

Public Document Pack

HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 6 November 2019

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 14 November 2019**
Time **1.30 pm**
Venue **Yorkshire Suite, Golden Lion Hotel, 114 High Street, Northallerton, DL7 8PP**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	P Bardon (Chairman)	J Noone (Vice-Chairman)
	M A Barningham	B Phillips
	D B Elders	A Robinson
	Mrs B S Fortune	M Taylor
	B Griffiths	D Watkins
	K G Hardisty	D A Webster

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am on the
Community Infrastructure Levy (CIL) and Section 106 Agreement**

AGENDA

Page No

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 17 October 2019 (P.14 - P.15), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

5 - 100

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, 17th October, 2019 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	J Noone
	D B Elders		B Phillips
	Mrs B S Fortune		A Robinson
	K G Hardisty		D Watkins
	B Griffiths		D A Webster

Also in Attendance

Councillor	G W Dadd	Councillor	N A Knapton
	D Hugill		

An apology for absence was received from Councillor M Taylor

P.14 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 19 September 2019 (P.12 - P.13), previously circulated, be signed as a correct record, subject to an amendment to Item 6 to record that Emma Foden Spoke on behalf of Hutton Rudby Parish Council in support of the application.

P.15 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) 18/02748/REM - Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 2 of outline approval 15/01240/OUT for the construction of 116 dwellings as amended by drawings received by Hambleton District Council on 2 September and 10 September 2019 for Barratt Homes at Wilbert Farm, Sandhill Lane, Aiskew

PERMISSION GRANTED

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

(Dave Brown spoke objecting to the application.)

- (2) 19/01347/FUL - Proposed use of tourist accommodation as a dwelling for Mr and Mrs L Butterworth at Oakleigh Cottage, Oakleigh, Alne Station

PERMISSION REFUSED

The decision was contrary to the recommendation of the Deputy Chief Executive because the proposed development in open countryside failed to meet the exceptional case test of Local Development Framework Policy CP4 and resulted in an unacceptably poor level of amenity for future occupiers.

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

- (3) 19/01348/FUL - Construction of a new detached dwelling and extension of the existing domestic curtilage for Mr B Mellor at Carlton House, Sandhutton Lane, Carlton Miniott

PERMISSION REFUSED

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

- (4) 19/01265/FUL - Erection of single storey rear extension. Internal and external alterations including repositioning of oil tank for S Walker at Crayke Cottage, Church Hill, Crayke

PERMISSION GRANTED

The decision was contrary to the recommendation of the Deputy Chief Executive because the public benefits of the alteration to allow modern standards of living outweighed the minimal harm.

(The applicant, Sally Walker, spoke in support of the application.)

- (5) 19/01266/LBC - Listed Building Consent for the construction of a single storey rear extension, internal and external alterations including repositioning of oil tank for S Walker at Crayke Cottage, Church Hill, Crayke

PERMISSION GRANTED

The decision was contrary to the recommendation of the Deputy Chief Executive because the public benefits of the alteration to allow modern standards of living outweighed the minimal harm.

(Dr Colin Merrit spoke on behalf of Crayke Parish Council supporting the application.)

Note: The meeting adjourned at 3.45pm and reconvened at 3.55pm.

- (6) 19/01745/FUL - Construction of 2no. residential dwellings for Mr Adam Robinson at Land Between Bankside Farm And Hawthorn Cottage, East Harlsey, North Yorkshire

PERMISSION REFUSED

The decision was contrary to the recommendation of the Deputy Chief Executive because the overdevelopment of the site does not respect local character or locally identified housing need.

- (7) 19/01448/OUT - Outline application (some matters reserved) for the demolition of existing school and construction of four detached dwellings and access for Mr Simon Quartermaine at Ingleby Arncliffe Church Of England VC Primary School, Ingleby Arncliffe, North Yorkshire, DL6 3NA

DEFER to allow further discussions to address locally identified housing need.

(The applicant's agent, Bradley Stovell, spoke in support of the application).

(Kathryn Jukes spoke on behalf of Ingleby Arncliffe Parish Council objecting to the application.)

(George Hunter spoke objecting to the application.)

- (8) 19/01027/FUL - Construction of a general purpose agricultural building to provide a workshop, storage and the winter housing of lambs and calves for Mr A Smales at Land off Newton Sidings, High Moor Lane, Shipton By Beningbrough

PERMISSION GRANTED

(The applicant's agent, Zoe Harrison, spoke in support of the application.)

(Phillip McTaggart spoke objecting to the application.)

- (9) 19/01483/OUT - Outline application with layout and access to be considered (all other matters reserved) for the construction of two dwellings as amended by email and plans received by Hambleton District Council on 10 September 2019 for Messrs Wadsworth at Land east of Maythorn Cottage, Sinderby

PERMISSION GRANTED

- (10) 19/00771/FUL - Proposed change of use of stables to holiday accommodation and coffee shop, and new vehicular access for Mrs Karen Johnstone at Stables at Newsham Grange, South Otterington

PERMISSION GRANTED subject to an additional condition to stop up the existing access.

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

Note: Councillors B Griffiths and A Robinson left the meeting at 5.40pm and did not return.

- (11) 18/00929/OUT - Construction of four detached dwellings for Ambleside Homes at Land East of 22 to 28 Ings View, South Back Lane, Tollerton

PERMISSION GRANTED

The decision was contrary to the recommendation of the Deputy Chief Executive because the benefits of a scheme of small single storey dwellings outweighed the harm to the countryside and to the setting of the conservation area.

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

- (12) 19/00936/FUL - Construction of 2no two storey semi-detached dwellings, associated parking, and formation of a new vehicular access from the public highway for Mrs Lynne Dawson at The Laurels, Main Street, Tollerton

PERMISSION GRANTED

- (13) 19/00193/FUL - Full planning application for the creation of 5 dwellings (amendments to location plan, site layout, and house types) for Mr Ian and Joe Hardy at OS Field 2211 South Back Lane Tollerton

APPLICATION WITHDRAWN

The meeting closed at 6.10 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Yorkshire Suite, The Golden Lion Hotel, Northallerton, DL7 8PP on Thursday 14 November 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 14th November 2019

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	19/01919/FUL Ms H Ledger Appleton Wiske Page No. 9	Construction of a detached dwellinghouse with associated parking and detached double garage For: Mr J Adams At: Former Little Hornby Farm, Appleton Wiske RECOMMENDATION: GRANT
2	19/01254/FUL Mrs H Laws Brompton Page No. 17	Construction of a detached dwellinghouse and double garage For: Mr & Mrs C Potter At: Land adjacent 53 Water End, Brompton RECOMMENDATION: REFUSE
3	19/01499/FUL Aisling O'Driscoll Brompton Page No. 25	Construction of 21 affordable residential dwellings with associated landscaping and parking as amended by plans received by Hambleton District Council For Mr L Smith At Land off Danes Crest, Brompton RECOMMENDATION: GRANT
4	19/01322/FUL Mrs H Laws Carthorpe Page No. 37	Construction of a dwellinghouse with parking, bin storage, garden and wildflower meadow as amended by plans received by Hambleton District Council on 3 and 4 October 2019 For: Long Garth Enterprises Ltd At: Long Garth, Carthorpe RECOMMENDATION: REFUSE
5	18/02681/FUL Miss R Hindmarch Easingwold Page No. 45	Construction of 9 bungalows, garages and associated infrastructure, access and parking For: W&W Estates At: Lilac Cottage, Stillington Road, Easingwold RECOMMENDATION: REFUSE
6	18/02413/OUT Mrs H Laws Exelby, Leeming, Londonderry Page No. 51	Outline application with some matters reserved (considering access) for the construction of a detached dwelling with detached garage and new vehicular access as amended by plan received by Hambleton District Council on 11 October 2019 For: Mr P Simpson At: Land North of Ten Trees, Exelby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	19/00009/TPO2 Mrs Angela Sunley Great Ayton Page No. 61	Hambleton District Council (Great Ayton Parish) Tree Preservation Order 2019 No 9 At: 100 Guisborough Road, Great Ayton RECOMMENDATION: CONFIRM
8	19/01545/FUL Peter Jones Great and Little Broughton Page No. 63	Demolition of existing property and proposed residential development, comprising the construction of 4 No detached dwellings At: 153 High Street Great Broughton North Yorkshire TS9 7HB For: Purpose Build Group Ltd RECOMMENDATION: REFUSE
9	19/01882/FUL A O'Driscoll Kirkby Fleetham with Fencote Page No. 69	Installation and operation of a solar farm and associated infrastructure. For: Lightsource SPV 155 Limited At: South Lowfields Farm, Kirkby Fleetham RECOMMENDATION: GRANT
10	18/02019/FUL A O'Driscoll Stokesley Page No. 83	Demolition of house and associated buildings; change of use of land and the construction of a Care Home (Use Class C2), together with change of use of land to include a service yard and refuse area, associated landscaping and car parking For: Mr D Sharpe At: Mill Riggs Farm, Stokesley RECOMMENDATION: REFUSE
11	18/01717/FUL Miss R Hindmarch Thirsk Page No. 95	Demolition of day nursery and the dwelling house and replace with five detached houses For: JDZ Development Ltd At: Burniston & Stonehall, Stockton Road, Thirsk RECOMMENDATION: REFUSE

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons
1

Committee Date : 14 November 2019
Officer dealing : Ms Helen Ledger
Target Date: 5 November 2019

19/01919/FUL

Construction of a detached dwellinghouse with associated parking and detached double garage.

At Former Little Hornby Farm Hornby Road Appleton Wiske North Yorkshire for Mr J Adams.

