasionally notice odour for example during maintenance/repair operations and we would advise screening of the SPS from the development. The application forms state that surface water will drain to soakaway so we have no further comment to make on the application)
- 4.4 MOD Safeguarding – no safeguarding objections
- 4.5 NYCC Heritage – a Written Scheme of Investigation for archaeological monitoring has been submitted and can confirm that it meets the required professional standards and is an appropriate scheme. A condition is recommended.
- 4.6 HDC Environmental Health Officer - The environmental health service has considered the above application and has concerns about the close proximity of agricultural buildings (former chicken sheds) which, if they revert to operational use, could impact on the amenity of residents living immediately next door to the site. I can confirm that the environmental health service has not received any complaints about the activities carried on in these premises. However, should the site revert to operational use there would be no controls in place for the management of dust, noise, odour or flies associated with this type of industry, especially considering the minimal separation distance between the sheds and the proposed development. Whilst the service does not object to the scheme, these issues should be highlighted with the agent.
- 4.7 Public comment – no comments received (expiry date for representations 24/9/2018)

5.0 OBSERVATIONS

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

The principle of development

- 5.2 The site falls outside of Development Limits as Exelby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4

states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Exelby 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 or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proximity to Burneston allows Exelby to form a cluster that represents a sustainable community and therefore the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.7 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.

- 5.8 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 application site lies beyond the built up part of the village and forms part of a larger field beyond the built up boundary of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.9 The application site is undeveloped but its position, in line with, and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary with the existing storage unit and would follow the line of the existing development down the village street, retaining the remaining part of the field to the rear; and would not protrude significantly into open countryside. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and is 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 Planning supports this approach and, at paragraph 130, 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 that the design fits suitably into its context, providing an individually designed, two storey dwelling, whilst providing the applicant with an up to date energy efficient, architecturally rewarding building.
- 5.14 The proposed dwelling is relatively large in scale but is well-proportioned and in keeping with the scale and plot size of existing dwellings within this part of the village, particularly Exelby Grange. Features such as the gabled porch, which reflect the nearby existing dwellings, have been incorporated into the scheme. It is considered that the resultant dwelling would not detract from the character and appearance of the village or the surrounding rural landscape and is reflective of the scale and design

of the larger dwellings that lie on the edge of the village. The proposal is in accordance with LDF Policies CP17 and DP32.

Heritage assets

- 5.15 The site lies adjacent to the ancient village of Exelby and the development would have the potential to encounter archaeological remains. A written scheme of archaeological investigation has been received, comprising a watching brief to be undertaken during excavations. The County Council's archaeologist has no objections.

Effect on residential amenity

- 5.16 The closest neighbour to the proposed dwelling would be the existing property at Aschilebi House on the opposite side of the road, which is currently the final property at the western end of the village.
- 5.17 It is considered that there is adequate space available that would protect the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of both sets of residents.
- 5.18 Concern has been expressed by the Council's Environmental Health Officer due to the proximity of the adjacent agricultural building to the application site, which it is suggested, could result in disturbance to the future residents of the proposed house. Although the neighbouring building has not been in agricultural use for more than 25 years it would be possible to re-use it for agricultural use without the need for planning permission in the future. A unilateral undertaking has been received, which will ensure that no livestock is housed within this building once the dwelling is occupied thereby protecting the amenity of the future occupiers of the property.
- 5.19 Concern had previously been expressed by Yorkshire Water that the close proximity of the proposed dwelling to the sewage pumping station (SPS) could adversely affect the amenity of the new residents as a result of noise disturbance. A distance of 15m was recommended between the SPS and a habitable building and this has been achieved.
- 5.20 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, could be achieved by the proposed development.

Highway matters

- 5.21 The Highway Authority has no objections to an additional dwelling being served from the village street subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. 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 a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with drawing number B23-1A or as otherwise agreed in writing by the Local Planning Authority.
6. The development hereby approved shall not be undertaken other than in accordance with Drawing number B24-7A that shows the finished floor level of the development at 100.15, other than with the prior approval in writing by the Local Planning Authority.
7. 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.
8. 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.
9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation for archaeological monitoring prepared by JB Archaeology (August 2018). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation referred to above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the

following requirements: (a) the details of the accesses shall have been approved in writing by the Local Planning Authority; and (b) 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.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres in a north-easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the access roads. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved:
 - a. have been constructed in accordance with the submitted drawing (Reference B23-1A)
 - b. are available for use unless otherwise approved in writing by the Local Planning Authority.Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. There shall be no access or egress by any vehicles between the highway and the application site unless 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 installed in accordance with the details received by Hambleton District Council on 24 September 2018. These precautions shall be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
14. 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 received by Hambleton District Council on 24 September 2018 for the provision of (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
15. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered B23-1A; B23-2A; and B24-7A received by Hambleton District Council on 24 July and 24 September 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. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. To protect the amenity of future residents in accordance with LDF Policies CP1 and DP1.
8. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
9. This condition is imposed in accordance with Section 16 of the NPPF as the site is of archaeological significance.
10. In accordance LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance LDF Policies CP2 and DP4.
13. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
15. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

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

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

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

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

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

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

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Parish: Raskelf
Ward: Raskelf & White Horse
8

Committee date: 13th December 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 19th December 2018

18/01939/OUT

Description: Outline application with some matters reserved (to consider access and layout) for residential development of 3 detached dwellings

At: Land to the West of Scatterpenny, The Green, Raskelf

For: Mr & Mrs D Rutherford

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located in The Green which is to the south of the main part of Raskelf village. Scatterpenny is located to the western edge of The Green on the northern side of Hag Lane. The site forms part of the curtilage of Scatterpenny and is currently enclosed by mature hedging and fencing to the west and south and timber fencing to the north. There are a number of timber structures and a barn currently within the site that have been used as part of an animal sanctuary previously run by the applicants. On the opposite side of the highway, to the south of Hag Lane is grassland.
- 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. This assessment is consistent with the approach taken in the consideration of other recent applications for residential development at The Green.
- 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. The applicant has stated the proposed dwellings would consist of two 3 bedroom properties and one 4 bedroom property.
- 1.4 Improvements have been secured as follows: the number of dwellings has been reduced from 4 to 3 to provide greater spacing between properties and allow for supplementary planting to the western edge of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning or enforcement history on the site.

Land to the south and elsewhere in The Green

- 2.2 Land to the south, opposite the application site has outline planning permission for residential development of 3 detached dwellings. Application number 18/00271/OUT granted 4th May 2018.
- 2.3 Outline consent granted for one detached dwelling at Pond Corner. Application number 18/00060/OUT granted 6th April 2018.

