

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 15 April 2019

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 25 April 2019**
Time **1.30 pm**
Venue **Yorkshire Suite, The Golden Lion Hotel, High Steet, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	P Bardon (Chairman)	D B Elders
	J Noone (Vice-Chairman)	Mrs B S Fortune
	R A Baker	K G Hardisty
	M A Barningham	B Phillips
	D M Blades	C Rooke
	S P Dickins	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 7 March 2019 (P.27 - P.30), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 72
Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 4th April, 2019 in the Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	J Noone	Councillor	Mrs B S Fortune
	R A Baker		K G Hardisty
	M A Barningham		B Phillips
	D B Elders		D A Webster

Also in Attendance

Councillor Mrs C S Cookman

Apologies for absence were received from Councillors D M Blades, S P Dickins and C Rooke

P.31 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 7 March 2019 (P.27 - P.30), previously circulated, be signed as a correct record.

P.32 **PLANNING APPLICATIONS**

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

- (1) 19/00085/FUL - Full planning application for demolition of existing buildings and construction of seven dormer bungalows at former Hambleton District Council Depot, Stillington Road, Easingwold for CFK Developments (Easingwold) Ltd

PERMISSION GRANTED

- (2) 19/00144/OUT - Outline application for change of use of agricultural land to domestic and construction of a single dwelling at Land between Bankside Farm and Hawthorn Cottage, East Harlsey for Mr Brian Noble

PERMISSION GRANTED subject to an additional condition about levels and sections

- (3) 18/02731/FUL - Improvements to existing access and formation of track with cattle grid at OS Field 0087, Boltby for Mr Mark Blundell

PERMISSION GRANTED

(The applicant's agent, Diane Baines, spoke in support of the application).

- (4) 18/02502/FUL - Formation of access and construction of seven dwellings with garages to include means of enclosure and landscaping at land to the north of Maple Lane, Huby for Northmead Developments Ltd

PERMISSION GRANTED subject to an additional condition to achieve gains in biodiversity

- (5) 18/02100/REM - Application for approval of reserved matters (access, appearance, landscaping, layout and scale) following outline approval 14/02294/OUT for the development of 20 houses at land to the south of Prospect Cottages, Husthwaite for Loxley Homes

PERMISSION GRANTED

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

(Peter Fox spoke on behalf of Husthwaite Parish Council objecting to the application.)

(Deborah Lewis-Green spoke objecting to the application.)

- (6) 18/02675/OUT - Outline application with all matters reserved for the construction of up to five dwellings at land adjacent to Belbrough Lane, Hutton Rudby for Armstrong Richardson and Co Ltd

PERMISSION REFUSED

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

(Michael Wilkins spoke objecting to the application.)

- (7) 18/00768/OUT - Outline application with all matters reserved for the construction of four detached dwellings at land off Embleton Farm, Garbutts Lane, Hutton Rudby for W S and V Cunningham

PERMISSION REFUSED

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

(Derek Simpson spoke objecting to the application.)

Note: The meeting adjourned at 3.25pm and reconvened at 3.45pm.

- (8) 19/00150/FUL - Retrospective application for change of use of former agricultural land to commercial and the construction of decking area at the Bay Horse Inn, 1 North Side, Hutton Rudby for Dr L Bandeira

PERMISSION REFUSED because the development will result in a harmful impact to the character and appearance of a heritage asset and the use giving rise to a loss of amenity to neighbours

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

- (9) 19/00374/APN - Application for prior notification for the extension of an existing straw storage building at Newsham Grange, Romanby for Mr Paul Phillips

PERMISSION GRANTED

Disclosure of Interest

Councillor B Phillips disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (10) 18/02591/OUT - Application for outline planning permission with details of access (all other matters reserved) for the construction of a new dwellinghouse and vehicle access at Four Gables, Stokesley Road, Hutton Rudby for Mr Alan Heath

PERMISSION REFUSED

- (11) 19/00026/FUL - Conversion of former agricultural barns to provide two dwellings at Applegrove Farm, Seamer, North Yorkshire for Mr and Mrs Campbell

PERMISSION GRANTED subject to an additional condition regarding foul drainage

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

- (12) 19/00152/FUL - Change of use from car sales office to dwelling, alterations and addition of single storey extension at Stokesley Used Car Sales, Tame Bridge, Stokesley for Mr Da Silva

PERMISSION REFUSED because the development failed to achieve a high quality of design

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

- (13) 18/01435/FUL - Retrospective application for replacement of windows and application for replacement of entrance doors at Thirsk and Sowerby Institute, Chapel Street, Thirsk for Miss Tina Eyles, Thirsk and Sowerby Institute

PERMISSION GRANTED

- (14) 18/02526/FUL - Construction of a single-storey detached dwelling at Land at the rear of Oakdene, Skates Lane, Sutton on the Forest for Mr and Mrs Warren

PERMISSION REFUSED

(The applicant's agent, Katy Atkinson, spoke in support of the application).

- (15) 19/00420/APN - Application for prior notification for the construction of a fertilizer storage tank at Mowbray Hill Farm, Well for Mr S Webster

PERMISSION GRANTED

Disclosure of Interest

Councillor D A Webster disclosed a personal interest and left the meeting prior to discussion and voting on this item.

The meeting closed at 5.05 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee in the Yorkshire Suite, Golden Lion Hotel, High Street, Northallerton on Thursday 25 April 2019. The meeting will commence at 1.30pm.

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

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

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Deputy Chief Executive

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members sufficiently 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 25^h April 2019

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	18/00592/FUL Mrs H Laws Bedale Page no: 9	Residential development comprising 14 dwellings For: Arncliffe Homes Ltd At: The Allotment Gardens, Masham Road, Bedale RECOMMENDATION: REFUSE
2	18/02660/FUL Miss C Cornforth Huby Page no: 19	Construction of 12 dwellings For: Broadacres Housing Association At: Land to the south of Robin Lane, Huby RECOMMENDATION: GRANT
3	18/01603/REM Mrs H Laws Kirkby Fleetham with Fencote Page no: 33	Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) following outline approval 15/01543/OUT for construction of a dwellinghouse. For: Mr Tim Brierley At: Land to the south west of Prospect House, Great Fencote RECOMMENDATION: GRANT
4	18/02278/FUL A O'Driscoll Low Worsall Page no: 41	Part demolition of existing workshop buildings, conversion of workshop building and construction of 2 No. buildings to create 6 No. dwellings. For: Chris Richardson At: Ship Service Station, Low Worsall RECOMMENDATION: GRANT
5	19/00166/FUL Ms H Ledger Romanby Page no: 51	Alterations and extension to dwelling to form annexe accommodation For: Mr & Mrs N Hutton At: 11 Thornbrough Road, Romanby RECOMMENDATION: GRANT
6	18/02247/OUT A O'Driscoll South Otterington Page no: 55	Outline application with all matters reserved for the demolition of existing dwelling and buildings and construction of nine dwellings. For: Mr & Mrs R Nasby At: Porch House, Village Street, South Otterington RECOMMENDATION: GRANT
7	19/00084/OUT Miss C Cornforth Thirkleby High and Low with Osgodby Page no: 63	Outline application for a detached two storey dwelling For: Mr Trenholme At: Land Adjacent To 1 Manor Farm Cottages, Vicar Hill Lane, Little Thirkleby RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	19/00185/FUL Mr M Pearson West Tanfield Page no: 69	Retrospective application for formation of an enclosed porch For: Mr P Burton At: Paddock House, Thornborough RECOMMENDATION: GRANT

Parish: Bedale
Ward: Bedale
1

Committee Date: 25 April 2019
Officer dealing: Mrs H Laws
Target Date: 29 April 2019

18/00592/FUL

**Residential development for the construction of 14 dwellings
At Bedale Allotment Association, The Allotment Gardens, Masham Road, Bedale
For Arncliffe Homes Ltd**

This application is referred to Planning Committee at the request of a Member of the Council. Consideration of this application was deferred at the meeting of 10 January 2019 to allow Members to undertake a site visit and consider further information about affordable housing

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 This planning application seeks permission for the construction of 14 dwellings on an area of land that lies towards the south western end of Bedale, to the rear of dwellings on the eastern side of Masham Road and the allotment gardens. A children's play area lies on the southern side of the site. Vehicular access to the site is from the relatively new housing development on Calvert Way. The majority of the site (i.e. excluding a roughly triangular portion between the play area and 14 & 16 Pinewood Grove with a link to Pinewood Grove) is allocated in the Local Development Framework for housing (BH1). The land is currently overgrown and fenced to all sides and was last used as allotments. To the north of the site lies undeveloped scrubland that forms the remainder of allocation BH1.
- 1.2 The location plan shows the extent of the site boundary covering an area of 0.48 hectares. The application has been submitted with a Planning Policy Statement; a Design and Access Statement; a Landscape layout; a Preliminary Ecological Appraisal; a Flooding and Drainage Statement; and a Stage 1 & 2 Desk Study and Geo-environmental Report.
- 1.3 It is proposed to access the site by the vehicular access from the existing hammerhead between numbers 11 and 15 Calvert Way, across a tarmacked area and a public right of way.
- 1.4 The scheme proposes seven pairs of semi-detached units; four of which would be two bedroomed and ten of which would be three bedroomed. None of the dwellings would have garages but all would have driveways that extend alongside each of the houses, providing at least two parking spaces per dwelling. The houses would all have hipped roofs and front porches and be finished in brickwork and concrete pantiles.
- 1.5 A landscaping scheme has been submitted, which proposes the planting of trees and shrubs within and along the edge of the site. Existing hedgerows bounding the site would be retained.
- 1.6 There are no affordable houses proposed as part of the scheme. Correspondence has been received from the current landowner, the Diocese of Leeds, who marketed the site on the basis that no affordable housing would be required (based on LDF Policy CP9).

1.7 As identified in Section 2.0 below, the majority of the site is allocated (BH1) for housing development within the Local Development Framework, as part of a larger site area for around 55 dwellings.

1.8 The layout plan retains a strip of land between this and the adjacent site.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 As noted in paragraph 1.1, the majority of the site is allocated for housing development within the Council's Local Development Framework and the requirements are as follows:

BH1 Masham Road, Bedale (1.5ha)

This site is allocated for housing development in Phase 1 (up to 2016) subject to:

- i. development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 55 dwellings (of which a target of 40% should be affordable);
- ii. types and tenure of housing developed meeting the latest evidence of local needs;
- iii. an alternative location being provided for the current allotments occupying the site;
- iv. vehicular access to the site being taken exclusively from Masham Road through the development to the south;
- v. contributions from the developer providing improvements to pedestrian and cycle access in the area, particularly retaining the public right of way across the site and along Firby Road to local facilities;
- vi. contributions from the developer towards providing public open space, necessary infrastructure improvements, particularly increasing sewerage and sewage disposal capacity; and
- vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.2 The site is smaller (0.48ha) than the allocated site (1.5ha). This is discussed in detail in section 5 below (allotments are retained but only on part of the site).

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Size, type and tenure of new homes Supplementary Planning Document (SPD)
National Planning Policy Framework - published 24 July 2018

4.0 CONSULTATIONS

4.1 Bedale Town Council – No objection but makes the following comments:

- The design and layout of the proposed development is attractive, with houses appropriate to the town;
- However, it is disappointing that there is no affordable housing within this development, and councillors are keen that the overall intention of parcel BH1 with regard to affordable housing is not lost as the land gets subdivided; and
- The Council is keen that access to potential future development sites immediately to the north of this site is not prejudiced by this development.

4.2 Highway Authority – Recommends conditions and makes the following comments:

- Ownership of land outside 11 Calvert Way requires clarification. Whilst the applicant has included this area within the red line boundary, the owner of 11 Calvert Way has maintained and planted this area with a small boundary hedge. It is to be noted that this area is beyond the current adopted highway boundary and therefore this is a private matter which should be addressed between the applicant and the owner of 11 Calvert Way (the applicant has since confirmed that the land within the application site boundary is not on land owned by 11 Calvert Way);
- The applicant shall also consider the existing surfaced footpath running between the application site and number 11 and 15 Calvert Way; proposals should safely accommodate pedestrians, including crossing points either side of the main access to the proposed development;
- An existing unmade path, accessed from Pinewood Grove is located to the North Eastern boundary of the site. Whilst this is shown on the proposed site layout plan, the landscape layout plan shows this area to be a planted area; and
- The site layout plan shows clear space for up to 2 spaces per property which meets the requirement of the Highway Authority.