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located at the western end of Appleton Wiske, accessed off Hornby Road, which leads to Hornby and Great Smeaton. There are several detached properties on the same side of the road, which extend out along the roadside, into the wider countryside. The development to the east of the site extends further back from the roadside, and includes some larger scale agricultural buildings and one dwelling, Green Acres.
- 1.2 The site is currently a vacant, former agricultural field and is bordered by a hedgerow to the north and what was, until its recent demolition a semi-detached former farmhouse to the front of the site. The rear part of the site forms part of the wider farm land and includes a stable block also to be demolished.
- 1.3 This full application is submitted for the development of one detached dwelling on the land to the centre of the site, and parking with one double garage to be shared with the replacement semi-detached dwelling on the frontage. Previous approvals have granted consent for one large detached dwelling to the rear of the site, adjacent the hedge line, reference 19/00689/FUL; and under 19/01611/REM reserved matters for the replacement of the semi-detached dwelling on the frontage.

2.0 PLANNING AND ENFORCEMENT HISTORY

- 2.1 The site has been subject to outline approval previously, 16/02735/OUT, that included access and scale. As the applicant wanted to change the scale of the dwelling approved at outline this latest proposal has been submitted as a full application.
- 2.2 16/02735/OUT - Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access - granted 25.08.2017
- 2.3 18/02411/FUL Creation of vehicular access to proposed site in association with application 16/02735/OUT - granted 22.01.2019
- 2.4 18/02710/REM - Approval of reserved matters for design, appearance, scale, siting and landscaping relating to Planning Application 16/02735/OUT Outline application for one replacement dwelling and construction of two new dwellings with new vehicular access - withdrawn to convert to a full application.
- 2.5 In a separate application the neighbouring site to the west gained approval under 19/00051/REM - Application for the approval of reserved matters (appearance, landscaping, layout & scale) following outline approval 17/00308/OUT for part demolition of dwelling and construction of two dwellings with new vehicular access - granted 18.03.2019

- 2.6 This is the reserved matters on the neighbouring site 17/00308/OUT - Outline Application for part demolition of dwelling and construction of two dwellings with new vehicular access - granted 18.08.2017
- 2.7 17/00308/OUT - Outline Application for part demolition of dwelling and construction of two dwellings with new vehicular access. Approved 18.8.2017.
- 2.8 19/00051/REM - Application for the approval of reserved matters (appearance, landscaping, layout & scale) following outline approval 17/00308/OUT for part demolition of dwelling and construction of two dwellings with new vehicular access - Granted 19.03.2019.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies 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

4.0 CONSUATIONS

- 4.1 Appleton Wiske Parish Council - Members expressed concerns about the possible height of the proposed dwelling in light of the fact that it is on a slight rise and also that the Planning Committee had commented on the possible impact of the height of an earlier proposal for an adjacent dwelling (19/00689/FUL).The applicant has subsequently submitted a drawing showing the relative elevations of this proposed dwelling and adjacent dwellings existing or under construction. These appear to show this dwelling being lower than those adjacent. If this is the case we would have no observations but would ask that the Planning Committee and Planning Officers note the relative building heights.
- 4.2 NYCC Highways - conditions recommended to deal with discharge of surface water on the highway, Private Access/Verge Crossings, parking for dwellings, precautions to prevent mud on the highway, on site storage and construction traffic.
- 4.3 Environmental Health contaminated land - no objections based on the submitted PALC form not identifying any contamination risks.
- 4.4 Yorkshire Water - No comments received. Verbal discussion held between a member of the land use planning team at Yorkshire Water and the case officer. It was

confirmed that the plans to connect the new foul sewage to foul sewage were acceptable and the addition of one house would have a negligible impact on capacity. The plans to deal with surface water by on site soakaway were acceptable and met the water hierarchy. There was also a second option of discharge of surface water to land drain to the north which would be an acceptable alternative subject to flow rates and other consents. At the building regulations stage further detailed assessment of these matters can be made under this separate regime.

- 4.5 Environmental health resident services - has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.6 The application was advertised as a Development Plan departure in the Darlington and Stockton Times on 27.09.2019 with a closing date for comments on 21.10.2019.
- 4.7 Site notice posted and neighbours notified, five separate responses were received. The responses are summarised below:
- Object to the size of the dwelling and plot allocated.
 - The bank of windows facing our house yet to be built under 19/0051/REM, and will be overshadowed.
 - Contrary to the outline approval, does not reflect form and character.
 - Consideration needed on the impact on surrounding houses, the new build to the west and Little Hornby Cottage and Green Acres to the East. The size and position of the windows should be taken into consideration. If it was reduced to a smaller, single storey property, with a more agricultural look it would be more acceptable.
 - Site already has consent for very large dwelling at the rear and this second dwelling will again be larger with a larger footprint.
 - Contrary to Council strategic objectives, including CP19 and DP32.
 - A reduction in the overall property size would likely help attain a better ratio of house to external amenity space, and better meet requirements on form and character. It should be single storey.
 - Unacceptable overlooking of neighbouring properties.
 - Property should be relocated west by 3ms to improve impact on amenity.
 - Proposal is too large given size of the other dwellings already approved on site.
 - Clarification on distance to my dwelling is required.
 - The proposal will cause light, visual obstruction to property as well as have potential impacts on noise and boundary wall foundations.
 - Construction and site topography will have impacts on the sewage network. The additional flow into the existing sewage and surface water network for the addition dwellings is a concern. Detailed Capacity and flowrate calculations should be submitted for public consideration. I would ask that council building control publicly comment on the status of the sewer connections (for comment) and if a build over agreement should be sought (Public Sewer) or an agreement from the effected parties.
 - Soak away locations - It is noted that the surface water drainage proposal is via soak away locations, however none are clearly identified, and it is not clear if they are Aquacell or equivalent as opposed to rubble which would not cope with the surface water volumes due to the typology of the ground conditions and locally recorded SPT's and information from the national geological database. I would also question IF location of the planned soakaways complies with building control policy for distance and depth considering national recommendation of 5m from any dwelling (including my own) or structure. The majority of these concerns can be resolved by relocating the design to a distance of 6m from the boundary wall and further consultation on drainage.

- The construction will have an unacceptable impact on the stability of adjacent property and boundary wall, and create noise and dust.

4.8 Following the submission of revised plans a further set of comments were received from two parties who had also previously commented. The following new matters were raised:

- There is only a very slight difference in height to the revised plans; the height is the main objection.
- Reducing size and style of windows overlooking must be considered.
- Ground floor only reduced by 5sqm.
- Windows and Juliet balcony still creates a loss of privacy to my property.
- Elevation plans and boundary wall are not accurate on the plans.
- Closeness to other dwellings is out of character with the village.

5.0 ANALYSIS

5.1 The issues to consider are i) the principle of a new dwelling and double garage in this location, ii) impact on local character and appearance of countryside and setting of the village, iii) impacts on residential amenity and iv) highway safety.

The Principle

5.2 The principle of a dwelling in this location was considered in outline application in 2016. This included an illustrative plan to set out scale by way of a set of linear buildings with a form similar to agricultural barns. This latest plan shows a larger dwelling with a more elaborate design and in order amend the scale previously approved, is submitted as a full application. The double garage will be shared with the house on the frontage and is clearly ancillary to both houses and positioned on the plot in an appropriate location.

5.3 The site outside the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) first published in March 2012 and revised this year in February. Paragraph 78 of the NPPF states:

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

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

5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the Settlement Hierarchy reproduced in the IPG, Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

Character, Countryside and Setting

- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form. The character of the area is influenced by the linear residential form along the roadside and the more informal and low key agricultural development to the rear, which integrates with the wider countryside, avoiding the need for harsh boundary treatments. It was noted in determining the previous outline application, 16/02735/OUT; it is unlikely that a standard residential dwelling type would achieve a suitable design solution, with a more appropriate approach taking cues from agricultural forms found in the locality. Therefore it is important that any development in this location responds positively to this edge of village character. This should be reflected in both the built form and the spaces around the buildings, ensuring a successful transition.
- 5.8 The officer's considerations set out in the outline application report are not considered to have been met by the proposals. During the course of this application the applicant has amended the design to try and meet the requirements in terms of form and character. The resulting design has created a split roof line in order to reduce the impact of the proposed dwelling and provided elevation designs with more consistent features. This creates a dwelling that better reflects the local form and character. The materials will reflect the dwelling to the north, approved in June this year, which uses red brickwork with render on single storey elements, and the light render on the replacement house on the frontage. The proposed garaging to the south would be render again reflecting the finish on the single storey elements. Although it is argued that the proposals do not meet the expectations of the outline permission, the revised proposals have resulted in a design that generally fits with the site and edge of village locality. The design proposed adequately satisfy the requirements of policy DP32 and the requirements of IPG criteria 3 and 4.
- 5.9 There are no indications the proposal cannot be accommodated within the capacity of existing or planned infrastructure. Therefore the proposal is considered to comply with IPG criterion 5.

Residential Amenity

- 5.10 The main consideration has been the implications on the adjacent dwelling Green Acres, which is accessed from the same frontage and set back adjacent the

application site and secondly the dwelling granted consent on farmland adjacent under 19/00051/REM and 17/00308/OUT, but not currently built.

- 5.11 Several objections have been raised through the consultation from one dwelling to the east Green Acres and from the site owners of an adjoining plot with consent for another dwelling to the west. To the west the distance across the proposed garden and access, with a separating hedge line proposed, is sufficiently substantial to limit the impact on the approved dwelling in this location. Although the principle elevation faces toward the yet to be built dwelling, it is noted that the principle elevation of this other dwelling does not face the application site. The proposed dwelling to the west has windows to the ground floor, separated from the proposed development by a distance of 17m. The ground floor windows serve a utility room and secondary windows to a kitchen / dining room. Given the ground floor relationship, secondary nature of the relatively small windows and separation distance, it is considered that the development will not result in a significant loss of amenity to the occupiers of either property.
- 5.12 The dwelling known as Green Acres is set back from the frontage and accessed separately. It would be directly adjoining the rear elevation of the proposed dwelling and separated by approximately a distance of 6.5m. It is noted that the existing neighbouring dwelling is on slightly higher ground which would lessen the impact. The two sites are separated by an existing boundary wall of approximately 1.8m. Green Acres has two dormer windows at first floor level overlooking the site but serving non-habitable rooms. A ground floor lounge area with two of its three windows would also be positioned to the rear elevation of the proposed dwelling. The proposed dwelling has two windows at first floor level, one of which serves a bathroom and would be frosted. The second serves a small single bedroom. Given that the orientation of Green Acres is different with its main rear elevation facing north and subject to adequate boundary treatments the windows at ground floor level would not overlook the neighbouring dwellings. Any overshadowing is minimal given site layout and the orientation of the buildings and tracking of the sun. It is considered the proposed layout would not have a significant impact on residential amenity in this respect.
- 5.13 It is considered this application is able to comply with the requirements of Development Policy DP1 in terms of the potential impacts on residential amenity.