- 2.4 Outline and Reserved Matters consent granted for 3 detached dwellings on land to the west of Green Acres. Application 16/02803/OUT granted 28th April 2017 and 17/02536/REM granted 19th January 2018.
- 2.5 Outline and Reserved Matters consent granted for 5 dwellings on land to the north east of Dove Cote. Application 17/02358/OUT granted 31st January 2018 and 18/01041/REM granted 31st October 2018.
- 2.6 Outline consent granted for residential development on land to the north east of The Cottage. Application 17/02240/OUT granted 15th January 2018.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure
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 – July 2018
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Environmental Health Services (Contaminated Land) – will require a contaminated land Phase 1 preliminary risk assessment, conditions recommended
- 4.4 Yorkshire Water – no objections subject to a condition regarding surface water. It is noted there is a public foul sewer that crosses the site and the presence of this infrastructure shall be taken into account in the design of the scheme however given its location Yorkshire Water would look for this matter to be controlled by Building Regulations.
- 4.5 Public comments – neighbouring properties consulted and site notice displayed, no comments have been received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) housing size, type and tenure, (iii) the impact on the character of the surrounding area, including the character and appearance of the village (iv) residential amenity; (v) highway safety and (vi) 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 remains unchanged from the Core Strategy state 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.
- 5.7 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.

Housing size, type and tenure

- 5.8 The proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Policy CP8 and the Supplementary Planning Document.

The character of the village

- 5.9 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.
- 5.10 The piece of land that is the subject of this application falls within the 30mph speed limit. The site has existing buildings on it which are associated with Scatterpenny, one of which will remain. The dwellings would be laid out in a linear arrangement fronting the highway which reflects the pattern of development in the immediate surrounding area.
- 5.11 The application site will utilise the existing western boundary hedge which forms an important landscape feature when on approach to this part of the village from the west. Further planting is proposed to strengthen this boundary together with a supplementary planting along the rear of the proposed dwellings is proposed. This planting would join up to existing planting that is present to the rear of Scatterpenny and Hideaway Cottage.
- 5.12 The site would extend the built form of the village on the northern side of The Green but would be well enclosed by the existing landscape boundary that would be supplemented. Opposite the site there is an area of open grassland, this site was given outline planning consent for 3 dwellings earlier this year, the development would extend the built form in line with this approval however the site has not yet progressed beyond the outline stage.
- 5.13 It is considered that given the linear nature of the proposal, the characteristics of the site and as it is well contained by landscaping that will be supplemented, the proposal is acceptable, respects the built form and character of this part of the village.
- 5.14 Consideration has been given to whether the proposal would allow for a gradual and organic growth as intended within the IPG where the “cumulative increase generally results in the creation of unique character and helps contribute towards a sense of place”(explanatory text, 2. Scale). The cumulative impact of the proposed development is assessed with reference to the recent planning approvals for development on 5 separate sites in The Green. The approved sites are generally to the east of the current application as noted in the Planning History above. 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. It is considered that the development would continue to build on the unique character of the small but growing settlement of The Green.
- 5.15 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.

- 5.16 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 existing landscape boundary to the west and with the 30mph speed restriction falling just beyond the application site, the proposals are considered to be a logical extension to the existing built form of The Green, Raskelf. The layout and building line of the proposed dwellings reflect that of the existing dwellings within the locality and will not appear at odds with the existing built form.
- 5.17 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

- 5.18 It is considered that the site is capable of accommodating three dwellings without prejudicing residential amenity, particularly that of Scatterpenny by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.19 With adequate boundary treatments and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.20 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

- 5.21 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 (in respect of drainage or any other matter) 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.

Planning balance

- 5.22 The proposal would create three further homes in a sustainable location, without causing harm to the appearance of the settlement and without harm in terms of highway safety or the capacity of local infrastructure. The scale and rate of growth of the settlement as a consequence of this and previously approved developments is a cause for concern but as found above the cumulative impact would not be severe.
- 5.23 The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the additional development is neutral or slightly negative due to the scale and rate of change. Overall the scheme is found on balance to be acceptable.

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) Location Plan received 11.09.2018 and Revised Site Layout Plan 01 Rev B received 23.11.2018 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. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
7. No part of the existing boundary hedging and planting along the south western site boundary shall be uprooted or removed or reduced in height without the prior written consent of the Local Planning Authority. The planting along this boundary shall be retained for the life of the development hereby approved.
8. 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.
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 until:
 - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

Provision of a footway across the site frontage linking the dwellings with the existing footway to the east of the site.

- (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

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. 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.
15. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 10.

Provision of a footway across the site frontage linking the dwellings with the existing footway to the east of the site.

16. 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

17. 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)
18. No development shall commence until a land contamination '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.
19. No development shall commence until a land contamination '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.
20. No development shall commence until a land contamination '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)
21. In the circumstances that remediation has been required the development shall not be occupied until a land contamination 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. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network
7. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33
8. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure SPD.
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 ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
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 and to ensure an appropriate housing mix is retained in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure of New Homes Supplementary Planning Document.
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 the interests of road safety in accordance with Hambleton Local Development Framework Policies CP1 and CP2.
15. In the interests of the safety and convenience of highway users
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

17. 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.
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.
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Parish: Skutterskelfe
Ward: Hutton Rudby
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Committee date: 13 December 2018
Officer dealing: Mr Sean Rawling
Target date: 29 October 2018

18/01008/MRC

Application for variation of conditions 6, 7, 10, 11, 15, 16 and 18 and removal of condition 12 (location of events within the grounds of the Hall) to previously approved application 15/00961/MRC
At Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN
For Mr Michael Hepburn

This application is referred to Planning Committee at the request of a Member of the Council