4.3 Yorkshire Water – A condition is recommended.

4.4 Environmental Health Officer – A report submitted as part of the application identifies lead contamination at one sample location and recommends remediation to ensure a safe development. This is agreed and appropriate conditions are recommended.

4.5 Diocese of Leeds (landowner) – have submitted the following comments:

As you will be aware, the Diocese own the land in question which forms part of allocation BH1. Following a marketing exercise carried out on our behalf by Carter Jonas, we agreed a sale to Arncliffe Homes Ltd. This was at a price which reflected our mutual understanding that affordable housing would not be required due to the site being less than 0.5 hectares in area and the proposed development

being less than 15 units. We understand that the Council were initially of the same view, in that the report to the Planning Committee on 10 January 2019 set out at paragraphs 5.8 to 5.12 the reasons why affordable housing would not be required.

We were therefore surprised to hear that a decision had been deferred pending a site visit, particularly given that Arncliffe's application was validated some 9 months previously (on 13 April 2018) and we were naturally disappointed to learn subsequently that the Council proposed to reverse the earlier recommendation and seek 40% affordable provision.

We recently met with Arncliffe's planning lawyers, Walker Morris, in order to discuss the situation and we remain firmly of the view that the site should not be required to provide affordable housing for the reasons set out above.

Irrespective of the advice that we understand the developer has received to the effect that the Council's apparent position on affordable housing is flawed, we feel you have also failed to recognise that the Diocese have agreed to gift a large proportion of the BH1 allocation to Bedale Allotments Society Limited, in addition to making a significant financial contribution to them. We feel it is only right and proper that this gesture of good will to the local community is taken into consideration otherwise the Diocese, as a charity, will suffer a substantial loss in financial receipts compared to the owners of the remainder of the allocation. This would be totally inequitable.

4.6 Public comments – four letters have been received from local residents whose comments are summarised as follows:

- At present this is a very quiet peaceful cul de sac;
- Concern about access to property when the development is being built;
- Clarification needed that the dwellings will be maximum 2 storey with no roof space rooms;
- Parking on the Planning application form states 14 spaces are to be provided. This is totally inadequate and each dwelling should have a minimum of 2 spaces and 3 to include visitors to the 3 bedroom units. The parking on Calvert Way is horrendous with not enough off street parking provided and cars parked on the side of the road throughout the estate;
- The path/track to the East side of the site is shown on some of the plans and should be re-instated as it would give better access to the Schools, Leisure Centre and Doctors from the top of the development;
- The drainage is inadequate as the houses on the Firby Road estate have to put up with sewage in their gardens since the Calvert Way houses were built;
- All utilities need to be updated; and
- Reinstatement of the old right of way from Masham Road to Pinewood Grove should be considered.

5.0 ANALYSIS

- 5.1 The principle of development has been established with the allocation of this site as part of a larger site for residential development. The remaining planning issues relate to (i) the principle of allowing a part of the land allocated to be developed; (ii) the requirement for affordable housing provision; (iii) the impact on the character and appearance of the area; (iv) the design and housing mix within the development; (v) the impact on neighbour amenity; (vi) ecology; and (v) highway matters.

The Principle of Development

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy. As noted in paragraph 2.1 above, 1.5ha of land is allocated for new housing under Policy BH1, of which the majority of this site forms a part, and which states that the land is allocated for housing for release in Phase 1 (up to 2016).
- 5.3 The site allocation consists of an area that includes the allotment site in its entirety as well as an area of adjacent scrubland within separate ownership. The majority of the application site forms only part of the allocated BH1 site; an additional area in the south eastern corner of the application site does not lie within the boundary of the allocation but it forms part of the same site physically. The application site covers an area of 0.48ha.
- 5.4 Due to problems in trying to relocate the allotments elsewhere in Bedale, the allotments have been consolidated and improved within part of their original site. As such no housing is now anticipated on this part of the allocation site. The allocation sought the replacement of any lost allotments in an alternative location. This has not been achieved previously or as a result of this application. Given that the allotments have been previously consolidated onto a smaller part of the site, the application itself does not result in the loss of any further allotments.
- 5.5 The remaining part of the allocation to the north east, the undeveloped scrubland, is not included within this application as the site is in separate ownership and is likely to be developed separately. The applicant is unwilling to remove the strip of land and extend the access road to the end of the site as the developer is contractually obliged to provide a 1m buffer between the land owned by the landowner and the adjacent site.
- 5.6 The provision of the strip does not preclude access in the future into the adjacent site but would require negotiation between the landowners. Details of case law have been provided, which confirms that where there would be no technical impediments to the extension of the access into the other site, the issue to be resolved is a matter for the landowners and is a private commercial matter rather than material to the planning decision.
- 5.7 On the basis that the site has gone through an extensive site allocations process; that the community has had the chance to comment on that site allocation process; and that the Development Limits boundary includes the application site (including the element not included within the allocation), it is considered that the development has in principle support.

Affordable Housing Provision

- 5.8 The majority of the site is within the allocation site of Policy BH1, which is identified for housing subject to development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 55 dwellings for the site as a whole. The proposed scheme, on the smaller part of the site, would result in a density of 29 dwellings per hectare.
- 5.9 The Policy states a target of 40% provision of affordable housing. The applicant is not proposing the provision of any affordable housing nor any contribution towards affordable housing. The applicant's position is not based on any viability impact of providing affordable housing but on their belief that the affordable housing requirement of allocation policy BH1 cannot be applied to the application.

- 5.10 Within Bedale affordable housing can also be sought on schemes of 15 or more units, or sites of 0.5 hectare or more under Policy CP9. The application proposes one dwelling less than the 15 unit threshold and the site area, at 0.48 hectare, is just below the Local Plan site area threshold above which affordable housing contributions are required under Policy CP9. However, the application site is smaller than the allocation site, which as a total exceeds Policy CP9's threshold for affordable housing in terms of site area and number of units.
- 5.11 Artificial subdivision of the allocation site to avoid affordable housing provision would not be acceptable. However, in this instance it is considered that the application site is independent of adjacent land within the allocation site in terms of ownership, and therefore the submission of an application that does not include the adjacent part of the allocation site is not viewed as an artificial subdivision.
- 5.12 The applicant has submitted details of a High Court judgement following an appeal decision relating to two adjacent development sites in Westminster in which the need for affordable housing was considered. It is the applicant's view that this judgement means that their site should be treated as independent of the remainder of the allocation site on its own merits and in accordance with Policy CP9. This conclusion would mean that affordable housing could not be required as part of the proposed development because the proposal falls below the thresholds set in Policy CP9.
- 5.13 However, the case law provided related to a windfall site and does not relate to an allocated site such as the application site. Legal advice provided to the Council confirms that there is a distinction between allocated and windfall sites and that the requirements of the allocation should not be set aside and the proposal should not be assessed against Policy CP9 alone, as if a windfall site. This is apparent from the High Court judgement in which it is stated:
- If this were a site allocated for residential use in the USP (i.e. City of Westminster's Local Plan) its boundaries would be defined and any potential proposal to develop only parts of it could reasonably be expected to provide a proportionate amount of affordable housing.*
- The judgement provides support for the applicant in respect of the portion of the site not covered by the allocation, which is approximately 0.1 ha, roughly a fifth of the application site. However, the judgement does not support the applicant in respect of the majority of the site and BH1's requirement for 40% affordable housing clearly applies to this land.
- 5.14 Dividing the application site according the approximate proportions that are within the allocation (0.4ha) and beyond (0.1ha) and considering the submitted layout plan it is considered that Policy BH1 applies to ten of the dwellings and therefore that four of these units should be affordable housing.
- 5.15 Following this judgement, the Allocation Policy (BH1) should therefore carry significant weight in the assessment of this application and this is consistent with the normal expectation that, the more site-specific a policy is, the greater the weight that should be afforded to it.
- 5.16 Information has also been submitted by the landowners of the application site (Diocese of Leeds) regarding the gifting of part of the allocated site to the Bedale Allotments Society Ltd in addition to making a significant financial contribution to the Society. It is considered by the Diocese that this should be taken into account in the decision making process "otherwise the Diocese, as a charity, will suffer a substantial loss in financial receipts compared to the owners of the remainder of the allocation." These benefits have not, however, been quantified to provide justification for the absence of affordable housing provision; any proposed development on any other

part of this particular Allocation would also be subject to the same conditions, requiring 40% affordable housing provision.

- 5.17 Notwithstanding the contribution from the Diocese, the Allocation Policy required replacement allotments to be provided elsewhere, which would have required the Diocese or a developer to incur costs. The applicant's argument that affordable housing cannot be required is not considered valid for the majority of the site, where Policy BH1 holds sway, and the proposal therefore fails to comply with Development Plan requirements for the provision of affordable housing.

Impact on the character and appearance of the area

- 5.18 The suitability of the site for residential development has been assessed during consideration of the Allocations DPD. The site is surrounded by other residential uses and would be a sustainable form of development.
- 5.19 The existing site is of no visual merit and its development would not result in the loss of an important area of open space. The proposed linear form of the development reflects the shape of the site with a relatively low density development to either side of an S-shaped central access road, which continues the existing cul-de-sac of Calvert Way.
- 5.20 It is considered that the proposed layout would respect the general built form of the town. There is no identified harmful impact to the built or historic environment.
- 5.21 Policy DP8 states that the location of the Development Limits will ensure that development within it will not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF. The proposed development is wholly within the town and would have no impact on the character and appearance of the surrounding countryside.

Design and housing mix

- 5.22 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'.
- 5.23 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.24 The National Planning Policy Framework 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.
- 5.25 The submitted Design and Access Statement concludes that the dwellings would be appropriate within their context and would integrate well into the town of Bedale. The proposed layout is a traditional cul-de-sac development of semi-detached dwellings, which is common within this part of the town. Although some of the dwellings vary in size, they are of a uniform design, which is different to that of the Calvert Way development where many of the dwellings vary in terms of form, height and design. The scheme would be more in keeping with the older, lower density developments of

Masham Road and Grange Road and are therefore considered appropriate for this part of Bedale.

- 5.26 Of the 14 houses proposed ten are three-bedroomed and four are two-bedroomed. All of the proposed units are two-storey, semi-detached properties. Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing), require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings. The provision of two and three bedroom homes is prioritised by the Size, Type and Tenure of New Homes SPD and is considered acceptable in this location.

Impact on neighbour amenity

- 5.27 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 application proposes a layout of semi-detached dwellings fronting onto the newly created access road with adequate separation from each other to respect privacy and outlook.
- 5.28 The pair of semi-detached dwellings at Plots 11 and 12 lie in close proximity to the boundary at the south eastern part of the site. The existing dwelling at number 16 Pinewood Grove lies almost at right angles to the proposed dwellings, facing directly over the rear garden of Plot 11. A 3m tall conifer hedge, which separates the two sites, currently provides the outlook at ground floor level for the existing dwelling and would provide privacy for the new residents. The closest point between the two dwellings lies at approximately 10m but neither the side nor rear elevations are directly in line with the front elevation of number 16 and would not adversely affect amenity to the extent that it would be contrary to LDF Policy DP1.
- 5.29 It is recommended that a condition be imposed requiring the submission of a management plan prior to building work commencing to control the hours of operation and vehicle movements during the period of construction at the site in order to limit its impact on residential amenity.

Ecology

- 5.30 Policy DP31 of the Development Policies DPD states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in the number of sites and habitats of nature conservation value".
- 5.31 The ecological appraisal submitted with the application concludes that the site currently has a low ecological value with no notable habitats for protected species, particularly due to its separation by roads and existing development from wildlife corridors, although with some potential for nesting birds. It is concluded that the proposed development is unlikely to have a significant adverse effect.
- 5.32 Opportunities for enhancement are included as recommendations, such as the provision of bat and bird boxes and the planting of a species rich hedgerow along the boundaries. An appropriate condition could be imposed to secure the implementation of these measures.