Highway Safety

- 5.14 The local highway authority has considered the application and raised no objections to the proposals subject to conditions. The principle of the access to the development is considered to be acceptable. The proposed development is not considered to have any detrimental impact on road safety in the vicinity of the application site.

Other matters raised through consultation

- 5.15 It is noted that sewage and surface water was a concern raised in representations. Yorkshire Water considers the addition of one house can adequately be accommodated within existing infrastructure. The addition of on-site surface water soakaways was welcomed by the water company. The precise detail of the sewage and surface water disposal can be considered through the building regulations application. The use of private sewage drains is an operational issue and is considered a private civil matter.
- 5.16 Matters pertaining to the stability of the boundaries and neighbouring properties is considered better dealt with under other legislation, in particular the Building

Regulations. Any harm caused to foundations or boundary treatments would be a civil matter.

Planning Balance

- 5.17 The principle of development in this location has previously been established. The proposed new dwelling, whilst significant in size is considered to be acceptable in this location. The design and form of the development is considered to meet the requirements of Local Development Framework policy and is considered acceptable. The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. Overall the scheme is found to be acceptable.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2018: 53/05, 53/14, 53/15 received by Hambleton District Council on 25 October 2019 unless otherwise approved in writing by the Local Planning Authority.

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 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.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6 Var.

(ii) Any gates or barriers shall be erected a minimum distance of 12 metres back from the carriageway of the existing highway, and shall not be able to swing out over the existing highway.

(iii) Provision to prevent surface water from the site/plot discharging onto the existing highway shall be constructed and subsequently maintained thereafter in order to prevent such discharges. The existing gully within the footprint of the proposed access is to be removed and backfilled, and a new gully is to be constructed immediately to the east of the proposed access.

(iv) The final surfacing of the proposed private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing, drawing number 2018:53/05 revision M. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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.

7. 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.

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 Policy(ies) .

3. In the interest of highways safety

4. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.

5. 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.

6. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.

7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Parish: Brompton
Ward: Northallerton North & Brompton
2

Committee Date: 14 November 2019
Officer dealing: Mrs H Laws
Target Date: 21 November 2019

19/01254/FUL

Construction of a detached dwellinghouse and double garage
At: Land Adjacent 53 Water End Brompton North Yorkshire
For: Mr & Mrs C Potter

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies towards the northern end of the village on the northern side of Water End. The front part of the site, slightly more than half, lies within the Brompton Conservation Area. The site currently forms part of a larger agricultural field; the application site itself fronts onto the road at Water End. It lies between and within an otherwise built up frontage of residential properties to both sides. A terrace of dwellings lies on the western side of the site and a large detached dwelling within a similar sized plot, lies to the east.
- 1.2 The site covers an area of 0.16 hectares and rises upwards in ground level from the road frontage, to the rear. A well established, mature hedgerow bounds the front of the site with the road. Fencing and hedging form the boundaries to either side of the site and there is no boundary with the rest of the field to the rear.
- 1.3 It is proposed to construct a two storey dwelling with a detached garage, approximately 53m from the front boundary, towards the rear of the site. The dwelling is proposed in the style of a barn, with a curved roof and large glazed openings. The two storey element would be lengthways running from front to back with an attached single storey element to the side connected by a lean-to roof. The detached garage would have a pitched roof with a gable facing the road.
- 1.4 The design of the building is proposed to reflect the scale, design and materials of a traditional 'round' or Dutch barn with an ancillary lean-to element. It is proposed to finish the barn in fibre cement sheet walls and roof. The front elevation is inset within an overhang to the roof and walls with a balcony element comprising railings at first floor.
- 1.5 An access would be created directly from Water End in the south western corner of the plot requiring the removal of approximately 7m of the front boundary. A driveway is proposed with landscaping at the front of the site, forward of the dwelling.
- 1.6 The majority of the site and all of the land to the south of the application site, on Water End, lies within flood zones 2 and 3, the latter being the area of greatest risk. The position of the house itself lies within flood zone 1, the area of least risk.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 09/04035/FUL - Revised application for the construction of a detached dwelling and double garage. Permission refused 29/1/2010 for the following reasons:
 1. The application site lies within Flood Zone 3b defined by Planning Policy Statement 25 as having a high probability of flooding. The development type in the proposed application is classified as More Vulnerable in accordance with table D.2 of PPS25. Tables D.1 and D.3 of PPS25 make clear that this type of development is not

compatible with this Flood Zone and should not therefore be permitted. The development is therefore contrary to PPS25 and Local Development Framework Policy CP21 and DP43.

2. Due to the open characteristics of the site and the size and elevation of the dwelling, the proposed development would be a contrived and dominant feature and would not make a positive contribution to the neighbourhood or the historic context of the locality within Brompton Conservation Area contrary to Local Development Framework Policy CP16, DP28, CP17, DP32.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections to this application subject to wishing to see the requirements of the Environment Agency fully complied with including the construction of an on-site storage pond.
- 4.2 NYCC Highways - conditions recommended
- 4.3 Environment Agency - a condition is recommended requiring the development to be undertaken in accordance with the submitted flood risk assessment.
- 4.4 Brompton Flood Prevention Group - strongly object for the following reasons:
 - Increased flooding risks to neighbouring properties and properties as a whole in the Water End area of Brompton.
 - Water in times of heavy rain would be diverted from the fields and channelled resulting in a faster flow of water through the application site.
 - Water from proposed attenuation features will flow into the beck or the sewer system
 - Attenuation features themselves need permission
 - There is a recent history of flooding in Brompton

- 4.5 HDC Facilities Manager (flood risk) - NPPF paragraph 155 states "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest flood risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere". This part of NPPF is about directing new development towards the areas of lowest flood risk.

The applicant has undertaken a technical exercise to demonstrate that a property can be constructed in the approximately 25% of the proposed development plot that is in flood zone one (an area of low flood risk as assessed by the Environment Agency) the remainder of the proposed development plot is located in flood zones two and three though largely flood zone three, (areas of medium and high flood risk as assessed by the Environment Agency). Whilst the property itself is located in flood zone one, the majority of the application site is located in flood zones two and three, as is the majority of the adjacent publically accessible area of Water End.

The 25% of the proposed development plot in flood zone one is located on the part of the plot that is most distant from the public highway, with the remaining approximately 75% located in largely flood zone three and some flood zone two. The day to day access to the proposed property is located in flood zone three.

The Brompton Flood Prevention Group, whose work is to be applauded in seeking to reduce flood risk to the Brompton community, reference four flood events in 2000, 2012, 2013, and 2015 when flooding affected the properties on Water End with 169 affected by the November 2000 event, the flooding also necessitated closure of public highways on Water End and the day to day access route to the proposed development.

It is more likely that should this development be permitted its occupants will be affected by flooding than a development in an area which is wholly or largely in an area that is in flood zone one.

The applicant has failed to provide a satisfactory access/egress route to the proposed development in the event of flooding to the usual day-to-day access, the access/egress route provided is circuitous and would not be at all obvious. In the event of emergency service need, the call would be more likely to the specialist emergency services.

The granting of this planning application does not support the NPPF's aim of directing development away from areas of highest flood risk. Its development places the avoidable and unnecessary potential burden on our emergency services not only in the potential need for specialist equipment but also the risk to their personnel. I am not supportive of this application being granted planning permission.

- 4.6 MOD - no safeguarding objections

- 4.7 Natural England - no comments

- 4.8 Publicity -Objections have been received from and on behalf of 17 households in the village, the comments of which are summarised as follows:

- Design not in keeping with the rest of the village; too modern
- Would be built on land subject to flooding
- Adding to existing water or sewer, which are already inadequate and overflows putting raw sewage in the street
- Size of development out of character for Water End
- Built on agricultural land and not part of the planning outline

- Dutch barns do not have glazed frontage and farmstead approach is not a plausible rationale
- It is not on the building line
- likely to create flooding problems for the dwellings at Hodgson's Terrace
- Approval would present a dangerous precedent
- Previous application refused on this site
- Affect privacy of adjacent dwellings as it would overlook the rear of those properties
- Brick should be the main building material for any new house
- The removal of part of the front boundary will allow excess runoff from the field to cause problems elsewhere
- Contrary to IPG in respect of form and character and infrastructure
- What has not been mentioned is the fear that comes with knowing that the weather warning issued from "floodline" puts all our homes in jeopardy
- The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. Brompton is clearly at higher risk.

5.0 ANALYSIS

- 5.1 The issues to be considered include i) the principle of a residential unit on this site; ii) the impact on heritage assets; iii) the design and layout of the proposed development; iv) the effect on neighbouring amenity; v) flood risk; and vi) highway safety.

The principle of development

- 5.2 The site lies partly within and partly outside of the Development Limits of Brompton; the position of the proposed dwelling is outside the Limits. LDF Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.

3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG, Brompton is identified as a Service Village, which is at the top end of the hierarchy for the purposes of the IPG. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 IPG criterion 2 requires development to be small scale. A proposal for the construction of a single dwelling in a relatively large settlement with the status of a Service Village would be considered small scale. It is considered therefore that the principle of an additional dwelling in the village is acceptable.