1.0 Background

- 1.1 The application was considered by Planning Committee on 18 October 2018 where Members requested additional information to be provided in respect of (i) impact of food preparation; (ii) Impact of the generator noise; and (iii) adequacy of the kitchen for food preparation. The applicant provided further information on these matters, set out in paragraphs 1.5 to 1.11.
- 1.2 The application was deferred a second time at the November meeting for the submission of information regarding complaints about the operation of the site and the submission of an acoustic survey to demonstrate the impact of the proposals on neighbouring residential properties.
- 1.3 The Council's Environmental Health Team has confirmed that there have been complaints about the operation of the site. The Environmental Health team investigated these matters and found no requirement for further action. Complaints have also been made to the Planning Enforcement Team which resulted in no formal action.
- 1.4 In considering the application at the November Committee, Members were concerned that the proposed amendments to the conditions would result in a loss of amenity to the occupiers of nearby homes owing to the closer proximity of the proposed "smaller" events to the neighbouring residential properties and requested that an acoustic survey be undertaken to assess the impacts of the proposed amendments. A survey has not been undertaken and the applicant's agent has provided the following statement.
 - We understand concerns were raised by Members at the previous planning committee (November 2018) regarding potential adverse impacts of noise from the proposed additional 10no. small external events a year (for up to 40no. people) under the current application. Whilst assurances were provided at Planning Committee that the Council's Planning and Environmental Health Officers were satisfied that the proposals were acceptable and would not have an unacceptable impact, Members have requested an acoustic assessment which considers the potential impacts of these additional events. Therefore, whilst Members raised no concerns with two aspects of the proposals at the November 2018 committee (use of agreed specification of generator in conjunction with the marquee and the proposed amendments to use of the kitchen), our client understands that concerns surrounding the additional external events resulted in deferral of the application.
 - Our client is currently able to hold up to 8no. events per year for up to 150no. people within the grounds of Rudby Hall albeit these must be located within the marquee.

This current arrangement means that visitors to the Hall are unable to enjoy some of the other grounds surrounding the Hall and, the requirement to hire and use a marquee is often off-putting (particularly for small groups) given the additional cost associated with it. Through varying the consent, our client is seeking permission to allow for up to a maximum of another 10no. events per year for up to a maximum of 40no. people within the grounds of Rudby Hall. These events will remain subject to strict planning controls in terms of location, quantity, timing and format. They will be located only within the sunken lawn area – an area much closer to the hall than the consented marquee, be incidental to use of the Hall, be held only between 12noon and 8pm (including clean-up) and, allow use of a gazebo of up to 18sqm. The proposals do not affect the timing, location or quantity of the 150no. person events currently consented albeit the requirement for them to be held within a marquee is removed.

- Our client has engaged extensively with Council Officers to ensure the proposals are acceptable. The format, type, location and timing of the additional proposed 10no. events have been specifically selected to ensure minimal impact on the amenity of surrounding residents and the Council's own Environmental Health Department have confirmed they consider the proposals to be acceptable.
- In the context of the above, we do not consider an Acoustic Assessment necessary for this application and one has not been undertaken at this time. Notwithstanding this, our client has confirmed that they are open to discussions with the committee on amendments to conditions which specifically relate to the additional proposed events (i.e. the amends specifically related to conditions 10, 11, 12, 16 and 18) should the Committee determine that, notwithstanding the position as set out above, an Acoustic Assessment is still required.

Impact of food preparation

- 1.5 The kitchen facilities have a state of the art extraction system, which was installed prior to the premises being brought into use as a hotel. The extraction system was specifically designed to mitigate the odours emitted during use of the kitchen facilities and to mitigate noise emissions, which are silent at the nearest site boundary of the premises. This system and associated control measures have previously been approved by the authority under early permissions and there are no proposals to alter this system.
- 1.6 Rudby Hall's kitchen walls are two feet thick, which mitigates noise emitted from the kitchen facilities during their use. The owners currently cater for up to 35 guests without any complaints having been received.
- 1.7 It is considered that food can be prepared on site without resulting in a detrimental impact upon the amenity of neighbouring properties in terms of noise and odours.

Noise from generator used in conjunction with the marquee

- 1.8 The current application has previously stated that the generator will not exceed 63dBA at 7m from its location. The generator is supplied by the same company which supply the marquee and is designed to be used for outdoor events without causing unacceptable levels of noise. The generator sits alongside the marquee, and is designed not to disturb guests dining a short distance away.
- 1.9 It is noted that this generator has been used in conjunction with the marquee with approval on an ad-hoc basis. This application seeks to simply remove the requirement for the applicant to seek consent before every use of the marquee.

Furthermore, the use of the marquee is regulated by other conditions which serve to mitigate against impact on neighbouring properties.

- 1.10 The applicant has been asked to investigate alternative generators and has established that the generator that has been used to date is the quietest available at the required output and that it has been previously deemed to be acceptable by the Planning Authority and the Environmental Health Team.

Adequacy of the kitchen

- 1.11 Rudby Hall has one large kitchen, with an additional kitchen/prep area, and a large store and refrigerator room. The premises have operated successfully as a hotel and as a venue for weddings and other functions, where the kitchens are used to cook for guests staying and/or dining at the hotel around the events. Therefore, it is considered that the kitchen and facilities are capable of accommodating further events without resulting in a detrimental impact on neighbouring amenity.

2.0 SITE, CONTEXT AND PROPOSAL

- 2.0 Rudby Hall is a 3 storey former country house set in extensive gardens and located between Hutton Rudby and Stokesley. The building is Listed Grade II and is currently a hotel and events venue. There is a large car park to the west of the house. Former outbuildings immediately to the east have been converted to residential use. There are residential properties across the road, to the north, and to the south west (approximately 150 metres).

- 2.1 The proposal is to vary a number of conditions from an earlier application 15/00961/MRC to allow the business to operate more effectively.

- 2.2 Following negotiation with the applicant's agent, the current proposal is as follows;

- Condition 6 (Extraction) – It is proposed to vary the wording of the condition to also allow for the installation of temporary generators in conjunction with the proposed alteration of condition 13. Condition 6 originally prevented the installation of any other plant or equipment.
- Condition 7 (Kitchen Management Plan) – Seeks to vary the approved kitchen management plan to allow food to be prepared on site. As existing, food is prepared off site and is reheated in the grounds of the hall. The proposed variation would allow use of the existing kitchen space without alteration to the building.
- Condition 10 (Outside Events) – As existing, this condition allows permission for the use of the grounds of the Hall for events held in a marquee up to 8 days in a calendar year. This proposal seeks consent for the retention of this for up to 150 guests, whilst also allowing permission for 10 further events for up to 40 guests to be held in a defined area immediately west of the hall.
- Condition 11 (Times for outside events) – As existing, the condition requires no outdoor events to be held in the grounds of the Hall outside of the hours of 12 midday and 6pm. This condition seeks to retain this for larger events of up to 150 guests. However, it seeks to revise these hours to 12 midday and 8pm for the proposal smaller events of up to 40 guests.
- Condition 12 (External events) – It was originally proposed to remove this condition to allow for the provision of external events to be held anywhere within the grounds of the Hall. However, at the request of the council, this has

been revised and now proposes an area to the west of the Hall to be used for small events as proposed in conditions.