Highway Matters

- 5.33 The Highway Authority initially expressed concern that the land between the existing cul de sac of Calvert Way and the application site was planted and appeared to have been incorporated within the plot associated with 11 Calvert Way. Evidence has been provided that the site does not lie within the ownership of number 11 and

therefore would be available for use in the creation of the access into the site. The Highway Authority has confirmed their agreement to the proposed access.

- 5.34 The existing unmade path along the north eastern boundary is not a public right of way; there is already an alternative public right of way along the south western boundary, which provides access through to the southern end of this route from Masham Road and it is not considered that a footpath route at both ends would be necessary.
- 5.35 The Highway Authority raises no objection subject to conditions.

Planning balance

- 5.36 The principle of development on this site is accepted. It is considered that the scheme would provide a suitable form and mix of development on the site. The outstanding matter, which weighs against the proposal, is the absence of any affordable housing provision to reflect the inclusion of the majority of the application site in allocation site BH1, within which 40% of all units should be affordable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development fails to provide the required level of affordable housing and as such is not considered to accord with the requirements of Allocations Document Policy BH1, which requires 40% of the housing within the allocation site to be affordable.

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Parish: Huby
Ward: Huby
2

Committee date: Thursday 25 April 2019
Officer dealing: Miss Charlotte Cornforth
Target date: Friday 3rd May 2019

18/02660/FUL

Construction of 12 dwellings
At Land to the south of Robin Lane, Huby
For Broadacres Housing Association

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located towards the southern end of Huby, lying to the north west of Baston Lane (Tollerton Road) and south of Robin Lane. The site extends to 0.4 hectares and currently comprises of relatively flat pasture land.
- 1.2 The northern edge of the site is formed by Robin Lane, which provides access from the main street to a small number of dwellings, and principally the car park to sports pavilion and playing fields situated to the north of the site. A hedgerow runs along the length of the northern boundary.
- 1.3 The application site is bound along its southern and eastern boundaries by the rear gardens and the School playing field. Adjoining farmland is situated to the west comprising a mixture of small pastoral field and large arable fields enclosed by hedgerows and scattered trees.
- 1.4 There is one tree (Oak) on site which is covered by a group TPO and one tree (Scots Pine) that falls out of the TPO area. The condition of these trees has been assessed within an ecological survey, indicating the Scots Pine in good condition and the Oak to be in poor condition with rot. Both are proposed to be felled as part of the proposal.
- 1.5 The proposal seeks the construction of 12 affordable dwellings as a rural exception site; 8 x 2 bedroom, 4 person, 2 storey dwellings (79 square metres) and 4 x 3 bedroom, 5 person, 2 storey dwellings (93 square metres)
- 1.6 Plots 3 and 12 are detached dwellings and the rest are semi-detached dwellings. Each dwelling will have 2 car parking spaces, in curtilage bin storage and a garden store that could be used as a cycle store.
- 1.7 Vehicular access to the site is between the two dwellings, 1 South View and The Croft on Baston Lane. The width of the access is 5.5 metres towards Baston Lane and decreases to 4.8 metres in width on entry to the site. The turning head is 5.5 metres to allow a refuse vehicular to turn and leave the site in a forward gear.
- 1.8 The layout comprises of a linear road, with 5 dwellings to the east and the remaining 7 to the west, with a private turning area. 2 car parking spaces are proposed to 1 South View, given that their driveway and car parking displaced through providing the vehicular access to the site. There are also 2 visitor spaces proposed to the south east of the site.
- 1.9 A detailed plan showing the proposed boundary treatments has been submitted, with 1.8 metre close boarded fences proposed between each dwelling the neighbouring dwelling on the southern and eastern boundaries of the site.

- 1.10 A 1.2 metre picket fence is proposed on the western and northern boundaries, either side of the hedgerow. A gate is proposed at the end of the road way to allow access to the adjoining field.
- 1.11 The agent has advised:
That the current access to the field is via Robin Lane which is more than likely the historic access to these fields. However, the proposed new access through to the field would be better as it will be much easier for vehicles transporting stock with cattle wagons and for modern farm machinery which now struggles to negotiate the narrow Robin Lane access, which has pinch points very close to existing dwellings. The current access is also made more difficult for agricultural traffic by virtue of its junction position on to Main Street, which can often have on-street parking close to the junction.
- 1.12 The site is not located within a Conservation Area or Area of Outstanding Natural Beauty, nor is located close to a Designated Heritage Asset. It is noted that the ridge and furrow field system within the site is identified by NYCC Heritage Services as a Non Designated Heritage Asset.
- 1.13 Discussions have taken place during the course of the application regarding a proposed path across the adjacent field to the cricket pavilion. The agent has consulted with the land owner who is opposed to having this in place, though no reason is given for this response.
- 1.14 Amendments have been sought during the course of the application. These include:
- A hedgerow around the perimeter of the site
 - Removal of the footway on the eastern side of the road near plot 7
 - Confirmation that the access to the field will be used by the land owner to access the fields to the north
 - Increasing the length of the turning head by 1 metre to allow space for a refuse vehicle. An amended swept path analysis plan has been submitted.
- 1.15 Clarity and further details has also been sought and on the following matters:
- The red and blue line plan
 - The bedrooms being labelled 1, 2 and 3 on the floor plans
 - A plan showing where the parents park now when they drop the children off at school
 - An additional sectional drawing showing the ground levels for both the existing site and proposal
 - Each car parking space labelled to show which dwelling it serves and a path showing how each dwelling is then accessed from the car parking spaces
 - A plan showing the which areas of land the occupiers are intended to maintain and which areas Broadacres will maintain
 - A plan showing the visibility splays from the new access point

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/01243/FUL - Construction of 34 dwellings with associated car parking/garaging, new school 'drop off' area and formation of a new vehicular access. Alterations and single storey extension to existing dwelling (1 South View); Planning permission refused 18th December 2012. Appeal dismissed 27th May 2015.

The reasons for refusal were:

1. The proposal is an unsustainable development on a site outside of the Development Limits of Huby without justified exceptional circumstances and is therefore contrary to policies CP1, CP2, CP4 and CP6 of the Hambleton Local Development Framework and will prejudice the outcome of the ongoing Neighbourhood Plan process contrary to the provisions of the National Planning Policy Framework.

2. The proposed development fails to deliver a sufficient level of affordable housing without reasoned justification, contrary to Policy CP9 of the adopted Core Strategy which stipulates a target of 50% affordable housing for the application site.

3. The proposed development fails to deliver a sufficient level of public open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

4. The proposed development fails to contribute towards additional children's services and facilities contrary to Policy DP2 of the adopted Development Policies Development Plan Document, which requires contributions from developers where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are inappropriately placed to serve the development having regard to the need to minimise travel, consistent with Policy CP2 of the adopted Core Strategy.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP3 – Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 – Type, size and tenure of housing
Core Strategy Policy CP9 & CP9A – Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP6 – Utilities and infrastructure
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP15 – Promoting and maintaining affordable housing
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
Affordable Housing SPD – adopted April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Huby Parish Council – unanimously agreed to object to the application. Although they acknowledged there is a need for affordable housing in the village, they are concerned about the site. The Parish Council feel there are better sites within the parish and feel this is an appalling site, which was previously rejected due to access. The Parish Council note the concerns listed within the Broadacres own document and they agree with all concerns.
- 4.2 NYCC Local Highway Authority – no objection, subject to conditions.
- 4.3 NYCC Archaeology – The development area contains the well preserved remains of part of a medieval ridge and furrow field system. The field system covers fields to the west of the village north and south of the recreation field. The ridge and furrow is a heritage asset in its own right and is certainly of local interest in that it relates directly to the medieval settlement at Huby.

The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. The local authority should take into account the value of the ridge and furrow, which is a non-designated heritage asset, when forming its planning decision (NPPF paragraph 197).

- 4.4 Environmental Health – no objection as the development will not cause a nuisance and impact upon amenity.
- 4.5 Environmental Health (Contaminated Land) – the Phase 1 Desk Study (Solmek Ltd, Report S181132, November 2018) submitted in support of the above development identifies potential risks from contamination and therefore recommends a Phase 2 site investigation.

The Phase 2 Site Investigation Report (Solmek Ltd, Report S181132, January 2019) submitted in support of the above development identifies one area of contamination, in the central southern part of the site, with the potential to pose a significant risk to human health. The report discusses mitigation measures such as the introduction of a clean cover system and suggests additional soil sampling to delineate areas of contamination. A summary of the conclusions and recommendations appears to have been omitted from the report. Ground gas monitoring results will be presented as an addendum report.

Conditions are suggested in terms of further investigation, remediation and verification conditions.

- 4.6 Yorkshire Water – Yorkshire Water promotes the surface water disposal hierarchy. The developer has provided evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical (see Flood Risk & Drainage Philosophy prepared by Billingham George & Partners dated 02/11/2018).

Yorkshire Water therefore agrees that curtilage surface water may discharge via storage to the 375 mm diameter public surface water sewer recorded in Tollerton Road, at a point to the south of the site, with a restricted discharge of 3.5 litres per second.

The drainage details submitted on drawing 18T2167-103 (Rev P1) dated 30/11/2018 prepared by Billingham George & Partners will still require some clarification but the matter can be controlled via condition if planning permission is granted. i.e. a re-submitted drawing should show surface water storage and flow control rate.

On the Statutory Sewer Map, there is a public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme and, based on the current submitted site layout; it would appear that the sewer is unlikely to be affected by building-over proposals.

A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

- 4.7 Lead Local Flood Authority – objected at the start of the application on the basis that the applicant has not demonstrated that the development will not increase flood risk elsewhere, in accordance with the NPPF.

However, discussions took place between the Lead Local Flood Authority, the applicant's drainage engineers and Yorkshire Water.

It is understood that Yorkshire Water Services have no issues on the surface water network from the proposed connection point to the watercourse downstream and Yorkshire Water are happy to accept the 3.5 l/s runoff rate from the site. As the site does not currently drain to the public surface water sewer in Baston Lane, it will increase demand on the Yorkshire Water sewer. However, as the sewer is adopted by Yorkshire Water Services, the LLFA is satisfied that there would be means of alleviating any future issues.

The LLFA has withdrawn its objection.

- 4.8 Kyle and Upper Drainage Board - the application will increase the impermeable area to the site and the applicant will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.
- 4.9 RAF Linton on Ouse – no response received to date.
- 4.10 Environment Agency – no response received to date.
- 4.11 Rural Housing Enabler (Housing Services) - This proposal is to provide 12 affordable units on a 100% affordable Rural Exception Site, to meet an identified housing need.

The proposal comprises of 8 x 2 bed houses and 4 x 3 bed houses, all meet the meet the Council's minimum space standards and the Nationally Described Space Standards.

There has been a consistent identified housing need since 2010, with no affordable housing delivered in this period. The need in 2018 stands at:

- 9 singles, 3 couples and 5 families needing properties a total of 17 homes
- Need for 1 x 1 beds, 12 x 2 beds and 4 x 3 beds

Experience has shown (Linton on Ouse, Newton on Ouse, Hutton Rudby) that the hidden need will be identified once a development is approved and work commences, therefore an increased need is anticipated. Housing supports this application and welcomes the smaller properties proposed.

- 4.12 Public comments – 22 letters of objection have been received regarding the proposal and 2 letters of support. A summary of the objections are:
- There is no need for 12 affordable houses in the village

- The proposed development is essentially unjustifiable since it promotes unnecessary expansion of a service village with nominal employment opportunities and without any agreed land allocation as part of the local development framework.
- There are more suitable sites in the village
- Access to the site is dangerous due to its proximity to the bend
- This section of Tollerton Road (Baston Lane) is already congested due to recent housing and the school. This proposal will exacerbate the existing traffic problems
- The amount of agricultural machinery will be increased due to the farmer having access from the site into the fields
- The access is a crossing route for children and parents walking to school
- Drains in the lower half of Huby are already frequently unable to cope during such weather events, and so runoff from this site could only worsen the current situation
- Poorly designed scheme in the form of block housing
- Local ecology value of the land
- By virtue of the size, depth, width, height and massing of the development, it would have an unacceptable adverse impact on the amenities of the properties immediately adjacent to the site and the surrounding area causing overlooking, loss of privacy and visually be overbearing
- The small garden sizes do not comply with the expectations laid out in Hambleton's Affordable Housing Supplementary Planning Document relating to affordable housing quality that seeks 'good size gardens'.