Heritage Assets

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Brompton Conservation Area.
- 5.8 The NPPF in paragraph 184 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In paragraph 189 the NPPF requires applicants to describe the significance of a heritage asset, including any contribution made by its setting.
- 5.9 The submitted Heritage Statement concludes that the significance of the Conservation Area is in its character as a farming village but that the application site contributes little value other than as a green gap in the streetscene.
- 5.10 The proposed development would alter the character and appearance of the site by introducing built form into the countryside but as the site has much in character with the village rather than the rural landscape it is not considered that this would be harmful.
- 5.11 On assessment of the application it is considered that the proposal would lead to less than substantial harm to heritage assets. The harm would be the closure of an existing green gap between existing developments in the Conservation Area but, as the form of development would reflect agricultural characteristics, it is considered that this harm would not be significant.
- 5.12 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefit would be the construction of a dwellinghouse in a sustainable location. It is considered that the harm caused is at the lower end of "less than substantial" and that the public benefits of the proposals reasonably off-set this harm.

Design and layout

- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 of the IPG require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Plan.
- 5.14 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."
- 5.15 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.
- 5.16 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.
- 5.17 The application site appears as a typical infill plot, that is, a plot within an otherwise built up frontage. The dwellings to the west are older properties set closer to the street frontage and at a higher density than the dwellings that lie to east of the application site. These are larger detached properties set further back from the street frontage, within larger plots.
- 5.18 The majority of the application site lies within an area of higher flood risk and planning permission would not be granted for this reason should the dwelling be proposed to be sited along the general building line of the existing residential development.
- 5.19 There is a part of the application site that does not lie within the area of highest flood risk, in the north eastern portion of the plot; but constructing a dwelling that resembled the character and design of the traditional style of dwelling within Water End, would appear incongruous and contrived. The applicant has sought to address this by proposing a slightly unorthodox solution in respect of design; the proposed dwelling is agricultural in character rather than domestic.
- 5.20 The proposed building has a round topped roof, in the style of a Dutch barn, which, according to the submitted Design Statement, is a contemporary interpretation of a traditional agricultural building. The proposed materials would also reflect an agricultural building rather than any of the traditional dwellings within the Conservation Area.
- 5.21 The position of the site has much in common with the village but its appearance is agricultural and therefore the proposed development would arguably provide a solution to address both of these aspects.
- 5.22 The criteria of the IPG requires development to reflect the existing built form and character of the village, and it is considered that the contemporary 'conversion' style of the proposed development would allow it to be absorbed into the landscape/streetscene as a feature that is characteristic of both rural and village settings. The development is considered consistent with Local Development Framework and the National Planning Policy Framework.

Residential amenity

- 5.23 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.24 The siting of the proposed dwelling lies behind the building line of the properties to either side and therefore there is the potential for overlooking of existing private areas at the rear of the existing dwellings. Adequate distance lies between the proposed dwelling and the neighbouring dwelling at 53 Water End for there to be no overlooking and for the dwelling to be far enough away to prevent it having an overbearing impact on the amenity of the occupants.
- 5.25 The proposed dwelling would lie approximately 2m from the boundary with the dwelling at Rosedene House with its front elevation almost in line with the detached double garage of that property. The position of the garage would prevent overlooking from the proposed dwelling to some degree and the land to the rear of the garage does not form part of the domestic land associated with the dwelling (as approved). The distance between the existing and proposed dwellings and the oblique angle would not lend itself to overlooking and loss of privacy and the smaller dwelling as proposed would not have an overbearing impact on the much larger dwelling that exists on the adjacent plot.
- 5.26 The proposed development would not conflict with the requirements of LDF Policy DP1.

Flood Risk

- 5.27 The NPPF in paragraph 155 considers that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
- 5.28 The sequential test has not been applied in this instance. Although the gardens of the proposed dwelling would lie within flood zones two and three, the footprint of the dwelling would lie within flood zone one. The submitted flood risk assessment demonstrates that the dwelling itself would be located in a position at the lowest risk of flooding. The finished floor levels would be set 600mm above the 1 in 100 year flood level.
- 5.29 NPPF paragraph 163 also requires planning authorities to ensure that flood risk is not increased elsewhere. It is not anticipated that the construction of a dwelling in this position would increase flood risk elsewhere due to the small amount of land affected and the proposal would not displace water, which would still drain downwards towards the beck. A condition can be imposed to ensure the surface water drainage system is designed and agreed with the Lead Local Flood Authority prior to the occupation of the proposed dwelling in order to ensure satisfactory storage and disposal of surface water from the site.
- 5.30 Development is also required to demonstrate that safe access and escape routes are included as part of an agreed emergency plan. The proposed emergency evacuation route is to the north of the application site into the adjacent field and along the rear of properties towards Fullicar Lane to the north east. The route is however circuitous and would not be obvious to the emergency services should the need to access the property arise during a flood event where the usual day to day access route from Water End is not available.
- 5.31 The proposed scheme also includes a plan to register for Floodline Warnings, which would give the occupants the opportunity for advance warning of likely flood events in

order to move high value items to a higher level as well as evacuating people off the site.

- 5.32 In the event of an emergency, however, there may be no safe evacuation route without requiring specialist vehicles and trained operatives, which would put an unnecessary burden on the emergency services. Although there may just be a small chance of such an occurrence, it is not felt that there is such an over-riding requirement for a new dwelling in this location that would outweigh the risk to the occupants from flooding, along with the additional unnecessary pressure on emergency services.

Highway safety

- 5.33 The Highway Authority has considered the application and raised no objection to the proposed development, subject to a number of conditions. Therefore, the principle of the development of the site is not considered to be harmful in terms of road safety.

Planning Balance

- 5.34 The majority of the proposed development is outside of the defined Development Limits and the applicant does not claim any exceptions under Policy CP4. As Brompton is considered to be a sustainable settlement, the Councils Interim Policy Guidance applies. It is considered that the proposal meets the criteria of the IPG. There are no highways objections and it is not considered that the proposal would have a significant impact on heritage assets or residential amenity but the risk resulting from a flood event outweighs any benefits resulting from the development. In conclusion, the application is recommended for refusal.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

The reasons are:-

1. The proposal fails to comply with LDF Policies CP21 and DP43 and paragraph 163 of the NPPF as the proposed means of access/egress to serve the dwelling lie within flood zones 2 and 3 and it has not been demonstrated that there is a safe means of escape.

Parish: Brompton
Ward: Northallerton North & Brompton
3

Committee Date : 14 November 2019
Officer dealing : Aisling O'Driscoll
Target Date: 16 October 2019
Date of extension
of time (if agreed): 31 October 2019

19/01499/FUL

**Construction of 21 affordable residential dwellings with associated landscaping and parking as amended by plans received by Hambleton District Council.
at Land Off Danes Crest Brompton North Yorkshire
for Mr Lea Smith.**

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The application site is located to the north east of Lead Lane and south of Cockpit Hill within the Brompton Development limits and Conservation Area This is an allocated site for housing under policy NH3 of the Local Development Framework (LDF). This site is predominantly in agricultural use (pasture). It is located close to the centre of Brompton and its existing services and amenities. The site is surrounded by residential development, with a small bus depot/garage adjacent to the south. There is a small number of lock up garages on-site.
- 1.2 The application is for full planning permission for the construction of 21 affordable dwellings.
- 1.3 The original submission was for 22 dwellings, however, in order to provide a better layout, landscaping and sufficient parking, one dwelling was removed from the scheme. Access to the development is to be taken from Danes Crest. In order to facilitate this 8 of the existing garages are to be demolished.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- 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 CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP28 - Conservation
- Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
Site Allocation HH3 - LDF allocation of the site for housing
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Brompton Parish Council – No objection subject to the resolution of the following issues:
- Access from Danes Crest
 - Car parking
 - Pedestrian crossing at Cockpit Hill
 - Sewerage and rainwater issues
 - Visibility exiting Danes Crest
- 4.2 Environmental Health Officer – Raised concern regarding noise during construction. A condition restricting hours of work during construction is therefore recommended.
- 4.3 Environmental Health Officer (contaminated land) – No objection subject to conditions relating to gas monitoring and ceasing of works should unexpected contamination be found.
- 4.4 NYCC County Archaeologist – A geophysical survey was received which showed negative results and therefore no further archaeological assessment or mitigation is required.
- 4.5 NYCC Highways Officer – No objections subject to conditions relating to detailed plans, construction of roads prior to occupation of dwellings, parking and a construction management plan.
- 4.6 North Yorkshire Police (Designing out Crime) – The overall design does not raise any significant concerns, however, some issues should be dealt with relating to ambiguous space, external access to rear gardens of mid-terraced properties, secure cycle storage for each dwelling, security lighting for each dwelling, appropriate street lighting.
- 4.7 Yorkshire Water – No objection subject to conditions relating to provision of separate systems of foul and surface water drainage and adherence to the Flood Risk Assessment.
- 4.8 Public Comments: Eight letters of objection were received raising the following issues:
- Traffic and access issues
 - Loss of parking
 - Detrimental impact on neighbouring amenity
 - Flooding and drainage
 - Positioning of 2.5 storey dwellings near the northern boundary
 - Removal of grassed area that children use
 - Road safety
 - Access should be taken from Lead Lane
 - Disturbance during construction/construction management
 - Loss of cul de sac amenity/ability of children to play out safely

5.0 OBSERVATIONS

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:

i) Principle of Development, ii) Affordable Housing and Housing Mix, iii) Design of the dwellings and impact on the surrounding Conservation Area, iv) Highways, v) Residential amenity, vi) Flooding and drainage, vii) Open space, viii) Landscaping

Principle of Development

5.2 The principle of residential development has already been established by the allocation of the site for housing under NH3 of the LDF. The allocation indicates that

- development should be at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 20 dwellings (of which a target of 40% should be affordable)
- type and tenure of housing meeting the latest evidence on local needs
- design of any development respecting the location within Brompton Conservation Area;
- provision of improvements to the access and visibility
- suitable replacement parking provision being provided to replace existing garages on site; and
- contributions from the developer towards the provision of additional school places and local health care facilities as necessary

5.3 It is noted that the proposed development is for 100% affordable housing.

Affordable Housing and Mix

5.3 The allocation policy NH3 requires that 40% of the units be offered as affordable housing. In addition CP9 outlines that in the Northallerton area 40% affordable housing is required as a target on sites of 15 units or more. The application is for 21 units, 100% of which are to be offered as affordable housing. Two units will be offered on an affordable rent basis and 19 on a rent to buy basis. The requirement for the area and under the allocation NH3 is for 40%. The Council's Housing Officer has been consulted and has agreed that the proposal meets the requirements for the area.