- Condition 13 (Marquee) – The proposal seeks consent for a rewording of this condition to also allow permission for a generator to be used solely in conjunction with the previously approved marquee and will be removed accordingly following events. The applicant has set out that the generator will not exceed 63dBA at 7m.
- Condition 16 (Preparation and clearing times) – As existing, the condition does not allow preparation and clearing for events to be undertaken outside of the hours of 11 am and 7pm. This condition seeks to retain this for larger events of up to 150 guests. However, it seeks to revise these hours to 12 midday and 8pm for the proposed smaller events of up to 40 guests.
- Condition 18 (Temporary structures) – Seeks consent for a rewording of the condition to allow for the use of temporary gazeebos, up to 18sqm in size, for the smaller events of up to 40 guests.

2.3 Following negotiation with the applicant's agent, a proposed variation to the following condition was withdrawn at the request of the council;

- Condition 15 (Live Music) - The proposed variation was to amend the wording of the condition to allow non-amplified live music in the grounds of Rudby Hall.

3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 3.1 12/00019/FUL - Change of use from dwelling to a country house hotel; Granted 17 September 2012).
- 3.2 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to form a hotel; Granted 17 September 2012.
- 3.3 12/02367/MRC - Application to vary condition 7 of planning permission 12/00019/FUL to no food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the premises or for events held within the hall; Withdrawn 23 January 2013.
- 3.4 13/01018/MRC - Application to vary condition 7 of planning permission 12/00019/FUL relating to use of the existing kitchen facilities to include preparation of food for guests attending functions held at the hotel and within the grounds; Granted 8 August 2013.
- 3.5 13/01275/LBC - Application for listed building consent to install a new ventilation and fume extraction system including internal flue and replacement extractor grill; Granted 15 August 2013.
- 3.6 15/00961/MRC- Variation of conditions 7 (kitchen management plan) and 10 (number of marquee events) of planning permission 12/00019/FUL (change of use from dwelling to a country house hotel); Granted 8 July 2015.

4.0 RELEVANT PLANNING POLICIES

4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Development Policy DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policy DP25 - Rural employment
National Planning Policy Framework
National Planning Policy Framework - published 24 July 2018

5.0 CONSULTATIONS

- 5.1 Parish Council – “Recommend refusal. There are misleading statements in that they have not been abiding by the original conditions. There have been regular complaints from neighbours against the non-compliance with existing conditions. Rudby Hall was originally supposed to be a small country house hotel but has not been run as such. The number of jobs promised have not materialised and the majority of the work is done by sub-contractors”.

Further comment received from the Parish Council in light of amended proposals-
“The Council re-iterates the comments made earlier”.

- 5.2 Environmental Health Officer – “This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be limited negative impact from the controls proposed within the revised planning statement. Therefore the Environmental Health Service has no objections”.
- 5.3 Society for the Protection of Ancient Buildings – No response received
- 5.4 Historic England- No comment
- 5.5 Council for British Archaeology – No response received
- 5.6 Northumbrian Water – No comments
- 5.7 Highways – No objections
- 5.8 Environment Agency – No response received
- 5.9 Site Notice - No response received
- 5.10 Public comments – 17 Objections have been received with regards to the application citing the following reasons;
- Loss of amenity;
 - Failure to comply with previously imposed conditions; and
 - Highways issues

6.0 OBSERVATIONS

- 6.1 The principle of allowing events to take place at Rudby Hall is established by previous consents, rather we need to understand and assess the impacts of the proposed revisions to the conditions attached to the consent. Therefore, the main issues to consider from this application are; the impact of the proposals on (i) residential amenity; (ii) highway safety; and (iii) the appearance of the countryside.

Residential amenity

- 6.2 This application seeks consent for an additional allowance of up to 10 events per annum, with a limit of 40 guests to be held in the grounds in a sunken garden area immediately west of the Hall, in a gazebo, if required, of up to 18sqm. These events will be held between the hours of 12pm and 8pm including any necessary preparation and clearing.
- 6.3 As existing, there is permission for up to 8 events to be held in the grounds of the hall of up to 150 guests. However, the applicant's agent has stated that the actual number of events of this size is far less than this, and they have identified the need to be able to accommodate smaller, more intimate events. The proposed area for these smaller events is located at an area further away from neighbouring residential properties than the previously approved marquee and has direct access to the kitchen area for the serving of food. Therefore, it is considered that the proposed area is able to accommodate a further 10 events per annum, within the proposed time constraints, without resulting in a detrimental impact upon the amenity of neighbouring occupiers.
- 6.4 The proposals seek consent for the use of a defined generator in conjunction with the previously approved marquee to the south-west of the Hall, and consent for food to be prepared on site.
- 6.5 As proposed the generator will be used solely in conjunction the marquee and removed off site, or placed in a safe location accordingly, when not in use. The design of the generator is such that noise levels would not exceed 63dBA when measured at 7m from the generator.
- 6.6 To facilitate the preparation of food on site, the existing kitchen will be utilised and is considered to be adequate without requirement for alteration to the material of the building. As existing, food is reheated in large units before serving. It is considered that the alteration of this process will have no impact on the amenity of nearby residents.
- 6.7 The Environmental Health Officer has considered the application and has confirmed that there will be a limited negative impact and that they have no objections to the proposal.
- 6.8 Neighbour comments received have outlined concerns over the impact on amenity and state that the owners of the premises have failed to comply with previous conditions. However, the Environmental Health Officer has confirmed that to date complaints to the Council have not been substantiated.
- 6.9 Overall, it is considered that the proposed variations would not result in a significant harmful impact on the amenity of nearby residents.

Highway safety

- 6.10 The proposed variation would allow consent for an additional number of smaller events to be held in the grounds of the Hall, which may result in a greater impact upon highway safety. However, the nature of events at Rudby Hall such as weddings, promotes the staggered arrival/departure of guests. There is also sufficient on-site parking to accommodate the additional events.
- 6.11 Furthermore, the proposed variation of condition 7 would allow food to be prepared on site which will potentially lead to a decreased number of delivery vehicles requiring access to the site in preparation for events.

- 6.12 As such, it is considered that the proposed development will not result in a harmful impact upon highway safety. It is also noted that the highways authority confirmed that they have no objections to the proposed amendments to the conditions.

The appearance of the countryside

- 6.13 The impact of the previously approved marquee on the character and appearance of the surrounding countryside has been assessed in previous applications. The proposed temporary gazebo for smaller events would be up to 18sqm in size. It would be located in an area close to the house which would have historically been used for recreational purposes. As such, it is considered that the temporary use of a gazebo would be understood in conjunction with the main building and not result in a detrimental impact on the character and appearance of the countryside.