The letters of support outline that there is need for affordable housing for local families, there has been a failure to provide affordable homes in the village in recent permissions and the new residents will be able to support local facilities, including shop, pubs, sporting facilities, the local school and community activities.

5.0 ANALYSIS

- 5.1 The main considerations with respect to this proposal are (i) the principle of residential development at the site; (ii) the impact on the character and appearance of the village; (iii) heritage assets; (iv) residential amenity; (v) ecology and trees; (vi) highway safety; (vii) flood risk and drainage; (viii) land contamination and (ix) the planning balance

The principle of development, including housing size, type and tenure

- 5.2 This site is a greenfield site outside the Development Limits of Huby which is identified as a Service Village within the Settlement Hierarchy (Policy CP4). Policies CP4, DP8 and DP9 identify criteria for assessing development outside Development Limits. Policy CP9A relates specifically to rural exceptions sites.
- 5.3 Policy DP9 states that permission will only be granted outside Development Limits in exceptional circumstances having regards to the provisions of Policy CP4. CP4 supports development within the Development Limits of the settlements in the hierarchy where that development is of a scale and nature appropriate to secure the sustainability of each settlement. Furthermore, Policy CP4 stipulates that development in other locations will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, and where...iii it provides affordable housing which meets an identified local need...which cannot be met in a settlement within the hierarchy.
- 5.4 Policy CP9A supports small scale development, outside but adjacent to development limits of Service Villages, where 100% affordable housing is provided to meet an

identified local need that cannot be met in a settlement within the settlement hierarchy. Proposals should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications.

- 5.5 This proposal is outside but immediately adjacent to the Development Limits of Huby. The scheme is for twelve dwellings, which is considered to be suitably small scale in relation to the scale of the existing village. This differs from the previous refusal on the site that sought the construction of 34 dwellings and that did not meet the affordable housing provision. The Inspector concluded that “On balance I consider that the negative aspects of this proposal, particularly its failure to provide an adequate number of affordable dwellings, significantly and demonstrably outweigh the benefits”.
- 5.6 The twelve units comprise of 8, 2 bedroom units and 4, 3 bedroom units. They all meet Nationally Described Space Standards and residents living in, or with a local connection to, Huby and Easingwold would be eligible to apply.
- 5.7 Housing Needs Survey as noted above shows a total need of 17 one, two and three bedroom units.
- 5.8 The housing needs as shown to include a mix of tenures, rented, intermediate tenures and open market. There is considerably doubt whether the 9 households that seek open market units are able to compete on the open market due to their modest level of income and the cost of open market homes.
- 5.9 It is considered that there is clear evidence to indicate that there is a local need for affordable housing and that this proposal would help to meet that identified local need. No affordable homes have been delivered in Huby since 2004.
- 5.10 Consequently, the proposal is considered to be in line with the requirement of CP9A in terms of meeting an identified need, and associated guidance within the Affordable Housing SPD. A legal agreement is being prepared to secure that the dwellings are to be occupied by local people in housing need.
- 5.11 In this case the proposal presents an exceptional case for development outside Development Limits on the basis of meeting an identified local need which could not be met within the Development Limits of Huby. The development is therefore in accordance with this element of Policies CP9A and CP4iii.
- 5.12 With regard to the provisions within policies CP1 and CP2, it is considered that the proposed scheme would help to reduce social inequalities and disadvantages within the community by developing much needed affordable homes for local people, and would also help to enhance the vitality of the village in accordance with criterion vii.
- 5.13 In terms of reducing the need to travel, there are a good range of facilities within Huby. These include:
- Huby Church of England Primary School
 - Recreation Ground
 - Playground
 - 2 pubs – The Mended Drum and The New Inn
 - The New Inn Motel
 - Fish and Chip shop
 - Barkers of Huby Village Shop And Post Office

- A bus route that provides links to Crayke, Easingwold, Sutton on the Forest, Wigginton, York Hospital and York City Centre (Service Number 40) that runs on an hourly basis through the week
- A variety of clubs, including children's football, cricket, bowls, toddlers, beavers, cubs, scouts, rainbows, brownies, amateur dramatics and keep fit
- Memorial Village Hall

5.14 In light of the above, it is considered that the principle of development including housing size, type and tenure of the dwellings is acceptable,

The character of the village

5.15 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

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

5.17 The proposed development represents a logical extension to the village, whilst the proposed layout reflects the existing grain of development where new development has occurred to the rear of the main road frontage.

5.18 The proposed house-types reflect the traditional character of Huby. The proposed dwellings take inspiration from nearby "cottage" style dwellings with low eaves levels and red-brick dwellings with projecting gables. The proposed palette of materials will reflect the prevailing vernacular of Huby and therefore provide a visual link to the village.

5.19 The development would extend onto an area of open agricultural land. However the site is well screened by trees, fences and hedgerows. The application site is not located within a nationally important or other designated landscape. Consequently, it is envisaged that the proposed development will not appear as an intrusive feature within the landscape.

5.20 It is considered that the proposal would have a limited harmful impact upon the open character and appearance of the surrounding countryside. It also considered that the development would not lead to the coalescence of settlements.

Heritage assets

5.21 The NPPF in paragraph 197 requires the Council to take into account the effect of development on the significance of heritage assets, which may be designated or non-designated.

5.22 The site does not lie within close proximity to any designated heritage assets such as a listed building or a conservation area but the development area contains the well preserved remains of part of a medieval ridge and furrow field system that is regarded as a non-designated heritage. This is due to its reflection of medieval agricultural practice and therefore meets the criteria its age, as a historic landscape feature and archaeological interest.

- 5.23 The field system covers fields to the west of the village north and south of the recreation field.
- 5.24 The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. In assessment of the application, it is considered that the proposal will not involve the total loss of the non-designated heritage asset.

Residential amenity

- 5.25 “The Croft” is likely to be the most affected neighbouring dwelling by virtue of the proposed access arrangements which will run alongside its side elevation and side garden space. The occupiers of “The Croft” will experience a change in environment as a consequence of vehicle movements along the side boundary, particularly during peak hours. The existing boundary fence will be retained.
- 5.26 Due to the separation distances and relationships between the plots and the neighbouring dwellings and the proposed boundary treatments, the proposal would not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.27 Each dwelling would have adequate private amenity space commensurate to its size and number of bedrooms. There is adequate bin storage as shown on the submitted layout plans within the gardens of the proposed dwellings and a bin collection point.
- 5.28 It is considered that the proposal would not be detrimental to residential amenity in accordance with Policies CP1 and DP1.

Ecology and trees

- 5.29 The application has been accompanied by a Preliminary Ecological Appraisal Report from Stuart Johnson (November 2018). The report states that the grassland habitats on site are all of low ecological value and are easily re-creatable. The most important features on site are the scattered deciduous trees providing a limited potential nesting for birds.
- 5.30 It is recommended that wherever possible the trees are retained in situ, maintained and enhanced by supplementary planting. Should this not be possible additional planting within the site should be undertaken utilising native and locally sourced species in order that there is no net loss within the site.
- 5.31 The proposal does involve the removal of both the Oak and Scots Pine trees. There will be an additional 3 trees planted as part of the proposal. This will ensure that there will be no net loss of species throughout the site.

Highway safety

- 5.32 The application has been accompanied by a Transport Statement from Paragon Highways (December 2018).
- 5.33 The proposed dwellings will be accessed off a single point of access onto Baston Lane in the form of a simple priority junction.
- 5.34 It is proposed to provide a new access onto Baston Lane to meet current NYCC standards and those contained within the Manual for Streets 1 & 2. The access will have a minimum of 4.6 metre kerb radii and a 5.5-metre-wide carriageway allowing for a vehicle to completely manoeuvre off the public highway when entering the site, so that the safe and free flow of traffic is maintained.

- 5.35 The proposed access and general layout include adequate internal turning provisions to allow for a car and a large delivery vehicle to enter and exit the site in a forward gear. Access to the adjacent field is to be maintained through the site.
- 5.36 Visibility for egressing drivers where the proposed access meets Baston Lane is to be provided to meet current standards contained within the Manual for Streets 1 & 2. This is 2.4 metres by 90 metres in a westerly direction and 2.4 metres x 70 metres in an easterly direction. Sufficient area is available to meet the guidance in both directions due to the highway layout at this point.
- 5.37 The comments from the Parish Council and neighbours in terms of the access, highway safety and congestion have been carefully considered. The Transport Statement has been assessed by NYCC Highways who have raised no objection to the proposal, subject to conditions, the concerns of neighbours are not supported by the relevant policies and the history as set out early does not record a refusal on highway grounds.
- 5.38 It is considered that based upon the details that have been submitted, the proposal will not be detrimental to highway safety.

Flood risk and drainage

- 5.39 The application has been accompanied by a Flood Risk and Drainage Philosophy by Billingham George & Partners Civil & Structural Consultants (November 2018).
- 5.40 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.41 The total impermeable area of site equates to 0.24 hectares. The existing site is classified as greenfield throughout with overland flow following the existing contours from the north to the south. Only a small portion of surface water is expected to disperse via natural infiltration into the soils due to the high ground water table. It is considered that infiltration by soakaways or any other adequate infiltration system will not be suitable.
- 5.42 It is proposed to discharge the surface water to the existing Yorkshire Water sewer located to the south of the site at an agreed restricted discharge rate of 3.5 l/sec.
- 5.43 It is proposed attenuate on site via oversized pipes up to the 1 in 30 year event and up to and including the 1 in 100 year + 40% climate change event by means of a cellular storage attenuation tank under the private road area.
- 5.44 Yorkshire Water have confirmed that site generated foul drainage may discharge unrestricted to the 150mm diameter foul sewer within Baston Lane to the south, between manholes MH 15 and 5.
- 5.45 All drainage infrastructure beneath the highway including the oversized pipes are to be adopted by Yorkshire Water. Proposed cellular storage is to be privately maintained and managed.
- 5.46 It is considered that the demands on the infrastructure of the village arising from the development would not be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village

Land contamination

- 5.47 A Phase 1 Desk Study (Solmek Ltd, Report S181132, November 2018) submitted in support of the above development identifies potential risks from contamination and therefore recommends a Phase 2 site investigation.
- 5.48 The Phase 2 Site Investigation Report (Solmek Ltd, Report S181132, January 2019) submitted in support of the application identifies one area of contamination with the potential to pose a significant risk to human health. The report discusses mitigation measures such as the introduction of a clean cover system and suggests additional soil sampling to delineate areas of contamination.
- 5.49 Conditions are suggested in terms of further investigation, remediation and verification conditions. It is considered that the proposal will not pose a significant risk to human health if the further investigation, remediation and verification work is carried out.

Planning balance

- 5.50 The proposal would create and deliver twelve affordable homes that would meet a locally identified need, without causing harm to the appearance of the settlement, or highway safety or the capacity of local infrastructure and the impact upon the openness of the landscape is not severe. The proposed development is considered to be of high quality design in accordance with the principles of the LDF and the NPPF. The proposed dwellings reflect the traditional characteristics of Huby, whilst sufficient car parking and private amenity space would be provided.
- 5.51 The impact of the ridge and furrow is noted to be harmful to the non-designated heritage asset.
- 5.52 The scheme is found to result in social gains through the provision of new, affordable housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development result in harm but the benefits of providing affordable housing is considered to outweigh the harm to the ridge and furrow field system. No other material considerations would preclude a grant of planning permission. Overall the scheme is found on balance to be acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations and prior completion of a **planning obligation to secure local access to the affordable housing**, 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)

Site Location Plan 001-PL-8342 Rev C
 Proposed Site Plan 003-PL-8342 Rev D
 Highway Long sections 18T2167-116 P1
 Visibility Splays 18T2167-902 P1
 Section Plan 300-PL-8342
 Swept Path Analysis 18T2167-901 P2
 Proposed External Works Plan 18T2167-110 P2
 Proposed Drainage Plan 18T2167-130 P2

Boundary Treatments 004-PL-8342 Rev C

Proposed Floor Plans and Elevations 3 bedroom 5 person detached 102-PL-8342 Rev A.