5.4 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The table below shows the proposal against the housing mix targets outlined in the Size, Type and tenure SPD. Whilst there are no one bedroom properties the entire development is for two and three bedroom properties. If the bungalows are included in the two bed total there is a provision of almost 57% two bedroom properties. Whilst it is encouraged that more bungalows be provided in this area the applicant has, in essence, provided the amount required by the SPD. In addition the provision of 100% affordable units would outweigh any discrepancy in mix. It is argued, however, that the provision of smaller two and three bedroom houses is in itself desirable and weighs in favour of the proposed development.

Type	Target Percentage	No. of Units	Proposal
One Bedroom	10%	0	0
Two Bedroom	35%	10	47.6%
Three Bedroom	25%	9	42.8%
Four Bedroom	10-15%	0	0
Two Bedroom	10%	2	9.5%

Table: Housing mix compared against SPD Target Mix

- 5.5 The Council's Size Type and Tenure SPD also indicates that the nationally described space standards will be used to guide the provision of new housing. The proposed dwellings all meet the required space standards.

Design of dwellings and impact on surrounding Conservation Area

- 5.6 The application site is located within the Brompton Conservation Area which extends behind Cockpit Hill and south east along Lead Lane incorporating the application site.
- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. LDF policy DP28 states that conservation of the historic heritage will be ensured by identifying, protecting and enhancing Conservation Areas and notes that Development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance and in the case of a Conservation Area, any appraisal produced for that Area. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration. Particularly important considerations will include the position and massing of new development in relation to the particular feature, and the materials and design utilised.
- 5.7 In addition to this the NPPF sets out the following guidance for the assessment of development affecting designated heritage assets:

Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal

Paragraph 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 5.8 The design statement submitted in support of the application outlines the approach taken in the design of the individual house types and the wider site. The layout of the development is somewhat constrained by the topography of the site which slopes down to the north. The design statement indicates that site levels have been designed to create level access to dwellings with the falls across the site minimised through retaining elements and gradients to create a development that harmonises the natural and built environment. The retaining walls also serve to protect levels and root structures around existing trees.
- 5.9 Access is to be taken from Danes Crest sweeping west into the site. The dwellings are to be inward facing with individual access off the main access road. The original submission included areas of landscaping at the entrance to the site. In response to Highways comments regarding parking provision, the layout was altered slightly to accommodate the required number of spaces. This has necessitated a reduction in these landscaped spaces. However, smaller landscaped areas have been introduced within the site to mitigate the overall impact of the built form.
- 5.10 The proposal includes a mix of bungalows, two storey dwellings and 2.5 storey dwellings with dormer windows. The dwellings are arranged in semi-detached and terraced configurations in keeping with the character of the village and which allows for the optimal use of the site. The design has taken into account the wider conservation area which also features a mix of two storey and 2.5 storey dwellings. The 2.5 storey dwellings allow for a larger living space whilst maintaining a reasonably small footprint. The detailed design takes note of other development in the area and incorporates existing elements such as entrance details, window designs and materials such as red brick, render and roof tiles. The design of the dwellings is intended to achieve a modern development which reflects elements of local architecture.
- 5.11 The site itself is located behind existing dwellings on Cockpit Hill, Lead Lane and Danes Crest. The site is therefore somewhat divorced from the main, traditional frontages in the Conservation Area. It is considered, therefore, that the design of the development is appropriate to its surroundings and will preserve the character of the conservation area.
- 5.12 In conclusion, it is considered that the proposed development results in no harm to the significance of the Conservation Area.

Highways

- 5.13 Allocation Policy NH3 indicates that access to the site is possible from Danes Crest. However, visibility improvements will be required in liaison and agreement with North Yorkshire County Council Highways. The Highways Officer was consulted on the application and requested additional information in relation to the following:
- Displaced parking related to the demolition of the garages
 - Information regarding the operation of the remaining garages
 - Additional parking requirements within the development
 - Disconnection between the footway within the development and the existing footway
 - Insufficient width of a section of footway within the site
 - Insufficient space in the turning head.
- 5.14 In response to this a revised layout was provided addressing the parking provision within the site, revised footways and turning head. In response to the loss of the garages the applicant has indicated that Muir Housing Group took vacant possession of the garages in 2017. Since this date the garages have remained vacant.

- 5.15 In relation to the operation of the remaining garages turning details were provided which shows that the retained garages could still be used without adversely affecting pedestrian safety on the footway.
- 5.16 Some concern has been raised in relation to the visibility at the junction of Danelaw Road and Cockpit Hill. The Highways Officer has confirmed that advice backed by research published in Manual for Streets 2 in 2010 states that there is no evidence that reduced visibility at junctions results in an increase of injury collisions in locations such as this. Whilst visibility remains reduced at this junction it has operated without any recorded accident and traffic speeds are low. The Local Highway Authority does not consider the use of the junction to be a matter of concern.
- 5.17 A request has been made for the provision of a pedestrian crossing at this junction. The applicant has considered the viability of providing a crossing and submitted a detailed technical note in support of their position. They have indicated that the development is likely to generate a maximum of 2 pedestrians and 1 bus user during peak hours. Given the size of the development in relation to the surrounding settlement this increase in movement will not have a significant impact on highway safety. The applicant has also considered the logistics of providing a crossing and found that there is no logical location in which to place a crossing. It is argued that a crossing in this area would require build-outs (which would reduce the width of the road) and removal of on street parking and, in one considered location, would require a second crossing on Fullicar Lane. It is considered that a pedestrian crossing is unnecessary in this case.
- 5.18 It is also argued that when there are no formal crossing arrangements, drivers and pedestrians are more aware and this is highlighted by the good safety history of the junction. However, when a pedestrian crossing is introduced, it may be that drivers/pedestrians become complacent increasing the risk. The applicant also draws attention to the argument that the development is for 100% affordable housing where viability of the development is sensitive. The development has already been decreased by one unit to accommodate parking requirements. The provision of unnecessary off-site highways works may compromise the viability of the development.
- 5.19 In light of the above information and Highways Officers comments it is considered that the provision of a crossing is not necessary.
- 5.20 The Highways Officer has formally responded with no objection to the application subject to conditions relating to detailed plans, construction of roads prior to occupation of dwellings, parking and a construction management plan.

Residential Amenity

- 5.21 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.22 The application site is bordered to the north and east by existing dwellings. To the north properties fronting Cockpit Hill have long rear gardens. Ordnance Survey mapping shows these to measure in excess of 15metres in many cases. The properties proposed along this boundary have been set at a minimum, 7 meters back from the boundary with these properties. Whilst there is a marked land level difference between the application site and Cockpit Hill, the first floor windows facing this direction serve bedrooms which have a lower intensity use.

- 5.23 To the east of the site is number 12 Danes Crest. Concern was raised by a member of the public in relation to the impact of new dwellings on the current amenity levels of this property. In response to this the applicant has revised the layout to increase the separation distance between the boundary and the proposed dwelling. The proposed layout also shows that the dwelling proposed in this location is a bungalow and therefore the potential impact on the neighbouring property is reduced. Given the house type in conjunction with the separation distance it is considered that neighbouring amenity will be preserved in accordance with Development Policy DP1.

Flooding and drainage

- 5.24 The application site is located within Flood Zone 1 and area at the lowest risk of flooding. However, parts of the settlement of Brompton lie within Flood Zones 2 and 3. In support of the application a flood risk assessment has been provided. In summary, the report states that:
- a) foul water will discharge to 150 mm diameter public foul sewer in Danelaw Road;
 - b) sub-soil conditions do not support the use of soakaways;
 - c) a watercourse exists approximately 160 metres from the site, which is not feasible; and
 - d) surface water will discharge to public 225 mm diameter public surface water sewer in Danelaw Road, with restriction of 5 (five) litres per second.

- 5.25 Yorkshire Water were consulted and have responded with no objection subject to conditions relating to the provision of separate foul and surface water drainage systems and that the development be carried out in strict accordance with the submitted flood risk assessment.

Open space

- 5.26 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings. In this case part of the justification for the allocation of the site is that it is well connected to existing services and amenities. No specific provision for open space was included in the allocation policy NH3. It is clear from the size of the development site that the provision of onsite facilities would not be achievable. Within Brompton there are three playgrounds. One at Northallerton Road, one at Station Road both of which are within a five to six minute walk of the application site. There is further equipment located on the large village green between Fullicar Land and Water End, which is also approximately within a five minute walk of the site. In addition Northallerton rugby club is within walking distance, approximately 0.8 miles and further open space, skate-park and leisure centre are available at Stone Cross approximately 1 mile from the development site. As such it is considered that further on-site provision is not necessary.

Landscaping

- 5.27 An arboricultural method statement has been submitted in support of the application. The report includes an assessment of the existing trees and hedgerows on the site and sets out the works required to facilitate the development. The main areas for removal of existing vegetation are to the north boundary and to facilitate the access from Danes Crest to the south east.
- 5.28 On the north boundary the hedgerow is unmanaged and outgrown with gaps along its length with a small number of dead trees. This area has been categorised as low quality.