7.0 RECOMMENDATION

- 7.1 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 12 September 2012
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered as followed, unless otherwise agreed in writing by the Local Planning Authority:
11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012
11.026 001 (Location Plan) received on 6th January 2012
201806271334 – External Events Plan received on 14 September 2018
11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012
12010. F01 Rev.B (Access) received on 6th June 2012
3. The means of disposal of foul water drainage shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a hotel (Use Class C1) and including use as a private function venue.
5. The disposal of waste shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
6. Prior to first use of the hotel and private function venue hereby approved, the new ventilation and fume extraction system, as detailed within the Kitchen Extract Fan 'Noise Impact Assessment' and the 'Odour Assessment & Ventilation and Fume Extraction Report' both received on 14th May 2013 and Mr Sebastian Stevens clarification email (noise attenuation) of 10th July 2013, shall be installed and thereafter be maintained in accordance with the approved details. No additional external plant or equipment, other than that approved under Condition 13 of this consent, shall be installed without the prior written approval of the local planning authority.

7. No food shall be prepared and/or cooked on the application site other than for consumption by staff, guests staying overnight at the hotel and guests attending functions held at the hotel and within the grounds except in accordance with the Kitchen Management Plan received by Hambleton District Council on 14 May 2018, unless otherwise agreed in writing by the local planning authority.
8. The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.
9. The courtyard to the east of the Hall shall not be used by staff (other than for access or maintenance), or customers and no deliveries shall be made via this courtyard.
10. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, and any marquee erected within the grounds, shall not be used for other than;
 - A. Events with up to maximum of 150no. guests to be held in the grounds of Rudby Hall up to a maximum of 8 days in a calendar year, unless otherwise agreed in writing by the Local Planning Authority.
 - B. Events with up to a maximum of 40no. guests to be held in the grounds of Rudby Hall up to a maximum of 10 days in a calendar year, unless otherwise agreed in writing by the Local Planning Authority.
11. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, shall not be used for events outside the following hours unless otherwise agreed in writing by the Local Planning Authority;
 - A. 12 midday and 6pm for larger events (as permitted under Condition 10a of this permission); and
 - B. 12 midday and 8pm for smaller external events (as permitted under Condition 10b of this permission).
12. Events held within the grounds of the Hall shall only be held full accordance with the details as set out in drawing number 201806271334 - External Events Plan, received by Hambleton District Council on 14 September 2018, unless otherwise agreed in writing by the Local Planning Authority
13. No marquee shall be erected within the grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, other than in accordance with details previously approved under application reference 12/02597/DIS. No generator shall be installed unless in full accordance with the details as set out in 201806271334 – External Events Plan received by Hambleton District Council on 14 September 2018, and the following restrictions;
 - A. The generator shall no exceed 63dBA at 7m; and
 - B. The generator shall be only used to support the function of the marquee and stored in a safe location or moved off site immediately following the deconstruction of the marquee
14. No sound amplification equipment shall be used within the grounds of the Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) or in any building other than within the bar and dining room(s) without the prior written approval of the Local Planning Authority.
15. No live music shall be performed within the grounds of Rudby Hall as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012,

(including within any marquee) without the prior written approval of the Local Planning Authority.

16. Preparations for events and clearing up after events shall not take place outside of the hours of;
 - A. 11am to 7pm for larger events (as permitted under Condition 10a of this permission) other than for erection and dismantling of any marquee.
 - B. 12 midday to 8pm for smaller external events (as permitted under Condition 10b of this permission).
17. Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and shall not take place at any time on Sundays and Public Holidays.
18. No temporary structures, other than as permitted by condition 13 and temporary gazebos (to be erected in full accordance with the details set out in drawing number 201806271334 - External Events Plan, received by Hambleton District Council on 14 September 2018), are to be erected in the grounds of the Hall unless otherwise approved in writing by the Local Planning Authority. Any temporary gazebo will not exceed 18sqm in size
19. No noise emanating from events held in the Hall shall exceed 28(LAeq, 5min) at any point on the red line shown on drawing 12010.P01 (Acoustic Boundary Layout Plan) received by Hambleton District Council on 26th June 2012.
20. A noise limiter shall be installed on any amplification equipment in the bar and dining room(s) which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference 3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.
21. No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.
22. Prior to first use of the development hereby approved, the secondary access to the east of the Hall shall be closed in accordance with details previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details.
23. No part of the development shall be brought into use until the alterations to the vehicle access have been constructed in accordance with the submitted drawing (Reference Drawing No. 12010.F01 Rev B). Once constructed these areas shall be maintained clear of any obstruction and retained at all times.
24. The hotel and function venue hereby approved shall continually operate in accordance with the provisions of the approved 'Kitchen Management Plan' received by Hambleton District Council on 14 May 2018 unless otherwise approved in writing by the local planning authority.
25. The number of guests visiting the hotel and function venue hereby approved, including any event within the grounds, shall not exceed 150 persons at any one time.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage.
4. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1, CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.
5. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
6. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
7. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
8. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
9. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
10. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
11. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
12. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
13. In order to protect the character and appearance of the listed building in accordance with policies CP16 and DP28 the Hambleton Local Development Framework and in order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
14. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
15. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
16. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
17. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

18. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
19. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
20. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
21. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
22. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
23. In accordance with Policy DP4 of the Local Development Framework and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
25. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

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Parish: South Kilvington
Ward: Bagby & Thorntons
10

Committee Date : 13th December 2018
Officer dealing : Mr. M Pearson
Target date: 20th December 2018

18/02031/FUL

**Construction of new workshop building/extension of yard area
at OS Field 7782 Barns Park Stockton Road South Kilvington
for R W S Bodyworks Limited.**