Proposed Floor Plans and Elevations 3 bedroom 5 person semi-detached 101-PL-8342 Rev A.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The 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)

5. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required.(see Note for Applicant CL4)

6. No further development shall commence until the approved remediation scheme has been implemented.

7. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5)

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

10. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved

drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

11. The details relating to boundary walls, fences and other means of enclosure for all parts of the development shall be implemented in accordance with the approved details and retained thereafter.
12. Highway matters regarding access, parking, turning, footways, construction phase.

Reasons

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. 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.
4. To ensure safe development of the site and to protect human health and the environment.
5. To ensure safe development of the site and to protect human health and the environment.
6. To ensure safe development of the site and to protect human health and the environment.
7. To ensure safe development of the site and to protect human health and the environment.
8. In the interest of satisfactory and sustainable drainage.
9. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
10. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

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Parish: Kirkby Fleetham with Fencote
Ward: Morton on Swale
3

Committee date: 25 April 2019
Officer dealing: Mrs H Laws
Target date: 29 April 2019

18/01603/REM

Application for approval of all Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission 15/01543/OUT for construction of a dwellinghouse

At: Land to the south west of Prospect House, Great Fencote

For: Mr Tim Brierley

This application is referred to Planning Committee at the request of a member of the Council. Consideration of the application was deferred at the meeting of January 2019 in order to request amendments to the design of the dwelling

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the southern edge of the village, opposite St Andrews Church and Church House and immediately adjacent to Prospect House. The application site covers an area of approximately 0.07 hectares with a frontage onto the village street of approximately 30m and a depth of approximately 28m.
- 1.2 The site is bounded on the roadside by a timber fence and mature hedgerow. An access and entrance gate (granted planning permission in April 2015) lie on the front of the site towards the northern end. Timber fencing forms the boundary with the field beyond. A stone wall and timber fence forms the boundary with Prospect House.
- 1.3 The site forms part of a larger plot of land, which is not included within the application site boundary.
- 1.4 Outline planning permission was granted in 2015 for the construction of a dwelling, with all matters reserved for future consideration. The reserved matters have now been submitted and these comprise scale, appearance, layout, landscaping and access.
- 1.5 The originally submitted scheme, which was deferred by Members, has been amended in respect of the form and design of the proposed dwelling.
- 1.6 The amended scheme proposes the construction of a two storey L-shaped dwelling with four bedrooms and an attached double garage. The dwelling would be divided into two sections, one at a lower ridge level with a lean-to section at the rear. The taller section would have a protruding gabled section to the rear. The dwelling would be finished in brickwork with natural slate for the roof. The most recently submitted amendments have handed the dwelling so that the lower section and garage are adjacent to the boundary with Prospect House.
- 1.7 The position of the access has been amended due to the handed position of the dwelling and is now proposed at the north western corner of the site requiring the removal of a section of hedgerow.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00353/FUL - Retrospective application for construction of an access and entrance gate to agricultural land. Permission granted 17/4/2015.

- 2.2 15/01543/OUT – Outline application for the construction of a dwellinghouse. Permission granted 20/10/2015.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Wishes to see the application approved with the following comments:

Councillors agreed that the reversal of the house and garages is an improvement on the previous plans, as is the slight reduction in height of the house. However, concerns about the height remain. The additional window does soften the appearance of the gable end. Councillors note that the entrance has been changed to a position which was previously deemed unsafe by NYCC Highways and that the hedge on the corner has been moved closer to the edge of the plot again. This affects clear vision around the corner for both drivers and pedestrians. Councillors would ask that these issues be addressed before approval is given. The new position of the garages is extremely close to the neighbouring drystone wall which may cause damage to the wall and make maintenance difficult. Councillors would ask that an appropriate distance be included as part of the consent to avoid potential problems.

No further comments have been received following the receipt of the most recent amendments.

- 4.2 Highway Authority – Conditions are recommended (as imposed on the outline permission).
- 4.3 Yorkshire Water – No objection in principle.
- 4.4 Public comments – The following objections were received from the adjacent residents and from those opposite the site, regarding the originally submitted plans:
- The development would result in a loss of light and overshadowing;
 - The development should be reduced in size and moved forward towards the public highway and sited at an increased distance from an adjacent property boundary;
 - Unacceptable design and appearance;
 - Excessive height would dominate the skyline;
 - The full height glass on the front of the property is not in keeping with the street scene and will stand out as significantly more modern than the rest of the village; and

- Traffic safety issues due to the line of sight between the proposed entrance and the sharp corner and the short distance between the two.

4.5 Further objections have been received to the amended plans from the same residents, which are summarised as follows:

- Height in relation to Prospect House;
- The development will be a barrier to sunlight and will cause a detrimental loss of light to adjacent property, interfering with private rights of light. These rights of light cannot be measured by the '45-degree rule' as indicated on the applicants drawings;
- The dwelling would be noticeably taller (circa 1 metre) than all neighbouring properties; taller and possibly challenges St Andrew's Church in this regard;
- The amendments and the removal of the front glazed element alleviate the concerns about the full height glass windows at the front;
- The proposed development is not in keeping with the visual context or scale of the local area; and
- Overlooking.

No further comments have been received following the receipt of the most recent amendments.

5.0 ANALYSIS

5.1 The issues for consideration in this case relate to: (i) the impact on the nearby heritage asset of St Andrews Church; (ii) the scale and appearance and landscaping of the proposed dwelling; (iii) the effect of the development on the character and appearance of the village and the rural landscape; (iv) neighbour amenity; and (v) highway safety.

Heritage assets

5.2 The NPPF in paragraph 197 requires the Council to take into account the effect of development on the significance of heritage assets, which may be designated or non-designated.

5.3 The site does not lie within close proximity to any designated heritage assets such as a listed building or a conservation area but lies directly east of St Andrews Church, which although not a listed building, could be considered as a non-designated heritage asset. The building is considered to meet the following of the Council's criteria for non-designated heritage assets:

A. age (usually more than 30 years old); and

C. representativeness (an unusual example of this type of architecture in the locality)

5.4 The significance of the building is its history, its use and its prominence on the approach into the village from the south and west. The proposed dwelling has been sited to the north east of the application site and would not detract from existing views of the Church from roadway approaches. The dwelling would obstruct the views from the public right of way, which crosses the field to the south of the application site but as the dwelling would lie immediately adjacent to existing residential properties on the edge of the village, it would not be viewed within the same setting as the Church.

5.5 On assessment of the application it is considered that the proposal would lead to no harm to the heritage asset or its setting.

Scale, appearance and landscaping of the dwelling

- 5.6 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.7 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.8 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 5.9 The application does not include a Design and Access Statement that would explain why the proposed design was selected but as the site does not lie within a conservation area such a document is not essential, only desirable. The originally submitted plans proposed a contemporary style of property, which in this instance was not considered to relate to its context as an important site at the entrance to the village and would not therefore comply with the Council's policies for development to take into account local character and setting.
- 5.10 The amended plans have reduced the scale of the proposed scheme, albeit the application still proposes a large detached dwelling. The plot is a substantial size and adequate amenity space would be provided; it is considered that the proposal would not constitute over-development.
- 5.11 The changes made are more reflective of the traditional character of Great Fencote, where terraced cottages are particularly common. The front elevation, with its stepped ridge and frontage, is indicative of two separate cottages with features reflective of other dwellings within the village such as sash style windows, flat topped bays and chimney stacks. The dwelling would be finished in brickwork and slate and it would be important to ensure the quality of materials is of a high standard due to the prominence of the site.
- 5.12 The proposed dwelling would be 240mm taller than the neighbouring dwelling (amended from 960mm), which is not considered significant and, due to the separation between the neighbouring two storey sections, would not have an overbearing impact. The roof pitch of the proposed dwelling is steeper than that of Prospect House thereby resulting in the greater height. The steeper pitch is a more traditional feature and results in narrower gables, more proportionate to the overall size and scale of the dwelling. The gabled section to the rear is at a lower height and stepped in from the side elevation thus breaking down the sections of the dwelling to reduce its overall massing.
- 5.13 A landscaping scheme has been submitted, which proposes to remove the hedgerow immediately in front of the proposed dwelling and plant trees and shrubs within the site. A new hedge would be planted to replace the part of the existing hedgerow removed to create the visibility splay.

Character and appearance on village and rural landscape

- 5.14 Not all dwellings in villages are built at the same height. The variations in size and design add to the character of a village with different dwellings located in positions

appropriate to their scale and design. The proposed dwelling has separate sections stepping upwards in height as it is approached at the entrance to the village.

- 5.15 The proposed development would require the removal of part of the hedgerow along the front boundary of the site in order to provide the required highway visibility splays. A greater length of hedgerow would be planted as a replacement and although set further back from the street (behind the visibility splays) would still retain the soft edge to the road. As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. There is no identified harmful impact to the built environment.

Residential amenity

- 5.16 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally. The closest neighbour to the proposed dwelling would be the existing property at Prospect House, which is currently the final property on the southern side of the road. This dwelling has previously been extended with a two storey and a garage extension, the latter being the closest to the boundary with the application site; the rear of Prospect House has therefore enjoyed open and unrestricted views towards the south west across the private land of the application site.
- 5.17 The living accommodation associated with the two storey extension of Prospect House lies at a distance of approximately 6m from the boundary and it is considered that this is an adequate separation for the proposed dwelling not to harm amenity as a result of a loss of light or overshadowing, particularly as it does not directly face onto the proposed development. The right to light mentioned by the neighbouring resident is a legal matter and not a material planning matter. The proposed dwelling does lie to the south west and would affect evening sunlight at certain times of the year but the outlook from the rear of Prospect House would remain open and unconstrained.
- 5.18 The two storey section of the proposed dwelling would lie more than 6m beyond the boundary and therefore it would not appear as an overbearing and dominant structure to the occupiers of the neighbouring property.
- 5.19 The proposed dwelling would lie almost 30m from the closest point of Orchard House and Church House on the opposite side of the road and therefore would be an adequate distance for there to be no detrimental impact as a result of overlooking or overshadowing.
- 5.20 It is considered that the proposed development accords with LDF Policy DP1.

Highway Safety

- 5.21 Albeit a matter reserved at the outline stage, access to the site was considered by the Council at that time, to ensure that a safe access was achievable, as it is implicit in establishing the principle of the development.
- 5.22 The details of the proposed access, as amended, are different to those considered at outline stage, where it was suggested that access would be provided at the south western end of the plot. The same requirements for a visibility splay to be provided in a south westerly direction remain applicable and this is shown to be achievable on the proposed layout plan. The brick pillar located on the site boundary falls within the visibility splay and is to be reduced in height in order to provide the required visibility

in a north easterly direction. It is considered therefore that the proposed development would not adversely impact on highway safety.