To the south east boundary G1, a group of trees again categorised as low value, will require removal to facilitate the construction of the access.

- 5.29 It is also recommended that a number of other trees require some pruning works including crown lifting. It is considered that the proposed works are necessary to facilitate the development. It is recommended that a condition be imposed to ensure that the tree and hedge works, including root protection areas, are carried out in accordance with the submitted method statement.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered:
Proposed Site Plan 15006-EARCH-PL-SI-DR-A-0110 Revision PO21 received 6th November 2019
Proposed Boundary Treatment Plan 15006-EARCH-PL-SI-DR-A-0112 Revision P01 received 6th November 2019
Proposed Materials Plan 15006-EARCH-PL-SI-DR-A-0113 Revision P01 received 9th July 2019
Housetype 3(s) 15006-EARCH-PL-SI-DR-A-0120 Revision P01 received 6th November 2019
Housetype 5 15006-EARCH-PL-SI-DR-A-0121 Revision P02 received 22nd August 2019
Housetype B1 15006-EARCH-PL-SI-DR-A-0122 Revision P03 received 5th November 2019
Detailed Planting Plan N879-ONE-ZZ-XX-M2-L-0200 Revision P01 received 9th July 2019
unless otherwise agreed in writing by the Local Planning Authority.
3. Unless otherwise approved in writing by the Local Planning Authority the hours of work for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Bank Holidays.
4. (a) Prior to commencement of development gas monitoring and/or a risk assessment shall be carried out by a competent person to assess ground gas generation and migration. The findings shall be submitted to and approved in writing by the local planning authority;
(b) Based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved in writing by the local planning authority.
(c) Prior to occupation of the development, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.
5. If contamination is found or suspected at any time during development, 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.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
 - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
 - (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
 - (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
 - (4) Details of the method and means of surface water disposal.
 - (5) Details of all proposed street lighting.
 - (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
 - (7) Full working drawings for any structures which affect or form part of the highway network.
 - (8) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.
7. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level or block paved (as approved) and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
8. No dwelling shall be occupied until the related parking facilities have

been constructed in accordance with the approved drawing 0110-P021. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV routing
10. Prior to the installation of surface or foul water drainage, full details of the drainage solution shall be provided in writing to and approved by the Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. The development shall be carried out in strict accordance with the details shown on the submitted Flood Risk Assessment , revision 0, prepared by Portland Consulting , dated August 2018, and received by Hambleton District Council on 9th July 2019.
12. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out strictly in accordance with the Arboricultural Method Statement conducted by Elliott consultancy ltd, dated June 2019 and received by Hambleton District Council on 9th July 2019.
13. 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.
14. Prior to the commencement of development, except for the formation of the access, full land and finished floor levels showing existing and proposed levels, across the site, shall be submitted to and approved by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP16, CP17, DP1, DP28 and National Planning Policy Framework.
3. In the interest of neighbour amenity.
4. In the interest of health and safety of the occupants of the development.
5. In the interest of health and safety.
6. In accordance with Policy CP2 and DP3 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
7. In accordance with Policy CP2 and DP3 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
8. In accordance with Policy CP2 and DP3 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. In the interest of satisfactory and sustainable drainage.
11. In the interest of satisfactory and sustainable drainage.
12. To ensure adequate protection of retained trees and hedgerows.
13. To ensure the materials are sympathetic to the character of the surrounding conservation area.
14. For the avoidance of doubt and to ensure that the amenity impact of the proposed development is acceptable in terms of Development Policy DP1.

This page is intentionally left blank

Parish: Carthorpe
Ward: Tanfield
4

Committee Date: 14 November 2019
Officer dealing: Mrs H M Laws
Target Date: 21 October 2019

19/01322/FUL

Construction of a dwellinghouse with parking, bin storage, garden and wildflower meadow as amended by plans received by Hambleton District Council on 3 and 4 October 2019

At: Long Garth Carthorpe North Yorkshire DL8 2LL

For: Long Garth Enterprises Ltd

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Long Garth is a detached bungalow that lies towards the western end of the village on the southern side of the road. To the rear of Long Garth lies a two storey detached block of offices, granted planning permission in 2004. Access to both properties is shared and leads to outbuildings at the rear of the bungalow and then beyond into the car park of the offices. A driveway leads along the western side of the office building to an additional parking area. An area of grassland lies to the south of the hard surfaced car park with no physical boundary separating the two elements. Part of the hard surface and all of the grassed area (approximately 0.1 hectares in total) forms the application site, which is bounded to three sides by mature hedging.
- 1.2 It is proposed to construct a detached two storey dwelling on the plot. Amended plans have moved the position of the dwelling closer to the office building and altered the design. The dwelling, as amended, would have an L-shaped footprint comprising an open plan kitchen/dining/living room and a ground floor bedroom with ensuite. Two additional bedrooms and a bathroom are proposed at first floor. The roof would be steeply pitched with a low eaves height, providing the first floor accommodation within the roofspace; all window openings would be set within a minimum 95mm reveal. The dwelling would be finished in brickwork with a grey corrugated zinc roof and painted timber windows.
- 1.3 Access to the site would be via the existing shared access and driveway serving the bungalow and the office car park. A garage is not proposed but two parking spaces would be provided at the north western corner of the plot. A hedgerow would delineate the boundary between the car park and the garden of the dwelling. The garden of the dwelling would lie principally to the rear and the side; the remaining area of grassland would be retained as a wildflower meadow, separated by estate railings. Gates would be provided from the car park, allowing access through the proposed garden to the wildflower meadow beyond.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 04/00530/FUL - Revised application for the construction of an office block to allow the provision of a fire escape. Permission granted 5/5/2004.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access

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

4.0 CONSULTATIONS

4.1 Parish Council - comment as follows:

- Carthorpe is a linear village and as such any development should remain linear
- The proposed site is outside the boundaries of the village & not on appropriate land - the proposal talks of previously developed land but the site is agricultural land & buildings
- The dwelling does not meet any un-met housing need within the village.
- The proposed property exceeds the footprint of the old agricultural buildings.
- Access appears narrow and may limit emergency vehicles. Highways assessment requested.
- Consideration must be given to the capacity of existing utilities - water and sewage and to the management of surface water.
- Bats in the village are less than 1.6km away from the site.
- Wildflower meadow is outside the planning restriction.

The amended plans do nothing to assuage these concerns; additional comments include the following:

- The proposed site is a greenfield site, which once had agricultural buildings on it some years ago and is not a brownfield site.
- The proposed car parking is designated for use by Long Garth offices.
- Vehicular access is restricted in width.

4.2 NYCC Highways – No objections, conditions recommended.

4.3 NYCC Footpaths Officer - No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

4.4 Yorkshire Water - on the basis of foul water only being drained to the public foul sewer, and surface water drainage connected to the private system that serves Longfield House, no observation comments are required from Yorkshire Water.

4.5 HDC Environmental Health Officer - I have some concern regarding the potential for occupiers to be disturbed by noise from air-conditioning units located on the gable of the adjoining office building. Prior to determination I would recommend that an assessment be submitted demonstrating the impact of these units on the proposed development. BS 4142: 2014 (as amended) provides an acceptable methodology for carrying out such an assessment.

4.6 Site notice/local residents - one objection has been received from a local resident, which is summarised as follows:

- The land is not previously developed land as stated within the application as it is agricultural land
- The general principal of residential development in Carthorpe is parallel and close to the highway. In this manner the development would be entirely out of character and not in keeping with the rest of the village.
- There is no shortage of available homes in Carthorpe where permission has been granted for a further 6 dwellings, all close to and parallel to the highway
- Its present form would set a residential property substantially outside the present developed area of the village and substantially to the rear of every other residence existing, thus forming a substantial incursion to agricultural land
- The drawings submitted to show visibility splays and swept arcs do not show or take account of new build properties already constructed directly opposite the site entrance. At the same time no reference has been made to the increased development along the highway as a result of other approved builds not yet commenced, the increased number of access points to the highway or the likelihood of a significant increase in parked vehicles on the highway.
- Environmental statements suggest enhancements with a wild flower meadow, this already exists naturally in close proximity so would not offer any enhancements.
- The amended scheme is not considered to address these concerns.

5.0 ANALYSIS

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

The principle of development

5.2 The site falls outside of Development Limits as Carthorpe does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by

maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Carthorpe is defined as an 'Other Settlement'; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies adjacent to the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially which continues to the present day. Collectively they have churches, a primary school, two pubs and a shop. Connectivity is good between the two villages which are readily accessible on foot or bicycle as well as by car. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

Character and appearance of the village and the rural landscape

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. Proposals must be small in scale and provide natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 Prior to the construction of the office building on the site, the land to the rear of Long Garth accommodated a working farm, with the agricultural buildings set out in a linear form at right angles to the village street. This linear farmyard formation is found at other locations within and on the edge of the village and so is characteristic of the locality. The linear nature of the office block re-creates this form to some degree.
- 5.8 The current planning application has been amended with the aim of recreating the historic layout of the farmstead thereby positioning the dwelling on the site of the former pig housing and Dutch barn. The position of the dwelling beyond the office block aims to reflect the linear form of the historical farmstead.
- 5.9 Carthorpe is traditionally a village with all its residential properties fronting onto a village street and with very few examples of backland development. Backland development is not always unacceptable but in this instance, the proposed development would result in the dwelling being positioned directly to the rear of the two storey office building, itself slightly incongruous, with a narrow shared driveway adjacent to the domestic curtilage and, as a third row of development protruding into the countryside, would be out of context with its surroundings. The aim of the IPG is to enable the village to evolve in a way that represents the traditional pattern of growth resulting in buildings that are appropriate to their setting.