**The application is to be considered by Planning Committee as the application
constitutes a departure from the Development Plan.**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Planning permission is sought for the construction of a mechanical/bodywork and storage workshop for class 4 (cars) and class 7 (light and commercial vehicles) to be operated in association with RWS Bodyworks' accident and mechanical repair garage. The majority of the existing workshop is located within the development limits of South Kilvington. However, an extension to the workshop granted in 2006 is located predominately outside the development limits. The proposed workshop building is located entirely outside the development limits.
- 1.2 The site is bounded by open countryside to the north, south and east. Well established landscaping around the site's service yard limits views of the application site from the open countryside. Whilst there are elevated views towards the site from the A19, these views are obscured by the intervening hedgerows and tree cover along the roadside. To the west of the site are a variety of residential properties located along Stockton Road and further to the north along Upsall Lane. To the north of the junction of Upsall Lane and Stockton Road are the Grade II listed St Wilfred's Church and the Old Rectory.
- 1.3 The proposed workshop would be located at the eastern end of the plot and would sit within a raised grassed area. The boundary of the area subject to the application is defined by a variety of hedgerows. The proposed workshop building would provide an additional 450 sqm of floorspace.
- 1.4 The proposed workshop measures approximately 30m x 15m x 4.2m in height to the eaves and 6.1m in height to the ridge and would be constructed using profiled metal sheets and rendered blockwork. This design of the proposed building reflects the adjacent building that was granted planning permission in 2006. The south façade would contain five large roller doors and would include an entrance to a small office area located in the south-west corner of the building. The north and east façades would contain only a single personnel door whilst the west gable would contain personal door and small windows associated with office.
- 1.5 The existing business was established in 1999, following use of the building for commercial purposes since 1971. The vehicle repair workshop was extended in 2001 (planning application ref: 2/00/137/0092) and in 2004 (planning application ref: 2/03/137/092A) also included the provision of a parking and turning area. A previous application for the erection of a detached MOT workshop measuring 20m x 14m in height was withdrawn on 15 August 2006 (ref: 06/00879/FUL) following officers'

concerns that the proposed workshop was oversized and poorly related to the existing garage buildings. Following the withdrawal of the application, a revised proposal for an extension was approved in September 2006 (ref 06/01770/FUL).

2.0 RELEVANT PLANNING HISTORY

- 2.1 2/00/137/0092 – Extension to existing car repair workshop as amended by letter as received by Hambleton District Council on 19 January 2001 and plan received on 16 January 2001 - approved 16.01.01.
- 2.2 2/03/137/0092A - Alteration and extension of existing car repair workshop and change of use of agricultural land to ancillary parking and turning area - approved 22.12.03.
- 2.3 06/00879/FUL - Construction of an MOT workshop (Withdrawn 15.08.06).
- 2.4 06/01770/FUL - Revised application for an M O T workshop – Approved 21.09.2006.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies of the Development Plan are as follows;

- Core Policy CP1 - Sustainable development
- Core Policy CP2 - Access
- Core Policy CP4 - Settlement hierarchy
- 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 DP9 – Development outside development limits
- Development Policy DP10 – Form and character of settlements
- Development Policy DP 28 – Conservation
- Development Policy DP30 – Protecting the character and appearance of the countryside
- Development Policy DP32 – General Design
- Interim Policy Guidance Note – adopted by Council on 7th April 2015
- National Planning Policy Framework – published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – noted that noise and working hours needed to be considered but had no objection.
- 4.2 Highways Authority – No objections.
- 4.3 Environmental Health Officer – No objection but recommend that a number of conditions be applied to ensure that noise from the development is controlled.
- 4.4 Historic England – No comments.
- 4.5 Natural England – No comments.

- 4.6 MOD – No objections.
- 4.7 Yorkshire Wildlife Trust – No response received.
- 4.8 Council for British Archaeology – No response received.
- 4.9 Publicity - neighbouring occupiers were consulted in writing and a site notice was posted close to the application site. The period for responses for the site notice expired on the 26th October 2018.
- 4.10 The consultation period for neighbour consultation responses expired on the 18th October and two objections were received from surrounding residents raising the following concerns:
- Potential impact from noise
 - Detrimental impact on the appearance of the area
 - Car sales from the site
 - The potential for sub-division of the units to accommodate other businesses.
- 4.11 Following the re-submission of revised drawings the neighbours were re-consulted and this period expired on the 29th November 2018. No further representations were received during this period.
- 4.12 A letter of support was received from the Estates Department of North Yorkshire Police.

5.0 OBSERVATIONS

Principle

- 5.1 The application seeks to improve and expand the existing enterprise and there are strong levels of support for the rural economy at both national and local levels of planning policy.
- 5.2 Paragraph 83 of the NPPF notes that planning policies and decisions should support a prosperous rural economy through the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, and promote the development and diversification of agricultural and other land-based rural businesses.
- 5.3 The majority of the existing business is located within the settlement boundary. However, the area subject to the application is located beyond the development limit boundary and as such is within the open countryside. Policy DP9 states that permission will only be granted outside the development limits in exceptional circumstances having regards to the provisions of Core Policy CP4.
- 5.4 Policy CP4 notes that development in the open countryside will only be supported in terms of Policies CP1 and CP2 and i) 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 or in the countryside and will help to support a sustainable rural economy.
- 5.5 On the basis that the proposal represents the expansion of an existing business that predominantly sits within the development limits, into an area designated as open countryside, the conclusion can be formed that the principle of the expansion of the

existing business can be supported by National Policy contained within the NPPF. There is conflict with LDF Policy CP4, but this is considered to be outweighed by the benefits of the principle of the expansion of the existing business.

Impact on open countryside

- 5.6 The site was previously occupied by structures associated with the horticultural use of the site. Whilst these structures were lower in height, the principle of physical development within this part of the site has been established, albeit for a use that would normally be located within the open countryside rather than confined to within Development Limits.
- 5.7 The site benefits from a good level of screening, with mature landscaping to all boundaries and is well screened from public views. As a result views towards the site from the east from the public footpath are screened by the intervening landscape and the vegetation on the southern boundary of the site. Consequently, the visual impact on the character and appearance of the surrounding area will be minimal. The site, whilst outside Development Limits visually forms part of the wider yard area. Views from the north along Upsall Lane are limited to glimpsed views between the houses. In any event, the hedgerow on the northern boundary restricts views into the site.
- 5.8 Short distance public views from Stockton Road at the site entrance are possible. At present views to the eastern boundary are possible across the service yard.

Siting, Design and Appearance

- 5.9 During the course of the application, discussion with the applicant resulted in a change to the siting and orientation of the new workshop along the northern boundary and the retention of a grassed area in the south-east corner of the site to allow for the retention of a vista from Stockton Road through the site. This alteration to the site layout is considered to significantly improve the visual impact of the proposal in public views from Stockton Road because it would retain views to the hedgerow along the eastern boundary and to an extent would retain a sense of the open countryside beyond. The intention is to have less vehicles stored in the yard area and this will ultimately improve the visual appearance of the site.
- 5.10 The design and appearance of the new workshop follows that of the extension approved in 2006. Whilst the building is larger it has similar eaves and ridge height to the existing workshop and would be constructed with a similar palette of materials (render and cladding). On this basis, the proposed siting, design and appearance of the proposed workshop is considered to be acceptable.
- 5.11 The proposed workshop is located approximately 300 metres to the south of the Grade II listed St Wilfred's Church and The Old Rectory and therefore forms part of the wider setting of development located within the village. Given, the discrete location of the proposed workshop, the intervening buildings and landscaping it is considered that proposal would not impact upon the significance of the listed buildings.