Planning Balance

- 5.23 In assessing this application it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. The proposed development 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. The development hereby permitted shall begin on or before 17 April 2020.
2. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. Details of discharge to public sewer shall include evidence that sustainable means of drainage have been investigated and reasoning as to why they have been discounted. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 217063 E02 P5; P01 P13; P02 P13; P03 P12; and P04 P6 received by Hambleton District Council on 4 and 8 April 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with LDF Policies CP21 and DP43.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informatives

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

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

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

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

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

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Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
4

Committee Date: 25 April 2019
Officer dealing: Ms Aisling O'Driscoll
Target Date: 21 December 2018
Date of extension of time (if agreed):

18/02278/FUL

**Part demolition of existing workshop buildings, conversion of workshop building and construction of two buildings to create six dwellings
At Ship Service Station, Low Worsall
For Chris Richardson**

The application is referred to Planning Committee as the proposed development is considered to be a Departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located in the village of Low Worsall, which is at the northern edge of the District close to the boundary with the Borough of Stockton-on-Tees. It currently accommodates the Ship Service Station (closed), which is a two storey building located a short distance away from the main built form of the village. There are no development limits in Low Worsall and the application site sits amongst a small cluster of development, which includes the Ship Inn public house and All Saints Church. These all front onto the B1264, which links to the town of Yarm to the east.
- 1.2 The service station included commercial facilities at ground floor level, with a large garage workshop to the rear and accommodation at first floor level. There is also a single storey wing to the east with further service station facilities and a first floor storage area. It is understood that the business is no longer in use. An appeal was allowed (APP/G2713/W/16/3155789) to extend and alter the eastern part of the building to form a dwelling. Application 16/02765/FUL allowed the conversion of the ground floor area of the garage to additional living accommodation.
- 1.3 There are vehicular access and parking facilities to the front of the site, with a large area of hardstanding. There is a covered access between the two parts of the building to the rear, where there is a further parking area.
- 1.4 This application is for the part demolition and conversion of the existing buildings and construction of new buildings to form a total of six dwellings (inclusive of existing units, noting that it appears that the earlier permissions have not been implemented).
- 1.5 Amended details have been secured as follows:
- Altered design to remove front dormers, reducing the perception of three storeys; and
 - Altered layout to include front parking area for delivery and waste collection vehicles.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/00912/FUL - Demolition of garage buildings and alterations and extension to dwelling to form an annex; Granted 26 March 2013.
- 2.2 15/01306/MRC - Removal of occupancy restriction (to allow an annex to be used as an independent dwelling); Granted 12 October 2015.

- 2.3 16/00556/FUL - Extensions and alterations to garage buildings to form a dwelling; Refused 24 June 2016, appeal allowed 21 November 2016.
- 2.4 16/02765/FUL - Change of use of former commercial garage to additional residential accommodation; Granted 8 June 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 High and low Worrall Parish Council - Supports the application.
- 4.2 Highway Authority – No Objection subject to conditions.
- 4.3 Environmental Health Officer – Recommends further investigation of land contamination to be secured by condition
- 4.4 Northumbrian Water – Recommends that the drainage strategy be developed using the sustainable drainage hierarchy.
- 4.5 Public comments – Seven representations have been received raising the following issues:
- Increased traffic and safety issues
 - The design of the properties is not in keeping with the area
 - The proposal is too large

5.0 ANALYSIS

- 5.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows:
- The principle of development
 - Design and impact on the locality and Heritage assets
 - Highway safety, access and car parking

- Residential amenity including contaminated land

Principle of development

- 5.2 Through the applications listed above the use of the site and the buildings is able to change exclusively to residential without a further grant of planning permission. The site is, in lawfully made up of two dwellings at present. The application is to form a total of six dwellings, a net gain of four. The principle of residential use has already been established and consequently the increased number of units falling within the same/similar footprint to the existing structures is considered to be acceptable.
- 5.3 Policy CP4 states that outside of development limits applications will be supported where existing buildings are to be re-used without substantial reconstruction or alteration and would help support a sustainable rural economy or help to meet a locally identified need for affordable housing. Paragraph 79 c) and d) of the NPPF indicate that development should be supported where it would re-use redundant or disused buildings and enhance its immediate setting; or the development would involve the subdivision of an existing residential dwelling. The proposed development meets only the first part of Policy CP4, however, would comply with paragraph 79 of the NPPF.
- 5.4 In 2015 the Council adopted Interim Policy Guidance which reflected an update in the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. Within the updated hierarchy Low Worsall is designated an “other settlement”.
- 5.5 The NPPF states, in paragraph 79, "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". The proposed dwelling would be attached to existing development and within the wider framework of the existing village. It is therefore not considered to be isolated within the meaning of the NPPF and would be supported by it, subject to other relevant policy considerations.
- 5.6 The Interim Policy Guidance 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:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.7 It has been established, through the earlier appeal that Low Worsall is considered to be a sustainable location and given the footprint of the existing and proposed

developments, the proposals are reasonably considered to accord with Criterion 1 of the Guidance.

- 5.8 Owing to the footprint of the existing buildings on the site, there is no requirement for affordable housing in this instance.

Heritage assets

- 5.9 The adjoining site to the east comprises the grounds of All Saints Church, a Grade II listed building. Council records indicate that the application site was first developed in the 1960s and extended in the 1980s. All Saints Church dates from 1894. As the application site is already developed it is considered that the redevelopment of the existing buildings would not have a significant impact on the setting of the neighbouring listed building. In contrast it is considered that the alterations proposed would result in an improvement of the immediate setting.

Design and Impact on the locality

- 5.10 Given the development sits within the footprint of the former buildings, it is considered that there is no additional impact on the open character of the surrounding countryside and the proposed development is generally considered to fit within the physical form of the village and as such complies with Criteria 2 and 4 of the interim guidance.
- 5.11 The existing buildings were constructed in a variety of materials including red brick, render and corrugated metal sheeting. The character of the site is relatively austere and commercial in character and is considered to be somewhat unsightly. The existing development is considered to be harmful to the setting of the Grade II listed All Saints Church.
- 5.12 Originally the proposal included dormer windows on the front roof slope. It was considered, that these gave the dwellings the appearance of three-storey townhouses, uncharacteristic of the area. In response the applicant amended the design omitting these features.
- 5.13 The proposal is to render over the existing brickwork of the western building. To the eastern side one dwelling is to be finished in brick and the end dwelling in render. Timber sash windows with artificial stone sills are proposed. The proposed materials are indicative of the area and are considered to be acceptable.
- 5.14 Given the poor quality of the existing structures it is considered that the proposed development constitutes an improvement on the visual amenity of the area and the proposal is considered to comply with the requirements of Development Policy DP32 and the requirements of the Interim Policy Guidance.

Highway safety, access and car parking

- 5.15 The Highway Authority raised some concern over visibility splays and the ability of delivery vehicles, etc. to identify that the parking is located to the rear of the site. In response to this the applicant provided a revised layout which includes parking to the front of the site for delivery and waste collection vehicles. The Highway Authority acknowledge that the proposal would result in decreased use of the access. No objection has been raised, however, conditions are recommended relating to discharge of surface water, closing of existing access, provision of off site highways improvements, details of tactile paving, access, manoeuvring and turning arrangements, precautions to prevent mud on the highway and construction management.

Residential amenity

- 5.16 The application site is approximately 80m from the nearest neighbouring dwelling. It is considered, therefore that the proposal will not have a significant impact on local residential amenity.
- 5.17 The proposed units meet the national and local space standards with a minor exception; one of the units does not have the required built in storage space. The unit is approximately 40m² larger than what is required and it is therefore considered that there would sufficient opportunity for future occupants to create storage within the unit. Each unit has acceptable parking and amenity space.
- 5.18 The proximity to the Ship Inn public house has been taken into account as there is a possibility for disturbance through music etc. It is considered, however, that the application site is already in residential use and therefore this is not thought to be a reasonable reason for refusal of planning permission.

Environmental Health

- 5.19 A Phase I desktop study was submitted in support of the application, examining the potential for the site to be contaminated. This was reviewed by the Council's Environmental Health Officer who recommended further investigation. Given the former use of the site as a garage it is recommended that any necessary mitigation to protect the amenity of future occupiers of the development is secured by condition.

Planning Balance

- 5.20 The application is for the redevelopment of a previously developed site to provide six dwellings. The site is outside of Development Limits however there is policy support in the NPPF for the re-use of redundant buildings and the sub-division of existing dwellings. And the proposal is considered to meet the requirements of the IPG. In addition the site has already been considered as sustainable by the Planning Inspectorate. No major issues have been identified with regard to highways, drainage or amenity. It is considered, therefore, that the proposal is acceptable.

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1869/PL/03 A, 1869/PL/05 A and 1869/PL/06 A received by Hambleton District Council on 4th February 2019 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to the occupation of the dwellings, hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the proposed species and number of plants and trees and outline the method and timing for implementation. Thereafter the scheme shall be implemented in accordance with the approved details. 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. (1) 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).

(2) No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL2).

(3) No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required (see Note for Applicant CL4).

(4) No further development shall commence until the approved remediation scheme has been implemented.

(5) In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL5).

5. 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 highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. No part of the development shall be brought into use until the existing eastern-most access on to the B1264 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority (see Notes for Applicant HC-09).
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works 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 an amended/upgraded/improved footway along the frontage of the site, as shown on drawing number 1869/PL/03 'O'.
 - (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.

8. 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 7
 Provision of an amended/upgraded/improved footway along the frontage of the site, as shown on drawing number 1869/PL/03 'O'. (See Notes for Applicant HC-12)
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - (i) tactile paving;
 - (ii) vehicular and pedestrian accesses; and
 - (iii) vehicular manoeuvring and turning arrangements. (See Notes for Applicant HC-14)
10. No part of the development shall be brought into use until the approved vehicle access, manoeuvring and turning areas approved under condition number 9 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.
11. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing, drawing number 1869/PL/03 'O'. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
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:
 - (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
 - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site; and
 - (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation. (See notes for Applicant HC-19)

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.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Hambleton District Wide Local Plan L14.
4. To ensure safe development of the site and to protect human health and the environment.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure that the details are satisfactory, in the interests of the safety and convenience of highway users.
8. In the interests of the safety and convenience of highway users.
9. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development.
10. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
11. To provide for adequate and satisfactory provision of off-street accommodation for vehicles, in the interests of safety and the general amenity of the development.
12. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
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.

Informatives

1. CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites - Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2018.
2. CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017. Remediation Strategies should include an options appraisal,

objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

3. CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG 2017), and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.
4. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
 - 1 x 240 litre black wheeled bin for general waste
 - 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
 - 1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene. If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977
5. HC-09 - These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
6. HC-12 - There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
7. HC-14 - The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide', available at www.northyorks.gov.uk.
8. HC-19 - Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.

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19/00166/FUL

**Alterations and extension to dwelling to form annexe accommodation
At 11 Thornbrough Road, Romanby
For Mr & Mrs N Hutton**

This application is referred to Planning Committee as the applicant is an employee of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is the side garden area of a detached house located in Romanby to the south of Northallerton.
- 1.2 The site is within the built up area and characterised by two storey properties set in a wide street layout with front gardens, off street parking and footpaths. The side garden area is bordered by a pedestrian access that connects this street with Mill Hill Lane. The side garden is currently separated from the main rear garden by a wall. This will be removed as part of the proposed development.
- 1.3 It is proposed to extend the property to the side to create a 2 bedroom single storey residential annex for the occupant's parents. The host dwelling has a front garden and residential curtilage that wraps around the side and it is this area that where the annex is proposed. A new side lighting scheme is proposed along the length of the annex fronting the footpath along with the planning of shrubs on the 1.2 metre separation strip between the edge of the building and the footpath.
- 1.4 Amended details have been secured as follows. The removal of a separate front door to ensure it would be a genuine annex to the host property. To better reflect the Supplementary Planning Document on Domestic Extensions, the revised plans submitted further reduce the building footprint in area and roof pitch.

The changes are summarised as follows:

- Front elevation set back from the existing front elevation by 550mm;
 - Side wall (to bedroom 1 & en-suite) set back 200mm towards gable;
 - Rear extension moved 330mm towards garden; and
 - Rear pitch reduced from 23 to 18 degree pitch.
- 1.5 It has been clarified that the proposed annex is for both of the applicant's parents, who suffer complex medical conditions and as a result have slept in separate bedrooms for some time. In order to future proof the project, space has been built into the bedrooms to enable the use of medical equipment at the bedside.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 78/0563/FUL - Extension to dwellinghouse; Granted 31 August 1978.
- 2.2 15/02558/FUL - Alterations & extensions to existing dwelling to form a residential annex; Granted 21 December 2015.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP1 – Protecting amenity
National Planning Policy Framework – February 2019.