- 5.10 The examples of backland residential development within the village are few and are not similar to the proposed development. This form of development is not therefore commonly found within Carthorpe and the development of the application site would be of detriment to the form and character of the village, contrary to LDF Policies CP17 and DP32, which require new development to respect local character and distinctiveness.
- 5.11 It is considered that the development of this site would not respect the existing built form and character of the village and would be contrary to CP17, DP32 and criteria 2 of the IPG.
- 5.12 The site is used partly in association with the office building as car parking and partly undeveloped grassland. Although the undeveloped part is not physically separate from the car park it does not have the appearance of being a part of the village. It has more in keeping with the adjacent countryside as part of the rural landscape. The in-depth linear form, characterised by agricultural development in the locality is not considered to be appropriate for residential development, which would extend domestic characteristic, activity and paraphernalia into the rural landscape.
- 5.13 The inclusion of a wildflower meadow beyond the proposed domestic curtilage would not require planning permission to undertake and, in any event, would not have a detrimental impact on either the built form of the village or the openness of the surrounding countryside. However, nor is its inclusion in the application considered to offset the harm caused to the character of the area.
- 5.14 It is considered that the proposed residential development of this site would have a detrimental impact on the openness of the surrounding rural landscape and would therefore be contrary to LDF Policies DP16 and DP30.

Design

- 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 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.
- 5.18 The proposed dwelling has been designed with its scale, form and detailing taking inspiration from an existing redundant farm building that lies on the edge of the next village of Burneston. The roof of the dwelling would be steeply pitched with low eaves to provide the first floor rooms within the roofspace. The design is of high quality and would be acceptable in another location where the context is appropriate. The development in this location does not relate to its surroundings and the local context, which is an overtly rural landscape set beyond an office building with adjacent car park and would therefore be contrary to Policies CP17 and DP32.

Impact on the amenity of neighbouring occupiers

- 5.19 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.20 The position of the site is such that it would allow for a design to achieve satisfactory levels of separation and avoid overlooking and overshadowing. The effect of an additional household served from the existing access is unlikely to have a significant impact on the amenity of the residents of Long Garth.
- 5.21 The existing car park lies immediately adjacent to the position of the proposed dwelling and the amended layout would result in cars being parked within a few metres of the ground floor and one of the first floor bedrooms. The vehicles parked in these spaces would be unlikely to be constantly changing and unlikely to be manoeuvring at unsocial hours. It is also likely that mitigation in the form of a solid barrier such as a wall or close boarded fence could achieve a satisfactory level of amenity and therefore it is not considered that this would result in an impact contrary to the requirements of Policy DP1.
- 5.22 The Council's Environmental Health Officer has raised some concern regarding the air conditioning units on the rear elevation of the office building and their potential to create noise disturbance for the future occupants of the proposed dwelling. It is considered that should there be potential for disturbance that there would be mitigation possible to minimise the impact and would not therefore be a reason to refuse planning permission.
- 5.23 It is considered that the development would not adversely affect the amenity of existing and proposed residents and would be in accordance with Policy DP1.

Highway safety

- 5.24 There would be adequate parking available for use in association with the proposed dwelling. The proposed access to the dwelling would be shared with the bungalow and the offices and would pass through the rear car park of the office building. Although the driveway to the side of the offices is quite narrow, it is adequate to serve the dwelling and there would be sufficient space for parking and turning.
- 5.25 There are no objections to the proposed development from the Highway Authority.

Planning Balance

- 5.26 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. Albeit that there would be some social and economic advantages through the provision of a new house, the economic gain from the residential development and future occupation would be limited. The harm to the form and character of the village and the countryside is substantial and this harm to the environment is not outweighed by the limited social and economic gains. There are no other material considerations that would outweigh the adopted LDF policies and refusal of the application is recommended.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:

The reasons are:-

1. The proposed development is contrary to Core Policy CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the location does not respect the built form of Carthorpe by proposing development where it is considered not to be organic growth of the village, providing a natural infill to existing development or a natural extension to the built form.

2. All new development should respect and enhance the local context and be appropriate to its setting. It is considered that the proposal, by reasons of the backland site location, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of Hambleton Local Development Framework Policies CP17 and DP32.

3. The proposed development is contrary to Policies CP16 and DP30 of the Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the domestic character of the residential development, it would fail to respect the character and appearance of this rural countryside setting and the built form of Carthorpe and would therefore have a detrimental effect on the immediate environment.

This page is intentionally left blank

Parish: Easingwold
Ward: Easingwold
5

Committee Date : 14 November 2019
Officer dealing : Miss Ruth Hindmarch
Target Date: 9 April 2019
Date of extension of time (if agreed):

18/02681/FUL

Construction of 9 bungalows, garages and associated infrastructure, access and parking as amended by details received 2nd September 2019.

**At: Land at rear of Lilac Cottage Stillington Road Easingwold North Yorkshire
for: W&W Estates.**

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

1.0 Site, context and proposal

- 1.1 The application site is approximately 0.55 hectares and currently forms part of a small grassed area to the rear of Lilac Cottage, Stillington Road, Easingwold.
- 1.2 The site is bounded by hedging on the north eastern boundary and there is a protected Oak tree on this boundary (17/00009/TPO2). There is also hedging and some trees on the south eastern boundary with Lilac Cottage to the south west and residential properties to the north west. Beyond the planted boundaries there is consent for residential development that is under construction with some properties that are complete.
- 1.3 Full planning permission is sought for the erection of nine bungalows. These would be a combination of two and three bedroom properties some single storey bungalows and 5 with rooms in the roof space.
- 1.4 A single access would be taken from Stillington Road, east of Lilac Cottage, to serve the development with space for turning and parking of vehicles provided within the site.
- 1.5 The whole of the site is beyond Development Limits. The Development Limits boundary runs along the rear of the properties adjacent on Leasmires Avenue and along the rear of the dwelling at Lilac Cottage and then out along Stillington Road for a short distance. The land to the east now under development, following a successful appeal, is outside the Development Limits.
- 1.6 Throughout consideration of the application amendments have been made to reduce the number of dwelling numbers and also change the dwelling types from two storey dwellings to bungalows.

2.0 Relevant planning and enforcement history

- 2.1 88/1474/OUT – Outline Application for Residential Development – Refused November 1988
- 2.2 13/01703/OUT – Outline application for a residential development (up to 175 dwelling) with associated infrastructure and access – Refused November 2013. Allowed on Appeal.
The appeal site adjoins the application site. Subsequently reserved matters, 17/00519/REM, were approved for the dwellings on 27 October 2017.

3.0 Relevant planning policies

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

4.0 Consultations

- 4.1 Easingwold Town Council – Wish to see the application refused as it is an overdevelopment of the site, there are concerns about traffic flow and it is beyond the Development Limits.
- 4.2 NYCC Local Highway Authority – No objection subject to conditions relating to the access, parking and turning space and site management.
- 4.3 Lead Local Flood Authority (LLFA) – No objection raised but seek additional details of the detailed design and maintenance of the surface water drainage system. (This comment was made when the application was classed as a major, seeking approval for 10 dwellings, the proposal is now a minor and the LLFA have not commented on the updated plans).
- 4.4 Environmental Health Officer – No objection but recommend conditions relating to working hours and the investigation and treatment if land contamination is found.
- 4.5 Yorkshire Water – No objection.
- 4.6 Public comments – Two responses received raising concern over the impact on the privacy of neighbouring occupiers and noise from the development during construction and occupation. Also concerns raised regarding pedestrian and highway safety, drainage problems in the area and lack of affordable housing. [The comments were made when the proposal was for two storey dwellings prior the most recent change to a scheme of bungalows.]

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) highway safety; (iii) drainage (iv) design and (v) impact on residential amenity.

Principle of Development

- 5.2 The site is beyond Development Limits and as such the development of the site for residential purposes would be a departure from the Development Plan, which would require exceptional justification as required by LDF Policy CP4.

- 5.3 The applicant's Planning Statement states:

the principle of development of the site is established through the development of the adjacent Kier site which lies beyond two boundaries of the application site. The Kier site is also outside current development limits. The development of the land adjacent was refused by the council, the first reason for doing so stated '*The proposal represents unsustainable development on a greenfield site outside of the Development Limits without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4, CP6 and DP9 of the adopted Hambleton Local Development Framework*'. The development of the site was subsequently allowed on appeal. A key issue during consideration of that appeal was the housing land supply and whether the council could demonstrate a five year supply. The Inspector concluded there was not a five year supply of deliverable housing sites and therefore the relevant policies for the supply of housing cannot be considered up to date. It follows that, in accordance with paragraph 14 of the NPPF (2012 version), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The conclusions of the planning statement, relating to housing land supply the status of the policies and the planning balance previously found, are not supported by the most recent evidence.

- 5.4 Whilst development of the Kier site is a fact, the appeal was allowed under a different set of circumstances, an important difference being that the council can now demonstrate a housing land supply well in excess of 5 years and the relevant policies for the supply of housing in the Development Plan are up-to-date.
- 5.5 The proposal for housing outside the Development Limits of Easingwold is to be tested against LDF Policy CP4. CP4 states development in locations that are outside the Development Limits will only be supported when an exceptional case can be made for the proposals and provides a number of 'exceptions' where development outside the limits can be supported. The application does not put forward any evidence to show the proposal meets any of the exceptions outlined in CP4. It is however necessary to assess the potential adverse impacts and benefits of the proposed development in order to determine whether justification for a departure from the development plan can be made.
- 5.6 In terms of tenure, all of the units are proposed for private sale and it is not proposed to provide affordable homes either on site or by financial contribution. The policy position for sites beyond Development Limits is that CP4 and CP9A only support schemes that are 100% affordable housing and therefore to accord with LDF policy all the dwellings should be affordable.
- 5.7 The development would have some economic benefits in terms of employment during construction, although this would be short term, and the subsequent occupation and spend of residents to the benefit of the local economy, the benefits would mainly be private to the landowner and developer. Any such benefits would be achieved equally from sites that are within Development Limits and these economic

benefits cannot be a justification to set aside the policy presumptions of the adopted Development Plan.