Impact on neighbours

- 5.12 Concern has been expressed about the potential increase in noise from the site and the resultant impact on neighbour amenity. It is anticipated that due to the noise levels created by the existing activities it is unlikely that the level of noise associated with the proposed workshop will have any noticeable impact on the existing noise environment.

- 5.13 The existing planning permissions have a number of conditions relating to operating hours and noise control. In addition, Environmental Health has been consulted and on the basis that no complaints about the existing business have been received it is considered that any noise issues relating to the new workshop could be controlled through the imposition of suitable conditions. It is therefore considered appropriate to attach similar conditions to ensure that noise from the new workshop is adequately controlled.
- 5.14 In relation to the issue of highway safety and vehicle movements, the Highway Authority raises no objections to the proposal.
- 5.15 Public comments received about the traffic generated from vehicle movements associated with the limited car sales within the wider site is not matter before the Council for determination in this particular application. Similarly, the potential for sub-division of the spaces within the wider site is not an issue for consideration. It should be noted that any change of use from the current operations within the site would require planning permission.
- 5.16 Having regard to the above, it is considered that the proposed development accords with the aims and policies of the Local Plan and is recommended for approval on that basis.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered RWS 1/4/18/01B and 02A received by Hambleton District Council on 19th November 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. No part of the existing boundary hedge along the north west, north east and south east facing boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 2.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
 5. Prior to the commencement of walling, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 1800 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. The building hereby approved shall only be used between the hours of 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or Bank Holidays.
8. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the building(s) shall not be used other than as: a workshop/body repair and storage for class 4 and class 7 vehicles as defined in the Town and Country Planning (Use Classes) Order 2005. For clarity, no panel beating or spraying shall take place within the workshop approved.
9. No plant, machinery, materials or waste products shall be stored on any part of the application site outside the building the use of which is hereby approved.
10. Whenever work is being carried out on any vehicle, the building's doors and windows shall remain closed.
11. No external ventilation equipment shall be installed without the approval of the local planning authority.
11. Prior to development above ground level, details of the construction of the proposed building shall be provided demonstrating the incorporation of materials which contain and prevent the transmission of air borne noise. Details of the construction method, design and equipment siting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented and maintained in accordance with the approved details.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP 16, DP30 and DP32.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
4. The existing wall/hedge is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with Hambleton Local Development Framework Policy DP30.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

6. In order to protect the amenities of residential properties in the locality in accordance with Hambleton Local Development Framework Policy DP1.
7. In order to protect the amenities of residential properties in the locality in accordance with Hambleton Local Development Framework Policy DP1.
8. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with Hambleton Local Development Framework Policy DP1.
9. To ensure that the site is maintained in a tidy manner in the interests of local amenity in accordance with Hambleton Local Development Framework Policy DP1.
10. In order to protect the amenities of residential properties in the locality in accordance with Hambleton Local Development Framework Policy DP1.
11. In order to protect the amenities of residential properties in the locality in accordance with Hambleton Local Development Framework Policy DP1.

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18/02177/FUL

**Revised application for first floor extension and two storey/single storey rear extension to dwelling.
at 2 Croft Gardens Sowerby North Yorkshire YO7 1NF
for Mr & Mrs Rylance.**

This application is referred to Planning Committee at the request of a Ward Member.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Croft Gardens is a cul-de-sac off Croft Heads and consists of 8 bungalows with generous garden spaces. To the east of 2 Croft Gardens are the rear gardens of Croft Heads, which have much smaller garden spaces. The private rear garden of 2 Croft Gardens is enclosed by a boundary fence approximately 2.0m high. To the north is the open area of the Primary School playing fields.
- 1.2 This revised application seeks to construct extensions to the north elevation of the existing red brick and pebble dashed detached dormer bungalow.
- 1.3 The single storey extension is to provide a sitting room, kitchen and utility. The first floor extension is to increase the size of the existing bedroom and provide a bathroom.
- 1.4 This application differs from the previous application in that the first floor area is reduced and part of the single storey extension has a lantern roof feature (rather than a pitched roof).
- 1.5 The single storey extension involves the demolition of the existing flat roof extension that is 3m long and the conservatory that is a further 3.5m long and construction of a new building extending north by about 10.7m, an increase in length of about 4.2 metres. The first floor extension is about 4.8m long. (This is a 3m reduction from the previous two 'refused' applications that extended the building by approximately 7.8 m.) The extension is shown to be the same width and on the same alignment as the dwelling. Whereas the existing conservatory is set about 1m closer to the neighbours on Croft Heads than the main part of the dwelling.
- 1.6 The extensions would be finished in red bricks (LBC Regency facing brick) with a light coloured render used on the east facing walls to increase light to the rear gardens of Croft Heads and brown concrete roof tiles (Sandtoft brown interlocking roof tiles and ridge tiles) to match those of the existing dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/01098/FUL - Revised application for first floor extension and two storey/single storey rear extension to dwelling, refused in 2018 and dismissed on appeal in 2018.
- 2.2 17/02094/FUL - First floor extension and two storey/single storey rear extension to dwelling, refused in 2017.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy a advice are as follows;
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - Wish to see the application refused due to size, scale and over-development of the site, expired 12 November.
- 4.2 Site notice (put on lamp post over the road from the house) and neighbour notifications -
Two responses have been received in support of the application and one response with concerns regarding the increased size of the roof and loss of light, expired 14 November.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case relate to the impact of the proposal on the character and appearance of the dwellinghouse, any impact on the residential amenity of the area and the amenities of the nearby neighbours.
- 5.2 The proposed extensions are in proportion to the size of the plot leaving sufficient parking and private amenity space to meet the needs of future residents. The single storey rear extension extends approximately 10.7m (at the longest part) however the length of the existing garden is approximately 31 metres.
- 5.3 The proposals are shown to be constructed of appropriately matching materials. The front elevation remains unchanged; therefore it is felt that the proposed extensions will not have a harmful impact upon the character and appearance of Croft Gardens.
- 5.4 Local Development Framework Policies CP1 and DP1 set out the objective to protect residential amenity. Following concerns regarding overshadowing/loss of light, that resulted in the refusal of the previous applications, a daylight/sunlight assessment has been prepared which illustrates the potential impact on the neighbouring dwellings to the east. This demonstrates the extent of shading from the existing dwelling and that the extension will result in a negligible level of change. Most of the loss of sunlight takes place within the application site; however there is a fractional impact in the garden of 6 Croft Heads (which is currently overshadowed by an existing hedge on the rear boundary).
- 5.5 The proposal would lead to an increased sense of enclosure to 8 Croft Heads as the near pyramid roof form is extended north to form a ridge. 8 Croft Heads is already highly enclosed by the arrangement of the dwelling at 2 Croft Garden and also by the position of the detached single garage within the rear garden of 8 Croft Heads. The change caused by the extension would result in the loss of view of the sky to the northwest. The other views to the northwest of 8 Croft Heads are obstructed by the garage serving that property. It is considered that the impact on the residential amenity of would not be significant and would not justify refusal of the planning application.