4.0 CONSULTATIONS

- 4.1 Romanby Parish Council – No comments received.
- 4.2 NYCC Rights of Way officer - No comments received.
- 4.3 Public comments – two representations received from the two neighbours immediately adjacent the site. The issues raised are summarised as follows:
- The proposed extension will form a visual intrusion;
 - It amounts to over-development on what is already an extended site;
 - Drainage on the estate is problematic, there is concern over the additional run off; and
 - Reduction in the amount of light to the front of house and resultant overshadowing.
- 4.4 Police Designing Out Crime officer – Advice was sought on the lighting proposal and the implications for safe public access through the route adjacent the site. Comments were that light sensitive lighting triggers should be used as opposed to timer function to ensure lighting comes on at the right time of day all year round.

5.0 ANALYSIS

- 5.1 The site is located within the development limits for Northalleton and Romanby and therefore development here is in principle acceptable under policies CP4 and DP8. Therefore the main issues for consideration are the impact on (i) residential amenity; (ii) the character of the local area; and (iii) the design and appearance of the host building.

Residential Amenity

- 5.2 Given the proposal and the position of the adjoining properties, at a right angle to the side extension proposed, the impact on residential amenity is a key consideration. This means that the front and principle elevation of 15 Thornbrough Road would be positioned opposite the side elevation of the proposed annex.
- 5.3 It is noted that the annex is single storey only; the roof pitch has been reduced to 18 degrees with further amendments to reduce the footprint by moving the frontage back by 550mm and positioning the extension further inside the rear garden of the application site by 330mm. In addition the side wall (to bedroom 1 & en-suite) is now set back 200mm towards gable; which is the part predominately in front of 15 Thornbrough Road.

- 5.4 From a site inspection it was demonstrated that the existing two-storey gable of the host property and properties to the other side of the road, do already affect the arc of the sun across the sky to the south, which affects the direct sunlight coming into the property adjacent at no15. It is unlikely therefore that the addition of a single storey annex would have any further significant impact on direct sunlight entering the front of number 15.
- 5.5 The dwelling at 17 Thornbrough Road is angled more towards the road, with a wider angled plot and west facing front elevation. It is also further south of the application site. Therefore any loss of direct sunlight to number 17 is less likely and not considered significant in terms of the impact of the proposal on residential amenity.
- 5.6 There are no windows in the proposal directly facing the adjacent properties and therefore no impact from overlooking and no resultant impact in terms of loss of privacy. It is proposed to retain a metre width landscaping area between the annex and the footpath, which is now extended further by 200mm in the revised plans by setting back the proposal slightly further.
- 5.7 The proposal is considered to comply with policy DP1 on protecting amenity and the guidance set out in the Supplementary Planning Document on Domestic Extensions.

Character

- 5.8 The area is characterised by detached two-storey dwellings set within their own gardens. Recent extensions and additions have been allowed, most recently in 2015 at 10 Thornbrough Road to create an annex, reference 15/02558/FUL.
- 5.9 The design and layout of the proposed annex is of a suitable scale and would not have a significant impact on the character of the local area. It is subservient in size and form to the host dwelling. It is well set back from the existing frontage of the property and maintains space at the front so as not to unduly affect the street scene. This approach is considered to allow compliance with policies DP17 and DP32 in the Local Development Framework, and the Supplementary Planning Document on Domestic Extensions.
- 5.10 The layout of the site, as existing, is slightly unusual in that the side boundary to the rear garden is located well within the curtilage of the property, leaving what appears to be an area of public open space adjacent the footpath running along the boundary of the site. Whilst contributing to the character of the area, the extension of the dwelling into this area is not considered to be significantly harmful to the character or appearance of the area.

Design

- 5.11 The design reflects the host dwelling and the character of the other properties in the street. The front elevation includes a UPVC bow window, slightly smaller but of a design similar to the main dwelling and in proportion to the scale of extension. Brickwork and roofing tiles are to match the existing materials.
- 5.12 Five LED downlights are shown down the length of the extension to illuminate the adjacent public footpath.
- 5.13 The design is sufficiently subordinate and complements the existing dwelling and street scene, thus the proposals can comply with policy DP32. It is located and positioned in a way to comply with policies on access for all, CS2 and DP4.
- 5.14 In order to ensure that the final materials chosen would indeed match the existing dwelling, the use of a condition is proposed to discharge the final material details.

Planning Balance

- 5.15 The proposed development will not result in a detrimental impact on the character and appearance of the area or host building and will not have an unacceptably detrimental impact on neighbouring amenity. The proposed development is considered to accord with the requirements of all relevant Local Development Framework policies and the Council's SPD on Domestic Extensions.

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 five 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 2018:55/02 Rev D, 2018:55/03 Rev D, 2018:55/04 Rev D received by Hambleton District Council on 29 March 2019 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.

The reasons are:

1. To ensure compliance with Section 91 of the Town and Country Planning Act 1990
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. 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.

Parish: South Otterington
Ward: Morton-on-Swale
6

Committee Date: 25 April 2019
Officer dealing: Ms Aisling O'Driscoll
Target Date: 14 December 2018
Date of extension of time: 18 January 2019

18/02247/OUT

**Outline application with all matters reserved for the demolition of existing dwelling and buildings and construction of nine dwellings
At Porch House, South Otterington
For Mr & Mrs R Nasby**

The application is brought to Planning Committee as the development is considered to be a Departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the east of the A167 in a central part of the settlement of South Otterington. The application site comprises an existing dwelling (Porch House to be demolished), associated domestic land and an adjoining area of agricultural land. There are a number of buildings on the site including a pigeon coop, detached garage and a former agricultural building. Porch House is located on the road frontage and comprises a two storey rendered dwelling with pantile roof. To the north of the dwelling is the existing access and driveway. To the south of the dwelling is a further dwelling and commercial garage. Permission was granted at the garage in 2017 (16/01511/FUL) for the demolition and removal of existing motor trade premises and associated paraphernalia and construction of 9 dwellings. This has not yet been implemented.
- 1.2 South Otterington is a predominantly linear settlement with some examples of cluster development to the south eastern end at Oaklands and The Laurels and more notably to the west end of the settlement at Scotts Row. This part of South Otterington, however, is traditionally characterised by linear, road frontage development.
- 1.3 The proposal is for the demolition of the existing dwelling, garage, and other outbuildings and the construction of nine dwellings (a net gain of eight).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant Planning History for this site.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 South Otterington, Newby Wiske and Maunby Parish Council – The Parish Council have concerns regarding the approval of another access off the A167.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection but recommends conditions relating to the drainage of foul and surface water and land contamination.
- 4.4 Swale and Ure Drainage Board – No objection but comments that consent would be required from the drainage board should it be proposed to discharge surface water to any watercourse within the drainage district.
- 4.5 Public comments – Seven representations received, three in support of the application. The remaining four raise the following issues:
- Concern over the impact on the A167 and on street parking;
 - Impact of parking to the rear of dwellings on the road frontage;
 - The A167 is busy with cars frequently exceeding the speed limit; and
 - Porch House is over 100 years old and should not be demolished.

5.0 ANALYSIS

- 5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location outside Development Limits; (ii) impact on the character and appearance of the village; (iii) residential amenity; (v) highway safety; and (vi) developer contributions toward affordable housing provision.

Principle of development

- 5.2 Much of the site falls outside of the Development Limits of South Otterington, defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted outside of Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4, so 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), paragraph 7 of which states: "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".
- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "truly outstanding or innovative design" of the dwelling. None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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 In the Settlement Hierarchy contained within the IPG, South Otterington is still defined as a Secondary Village and therefore a sustainable settlement. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of the village, which has facilities including a school, church and pub. Criterion 1 would be satisfied.

Impact on the character and appearance of the village

- 5.6 Criterion 2 of the IPG states that development must be small in scale reflecting the existing built form and character of the village. The guidance within the IPG states that "small scale development adjacent to the main built form of a settlement will be supported where it results in incremental and organic growth. As a guide small scale would normally be considered to comprise up to 5 dwellings. However, each development must be considered on its own merits taking into the account the scale and unique character and appearance of the settlement".
- 5.7 The development comprises the construction of 9 dwellings but results in a net gain of 8 units. This is above the suggested level set by the guidelines contained for small scale development within the IPG. The application site is, in the majority, located behind the dwellings which front the A167. As noted above the character of the area is predominantly linear. The proposed development, therefore, does not comply with criterion 2.
- 5.8 In relation to criteria 3 and 4 the area of land to be developed is in part considered to be previously developed land comprising hardstanding, pigeon coop and a former storage building. The majority of the site is somewhat separated from the open countryside by existing trees and hedgerow. It is considered that the proposal would not represent a significant encroachment into the open countryside. Given the level of development on the road frontages surrounding the site it is considered that the development of the application site would not result in the restriction of any important views of the open countryside. Criteria 3 and 4 are therefore considered to be satisfied.
- 5.9 Representations have raised concerns over the loss of Porch house, stating that it is over 100 years old. However, porch house has been much altered and is considered not to meet the requirements to constitute a non-designated heritage asset. The loss of this building as a dwelling should otherwise be considered in the planning balance.

Residential amenity

- 5.10 The application is for residential development of 9 dwellings with all matters reserved. Scale is therefore not considered at this stage. However, the indicative layout provided, shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties. These matters would be fully tested through Reserved Matters submissions.

Highway safety

- 5.11 The Highway Authority has not raised any concerns. A number of conditions are recommended in relation to discharge of surface water, visibility splays, details of access, turning and parking and construction management. A number of concerns have been highlighted in representations with regard to the junction of the site access

with the A167. These representations have highlighted the potential for parked cars to intervene in the visibility splays and lead to a loss of highway safety as a result. This has been examined by the Highway Authority who are satisfied that the proposed development will not have a detrimental impact on Highway safety.

Developer contributions toward affordable housing provision

- 5.12 Under Section 157 of the housing act 1985 (listed in the Housing (Right to buy) (Designated Rural Areas and Designated Region)(England) Order 2006, SI 2006 No. 1948) South Otterington is considered a designated rural area. In such areas contributions to the provision of affordable housing are required on sites proposing six or more units. South Otterington is considered to come under the Northallerton hinterland area and therefore a contribution of 40% is required. For a development with a net gain of eight units this would equate to 3.2 units of an appropriate size type and tenure. The supporting statement indicates that affordable housing could be provided subject to viability.
- 5.13 During the life of the application it was put to the applicant that the application would not be acceptable as it would not meet the requirements of criterion 2 of the IPG. In response to this the applicant has offered that 4 affordable units will be provided on site rather than as a contribution.

Planning Balance

- 5.14 The proposed development is not wholly in compliance with the Council's Interim Policy Guidance in that the proposals fail to respond positively to the character and form of the settlement. Conversely the proposed development is not considered harmful to the character or openness of the countryside surrounding the settlement.
- 5.15 it is considered that the provision of 4 affordable units of a suitable mix and tenure based on identified local need weighs heavily in the planning balance and in this instance is sufficient to outweigh the harm in terms of the character and form of the settlement.
- 5.16 It should be noted that without this onsite provision of affordable housing weighing in the planning balance, as outlined above, the proposal would not be acceptable. The reserved matters application should not seek to reduce the provision of on-site units nor substitute the on-site units for a financial contribution. It is recommended that the details of the on-site provision be secured by Section 106 agreement.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions and a completed S106 agreement providing for the delivery of affordable housing:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. 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.

4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43.00 metres measured along both channel lines of the major road A167 from a point measured 2.40 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.60 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. 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: (i) vehicular and pedestrian accesses; (ii) vehicular parking; and (iii) vehicular turning arrangements.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 5 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
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
8. 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 the following proposals have been submitted to and approved in writing by the Local Planning Authority: (i) an on-site parking capable of accommodating staff and sub-contractors vehicles clear of the public highway; and (ii) an on-site materials storage area on the site capable of accommodating all materials required for the operation of the site . The works shall be carried out in accordance with the approved details and the approved areas shall be kept available for their intended use at all times whilst construction works are in operation.
9. The permission hereby approved shall be for the construction of no more than 9 houses (net increase of 8 dwellings).
10. Prior to the commencement of development, other than the demolition of Porch House and the initial formation of the access, full details of site and finished floor levels shall be submitted to and approved by the Local Planning Authority. These levels shall be taken from a known, fixed, off-site datum point and shall include relevant levels of neighbouring properties. The development shall be implemented in accordance with the approved levels.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To 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.
3. In the interests of highway safety.
4. In the interest of highway safety.
5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In order to ensure that the scale of development is appropriate to the area to comply with the requirements of Development Policy DP32.
10. In order to ensure that the site and finished floor levels are appropriate in terms of the character of the area and the amenity of neighbouring occupiers to accord with the requirements of Development Policy DP1 and DP32.

Informatives

1. An explanation of the highways terms used is available from the Highway Authority at North Yorkshire County Council.
2. Re: condition 5 - The proposal shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

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

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

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

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19/00084/OUT

**Outline application for a detached two storey dwelling
At Land Adjacent To 1 Manor Farm Cottages, Vicar Hill Lane, Little Thirkleby
For Mr Trenholme**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site forms part of Manor Farm, Little Thirkleby and has been previously used as amenity land for the neighbouring residential properties as indicated by the agent. It is currently used as grazing land to maintain the grass.
- 1.2 The application site lies towards the centre of the village of Little Thirkleby. The built settlement of Little Thirkleby provides linear development running north to south on either side of Vicar Hill Lane.
- 1.3 The site is bordered by hedgerows to three sides and a residential property to the northern elevation. Vicar Hill Lane borders immediately to the west elevation.
- 1.4 This application is for outline consent for the construction of a single dwelling house. The agent has indicated that the dwelling will be two-storey. However, the scale and nature of the dwelling will be determined at reserved matters stage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 87/1201/OUT - Outline Application for the construction of a dwelling; refused 1987.
- 2.2 04/01403/OUT - Outline application for 3 bedroomed dwelling; refused 22 September 2004. The reasons for refusal were:
 1. The proposed dwelling is contrary Hambleton District Wide Local Plan 1999 Policy L1 and H23 as the development is outside Development Limits. Outside Development Limits residential development is limited to that required for agriculture, forestry or other purposes when a dwelling is essential and fulfils the requirements of Policy H23 and H23 as amended. The justification put forward for this development is not of sufficient weight to set aside the presumption against residential development outside Development Limits.
 2. The proposed dwelling is contrary to Policy L2 and Policy L10 of the Hambleton District Wide Local Plan (1999) due to the inadequate existing screening which would result in adverse effects on the character and appearance of the countryside.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Thirkleby Parish Council – No objection: the application is in outline form and the site is within the boundaries of the village and is infill between existing buildings.
- 4.2 Highway Authority – The agent should indicate the intended access point detailing visibility splays in accordance with Manual for Streets Guidance.

Whilst it is noted that Vicar Hill Lane is derestricted, given the width of the carriageway and that the lane is a no through road, along with other residential accesses leading off Vicar Hill Lane, the driven speeds at this location are substantially lower than 60mph.

Following a site visit, assessing visibility was difficult due to site frontage boundary hedge. Therefore I ask the applicant demonstrates visibility splays of 2.40 metres x 43.00 metres at the intended access point.

A plan has been submitted from the agent showing a visibility splay 2.40 metres set back from the road edge, with 43.00 metres each way being achieved in the existing verge. This does involve the removal of 25 metres of hedge on the applicant's land.

The final comments of the Highway Authority are awaited.

- 4.3 Yorkshire Water – A water supply can be provided under the terms of the Water Industry Act 1981. This proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.
- 4.4 Pipeline operators (SABIC) – No observations to make in this instance as the works will not affect the pipeline apparatus as the site lies beyond the outer zone.
- 4.5 Health and Safety Executive (PADHI+) – Consultation not required as the site lies beyond the outer zone of the Teesside to Saltend (Hull) Ethylene Pipeline.
- 4.6 Public comments – One objection and one letter of support have been received.

The objection states the proposal will involve overlooking into the property of Woodlands; there will be an invasion of privacy by the two-storey house, as Woodlands is a bungalow, and the value of the house will be decreased and will lose open views.

The letter of support advises that this will allow for a family home in the village. There has been a few infill developments in the village over the years and the proposal will benefit the village and community. The proposal is infill development and will blend in with the character of the village.

5.0 ANALYSIS

- 5.1 The main considerations with respect to this proposal are (i) the principle of residential development at the site; (ii) the impact on the character and appearance of the settlement; (iii) the impact on residential amenity; (iv) highway safety; and (v) drainage.

Principle of development

- 5.2 Little Thirkleby is defined as an Other Settlement within the updated Settlement Hierarchy. Other Settlements may be considered sustainable when considered as a cluster with other villages. The Cluster Village concept within the IPG states:

“Cluster Villages should be comprised of nearby settlements, one of which may be a Service or Secondary Village, given the wider level of services available. If Other Settlements are to form a cluster, these must have a good collective level of shared service provision. Settlements should be linked to each other by convenient public transport, walking or cycling, where the combined settlements offer a range of services contributing to a sustainable community. This could include the sharing of facilities such as a school, post office, health facility or village shop. However it is unlikely to constitute a sustainable community if there are very few services or if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing).

- 5.3 The two kilometre distance is via road or footpaths and not as the crow flies. The northern edge of the Secondary Village of Bagby is approximately 3.5 kilometres away and the northern edge of the Secondary Village of Sessay is 4.6 kilometres away by road.
- 5.4 In light of the above, it is considered that Little Thirkleby does not form a sustainable community within a cluster of villages. It is therefore considered that the proposal is located in an unsustainable location.
- 5.5 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. The development is for a single dwelling and is therefore considered to be small scale.

Housing size, type and tenure

- 5.6 No indicative plan has been provided to understand the number of bedrooms for the dwelling. It has been stated in the application form that the dwelling would be two-storey. The detail of the proposals will be required at the Reserved Matters stage and will be tested against the prevailing policy at that time. A condition can be imposed to require compliance with the Local Development Framework policy CP8 and Supplementary Planning Document.

The character of the village

- 5.7 Along with the remainder of criterion 2, IPG criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and physical built form. This is consistent with other policies in the LDF. It is considered that one dwelling could be accommodated within the site that reflects the existing linear built form of the village.
- 5.8 The application site is located between two residential properties and immediately opposite a further property. The red line plan does not extend the built form eastward and reflects the curtilages of dwellings nearby. It is further acknowledged the proposal would not impact on the open character of the surrounding countryside and would not lead to coalescence of settlements.
- 5.9 In order to achieve the visibility splays, a 25 metre length of the western hedgerow is required to be removed. It is considered that this would cause some harm to the character and appearance of the village. However, some additional hedgerow planting could be accommodated within the site behind the visibility splay and other appropriate boundary treatments.
- 5.10 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

- 5.11 It is likely that one dwelling within the submitted red line plan would provide adequate external garden space to ensure the occupants would have an acceptable level of amenity. There is no reason why the scheme would result in an overbearing presence or cause a loss of light to neighbours. The issue of residential amenity particularly privacy is to be addressed the reserved matters stage.

Highway safety

- 5.12 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.13 A plan has been submitted from the agent showing a visibility splay 2.40 metres set back from the road edge, with 43.00 metres each way being achieved in the existing verge. This does involve the removal of 25 metres of hedge on the applicant's land.
- 5.14 The site has capacity of accommodating on-site turning and car parking. It is considered that the proposal would not be detriment to highway safety.

Flood risk and drainage

- 5.15 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.16 Foul water would be disposed of via a package treatment plant and surface water via a soakaway. The exact details of which can be agreed by planning condition.
- 5.17 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.

Land contamination

- 5.18 The application has been accompanied by a preliminary assessment of land contamination. This does not identify any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low.

Planning balance

- 5.19 Consideration has been given to the benefits of providing an additional home, the social and economic gains that can be derived from new housing. This is to be weighed against the harm as set out above in terms of development in an unsustainable location.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed new dwelling would be located in a village that is identified as an Other Settlement in the revised Settlement Hierarchy for Hambleton at Local Development Framework Policy CP4. Little Thirkleby does not form a sustainable community within a cluster of villages. The proposal therefore is therefore contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.

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Parish: West Tanfield
Ward: Tanfield
8

Committee date: 25 April 2019
Officer dealing: Mr M Pearson
Target date: 29 March 2019

19/00185/FUL

**Retrospective application for formation of an enclosed porch
At Paddock House, Thornborough
For Mr Burton**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is occupied by a detached two storey property named Paddock House, located at the northern end of the village of Thornborough. The property sits in a generous plot with residential properties in the immediate vicinity.
- 1.2 Planning permission was granted in 2002 for the property and it was originally designed with a covered canopy that extended the length of the integral double garage to the entrance door. The canopy was open-sided and was supported by timber posts that sat on the brick boundary wall that is approximately 1.2m in height. At a later date, part of the integral garage was converted to provide additional living accommodation under permitted development rights.
- 1.3 The porch was constructed without the benefit of planning permission and was subsequently found not to be Permitted Development. The development therefore requires planning permission and this retrospective application seeks to regularise the planning position.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 02/01010/FUL - Change of use of agricultural land to domestic use and erection of a greenhouse; Granted 22 July 2002.
- 2.2 18/00428/CAT3 - Infill to sides of existing covered area; Awaiting outcome of this application.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 Tanfield Parish Council – Objects on the basis that the materials used are not in keeping with the house or other properties in the village. In addition, given the location along the boundary there is little opportunity for the neighbour to put up screening to provide privacy. A concern was also raised regarding the porch meeting Building Regulation standards.

- 4.2 Public comments – Two objections from the adjacent property noting the following concerns:
- Visual Impact. Materials used in construction, unsightly and not in keeping the house or the village of Thornborough.
 - The development has a visually overbearing effect
 - Loss of privacy.
 - Concern over Fire safety.
 - Unable to screen the porch owing to narrow width of access.

5.0 ANALYSIS

- 5.1 The main planning issues raised by this application are whether the formation of the enclosed porch; i) adversely impacts upon the character and appearance of the area or the host building or ii) has an adverse impact on the amenity of the adjacent properties.
- 5.2 The UPVC framing to the porch is considered to follow the palette of materials found on the existing property and elsewhere in the vicinity. The use of obscure glazing is also considered to be an appropriate design response to the privacy concerns raised in this instance. The design and appearance of the new entrance door is also considered acceptable.
- 5.3 The side elevation of the porch comprises 6 adjoined window frames that contain obscure glazing to provide privacy for the occupants and the adjacent property. It is noted that two of the windows open. The newly formed space is effectively a narrow corridor (not a habitable room) and does not allow for the opportunity for seating to be utilised in the space. It is therefore considered that the porch is not an area of the house where one would expect occupants to sit and relax. In any event there is no outlook given the boundary wall and obscure glazing. Whilst an issue has been raised about the occupiers of the porch being able to hear conversations of neighbours outside their property from inside the porch via an open window, it is considered that as a Local Planning Authority we cannot consider issues beyond reasonable behaviour. In any event, the same opportunity for over-hearing conversations could happen from open windows at the first floor level within habitable rooms. Therefore, in this instance it is not considered that the porch would impact on the amenity of the adjacent occupiers.
- 5.4 It is not considered that the porch provides the opportunity for overlooking between the two properties. The porch is not a habitable room and in any event the glazing is obscured and does not afford the opportunity for views out from the porch.
- 5.5 Concern has been raised regarding the porch meeting current Building Regulations regarding fire safety. This is not an issue that can be assessed by the Local Planning Authority as it relates to a separate regulatory regime.
- 5.6 Another concern raised relates to the adjacent occupier's ability to screen the porch from view on land in their ownership. However, as set out above the development is considered to be acceptable and therefore it is not considered necessary to screen the porch from view.

6.0 RECOMMENDATION

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings titled Plan and Elevations as Proposed, received by Hambleton District Council on the 25th January 2019.

Reasons for the above conditions.

1. In order to ensure that the details of the development are appropriate and in compliance with the requirements of Development Policy DP32.

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