5.6 Taking all of the above into account it is considered that the proposal will not cause significant harm to the amenities of the neighbours or the appearance of the dwelling and surroundings.

6.0 RECOMMENDATION:

That subject to any outstanding consultations the application be **GRANTED**.

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 1609-12, 1609-13 and materials details received by Hambleton District Council on 10 October and 14 November 2018 unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1 and National Planning Policy Framework.

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Parish: Sowerby
Ward: Sowerby and Topcliffe
12

Committee date: 13 December 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 19 April 2019

18/00013/TPO2

Tree Preservation Order 2018 No: 13

At: Melbourne Place - North Of 28 Topcliffe Road and South of 3 Victoria Avenue

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 18/00013/TPO2. The TPO was made and served on 19 October 2018.
- 1.2 The lime tree (T1) is located on land under the ownership of 3 Victoria Avenue, the tree is to the south and rear of the property. The tree is located within the carriageway of Melbourne Place. The tree is visible from Topcliffe Road (B1448) and Melbourne Place.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/00842/CAT - Works to a tree in a conservation area; Application withdrawn.
- 2.2 18/01945/CAT - Works to a tree in a conservation area - fell T1 (common lime); provisional tree preservation order served on the tree (18/00013/TPO2)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are the Local Development Framework:

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

National Planning Policy Framework July 2018

4.0 CONSULTATIONS

- 4.1 Sowerby Parish Council – The Parish Council made an objection to the works to trees in the Conservation Area application (18/01945/CAT) and stated that a Tree Preservation Order should be placed on the tree.
- 4.2 The owner of the tree (3 Victoria Avenue) has objected to the TPO. The comments are summarised as follows:
 - The Lime Tree has sadly outstayed its welcome and is too big and dangerous for where it resides and needs to be removed. Branches will fall in high winds and could cause damage.
 - The root system is under the majority of my garden and presumable house - Evidence is evident in the garden pavement completely broken and lifted in places and continues to get worse.

- The tree produces a large amount of sap that is both damaging to the paint on my car and attracts a swarm of wasps every morning for a 3 month period. It also does not host any other wildlife other than pigeons who again defecate continuously.
- Most residents see and have voiced that if the tree is removed it would allow larger vehicles to gain access to start to develop or make use of the old disused depot at the end of Melbourne Place. I am in agreement with the fact that I do not wish this to happen either as I also park my car down there.

4.3 A letter of support has also been received. The comments state:

I'm writing in support of the order to preserve and protect this landmark tree within the Conservation Area of Sowerby. The tree is highly visible from the main highway and strengthens the character of the neighbourhood. Without protection its loss would have significant negative impact on the street scene of Sowerby.

At the time of the notification for the removal of the tree 8 letters of objection were received making reference to the importance of the tree to the appearance of the place, for the significance to the history of the place, how it precludes large or high speed vehicles from passing through the street that helps to ensure that the Victorian 'scoria' blocks are less disturbed and how this tree provides a place that is traffic calmed making it a safer place particularly for children and more vulnerable road users.

5.0 OBSERVATIONS

5.1 The Arboricultural Safety Survey by JCA Limited dated 11th September 2018 that was submitted as part of the application (18/01945/CAT) to fell the lime tree as works to trees in Conservation Areas stated the following regarding the tree:

A heavily topped tree with fairly vigorous regrowth and dense epicormics shoots. Situated in an unsuitable location with the canopy overhanging the driveway and growing close to an adjacent building. This tree will require regular future pruning, in the form of cyclical topping to manage the epicormic shoots and regrowth. This tree is not considered worthy of protection as it provides little amenity and is considered to be of low arboricultural value because of the past drastic pruning.

The report recommended that the tree is in poor physiological condition, fair structural condition and should be removed.

5.2 Concern has been expressed by the owner regarding the safety of the tree and the potential for falling branches and the risk posed to those close to the tree. It is noted that surgery of the tree has reduced its form to a trunk with no large limbs, there is thin new growth in response to the surgery. It is not recorded in the JCA report (prepared for Blueoak Homes) when the surgery was undertaken, the works were undertaken without formal notification to the Council and appear to have been in breach of the requirements of the Planning Act.

5.3 The JCA report notes the vigorous regrowth of the tree. The same report finds that the structural condition is fair. There is no concern expressed regarding structural stability.

5.4 Comments have been received regarding the root system of the tree causing the garden pavement at 3 Victoria Avenue to be lifted. No detail is supplied of the severity of the impact or whether the cause is identified as the tree.

5.5 Mapping reveals that the tree is about 6 metres from the dwelling 28 Topcliffe Road. The owner of 28 Topcliffe Road concludes that the tree is likely to have roots under

their home, however they objected to the removal of the tree finding that the tree should not be removed for many of the reasons stated in the public comments at paragraph 4.3

- 5.6 Problems relating to sap and wasps are acknowledged however these reasons do not warrant removal of protection of the tree.
- 5.7 The lime tree is prominent being at the entrance to Melbourne Place and seen from Topcliffe Road. It is considered to make a positive contribution towards the character and appearance of the Melbourne Place and due to the position of the tree is a distinctive and prominent feature that adds to the character of this part of the Thirsk and Sowerby Conservation Area.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 It is considered that the trees positively contributes towards the character and appearance of the Conservation Area and its removal would result in significant harm to the character and appearance of the Thirsk and Sowerby Conservation Area and the public realm of Melbourne Place due to its prominent position.
- 6.2 There appears to be no structural or health reasons why the trees cannot be maintained in the longer term and as such making a TPO on the trees is appropriate.
- 6.3 It is therefore recommended that TPO 2018/13 Order be confirmed.

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