- 5.8 The site is adjacent a residential area and has close links to the range of services the Service Centre of Easingwold offers, including good transport links to other areas. The scheme would contribute to housing needs in the area, including providing bungalows, for which there is reported to be a high demand. It is evident therefore the proposal has some identifiable benefits. However, the absence of any affordable housing beyond Development Limits, where LDF policies normally require 100% affordable housing is not only a failure to achieve an identifiable benefit but also in clear breach of policy.
- 5.9 While accepting that the NPPF gives a presumption in favour of sustainable development, particularly for housing, and that a five year housing supply is not a ceiling and therefore a reason to refuse otherwise appropriate applications, it must be acknowledged that there is a substantial public benefit to having a following the policies of a plan led system, as identified by the NPPF. LDF policies can appropriately direct future development if they are coherent and broadly NPPF compliant. The Council has reviewed its approach under CP4, introducing greater flexibility in rural areas under Interim Policy Guidance, and updating the Settlement Hierarchy to allow for greater development opportunities in villages and relaxed the phasing requirement of Policy CP5; this responds to the need to boost the supply of housing and maintains a high degree of consistency with the NPPF. The Council has a housing land supply of over nine years, substantially beyond the 5 years plus buffer that is required by the NPPF. With regard to larger settlements the approach remains principally allocation-led within the plan and locational sustainability is, again, NPPF compliant. Development Limits have been demonstrated to serve a legitimate planning purpose, namely to prevent the unplanned outward spread of development. An example of support for this approach is seen in the recently dismissed Raskelf Road, Easingwold (APP/G2713/W/18/3196566) that confirms LDF restrictions on sites beyond Development Limits do not conflict with the NPPF and the appeal was supportive of the Council's position.
- 5.10 In the Publication Draft of the emerging Hambleton Local Plan, the site is not allocated for development however a development limit boundary is not proposed and the site would no longer be outside development limits. The new Local Plan has reached the Representations stage, it has not reached the 'Submission' stage when it is submitted to the Planning Inspectorate and as such can only be given some weight.
- 5.11 It is acknowledged that the provision of bungalows is a benefit to the scheme. The public benefits of the scheme are acknowledged but are limited and do not justify a fuller assessment of the scheme as part of Local Plan process. In contrast, the public dis-benefits are evident: unplanned outward spread of development accompanied by a failure to deliver affordable housing as required by policy CP9A and pre-empting development under the emerging Local Plan.

Highway safety

- 5.12 A single point of access is proposed into the site from Stillington Road with a minimum of two parking in-curtilage spaces per property 4 dwellings are shown to have a garage. The proposals are considered to make appropriate provision for parking to meet the requirements of CP3 that seeks to avoid congestion. It is acknowledged concern has been raised by a local resident regarding the proliferation of access on this part of Stillington Road however the proposals have been examined by the Local Highway Authority and raise no objection to the proposal, subject to standard conditions.

Drainage

- 5.13 The development is proposed to be drained with foul water to the public sewer and the surface water will be discharged at a restricted rate of 4.75 litres per second to the surface water sewer on Stillington Road as soakaway tests have deemed the site unsuitable for surface water drainage via soakaways. The proposal meets the requirements of the LDF policies in this respect. Conditions are necessary to ensure the scheme is provided in accordance with the requirements of the LDF and the LLFA guidance.

Design

- 5.14 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."
- 5.15 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.
- 5.16 The National Planning Policy Framework Planning (NPPF) supports this approach and 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.
- 5.17 The proposed house types are either single storey bungalows or bungalows with rooms in the roof and they vary in scale and design which would add interest to the street scene. The dwellings would be of traditional construction with pitched roofs, the dwellings would have individuality through the use of some gable features and porches to the front and variations in materials. The proposed dwellings would appear appropriate to the location. Features such as canopies and stone lintels and sills to windows provide detailing to enhance the overall design.
- 5.18 In terms of layout the proposed dwellings are mainly detached with moderate gardens and it is considered to be in keeping with the character of the area and would not detract from it. There is a protected tree to the northern boundary, the layout shows the dwellings are outside the tree protection zone and should the application be approved conditions could be attached to ensure its retention and protection.

Residential Amenity

- 5.19 The development provides sufficient distance between the properties and each property has sufficient amenity space. Two neighbour comments have been received raising concern over the impact on the privacy of neighbouring occupiers and noise from the development during construction and occupation. These comments were received prior to the scale of the development being reduced to 9 bungalows. The layout exceeds the 21m back to back separation distance to properties on Leasmires Avenue and given the single storey nature of the dwellings there will only be roof lights in the roof of some of the properties and it is considered the impact in terms of overlooking will be acceptably low. Submitted plans do show the finished floor levels would be higher than the levels at the western boundary to the site however given the siting and scale of the dwellings there would not be any undue impact in terms of overshadowing and overbearing on the properties along Leasmires Avenue.

- 5.20 Given the siting of the host dwelling at Lilac Cottage and the layout of the proposal it is not considered there will be any undue impact on the occupiers of this property. Furthermore the relationship between the proposed dwellings and the adjoining residential development to the north and west is considered to be acceptable.
- 5.21 The Environmental Health team recommend a working hours condition that could be added in the interest of the amenity of surrounding residents if the application were to be approved. The dwellings do meet the Nationally Described Space Standards in terms of floor space. Given the above it is considered the proposal is in accordance with policy DP1 in that the development would adequately protect amenity.

Planning balance

- 5.22 The development would have some public economic benefits in terms of employment during construction, although this would be short term, some positive ongoing economic impact would arise from the activity of the future occupiers. The scheme would provide some social benefit through the provision of additional housing and a good bungalow provision. The location of the site is in a residential area and has close links to the range of services the Service Centre of Easingwold offers, including transport links to other areas and can be undertaken without detriment to the environment. However it is considered these benefits do not justify a departure from the Development Plan and it is considered the principle of development on this site is not acceptable. The site would represent unjustified development outside development limits, the council can demonstrate a healthy housing land supply of more than 9 years, well in excess of 5 years plus buffer required by the NPPF, which also shows the plan led system is working in terms of housing supply within the district.

6.0 Recommendation

That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons are:-

1. The proposed development is beyond Development Limits, does not meet any of the exceptions to Policy CP4 and does not provide any public benefit, namely affordable housing, that would justify unplanned outward spread of development, there are therefore no material considerations that would justify approval. Additionally the Council has a housing land supply substantially in excess of the 5 years plus buffer required by the NPPF, accordingly the approval of additional development contrary to the Development Plan cannot be justified as being necessary.

Parish: Exelby, Leeming and Londonderry Committee date: 14 November 2019
Ward: Bedale Officer dealing: Mrs H Laws
6 Target date: 20 November 2019

18/02413/OUT

Outline application with some matters reserved (considering access) for the construction of a detached dwelling with detached garage and new vehicular access as amended by plan received by Hambleton District Council on 11 October 2019

At: Land north of Ten Trees, Exelby

For: Mr P Simpson

This application is referred to Planning Committee as the application is a departure from the development plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies on the north eastern edge of the village and forms part of a field currently used for grazing. The site covers an area of approximately 0.1 hectares and fronts onto the road leading towards Leeming, bounded by mature hedgerows. A field gate lies in the south eastern corner of the field.
- 1.2 Extensive landscaping lies along the front boundary and trees are positioned along the side and rear boundaries. The land slopes upwards slightly from the road.
- 1.3 It is proposed to construct one detached dwelling and a detached domestic garage on the site, which forms the southern portion of the field.
- 1.4 The application is in outline with access to be approved at this stage. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if outline planning permission is approved.
- 1.5 The proposed dwelling would have vehicular access from the south eastern corner of the site directly onto the existing road.
- 1.6 The existing front boundary hedgerow would be removed to allow the required visibility splay; a new hedgerow is proposed to be planted behind the visibility splay.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/97/048/0324 - Outline application for the construction of a detached bungalow and domestic garage. Permission refused 21/7/1997.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity

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

4.0 CONSULTATIONS

- 4.1 Parish Council – no observations, supported
- 4.2 Highway Authority – conditions recommended
- 4.3 HDC Environmental Health Officer (contaminated land) - No identified sources of contamination and therefore the risk of contamination affecting the development or end users is considered to be low. No objections.
- 4.4 Public comments – comments have been received from two local residents which are summarised as follows:
- Extra traffic on a narrow lane is likely to cause a danger
 - The development will make a significant impact on the size and shape of the boundary to the village
 - Noise and disturbance resulting from use
 - Creation of a precedent
 - It is understood the applicant intends to apply for more houses on the land

5.0 OBSERVATIONS

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

The principle of development

- 5.2 The site falls outside of Development Limits as Exelby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating

to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

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

Character and appearance of the village and the rural landscape

- 5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village and is an undeveloped field beyond the built up boundary of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.9 Although the application site is undeveloped its position is in line with, and opposite existing residential development. The site has more in character with the built form of the village than the rural landscape beyond. Most of the development in this part of Exelby is frontage development and therefore it would be anticipated that frontage development would be most appropriate in this location.
- 5.10 It is considered that the development proposed, without the loss of rural landscape, would not be detrimental to the built form of the village. There would be no harmful impact to the natural, built and historic environment and is in accordance with these aspects of the IPG.

Residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The closest neighbours would be the detached bungalow that lies immediately to the south of the application site and the recently constructed dwellings on the opposite side of the road.
- 5.12 It is considered that one additional dwelling would not create undue noise and disturbance that would be contrary to the requirements of Policy DP1 and that adequate distance would be available to ensure that no unacceptable levels of overlooking or overshadowing would occur. Subject to consideration of a reserved matters application it is suggested that the amenity of the existing and proposed residents would be protected.
- 5.13 The proposed development would therefore accord with LDF Policy DP1.

Effect on trees and hedgerows

- 5.14 LDF Policy DP30 states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views."
- 5.15 The existing tree at the entrance to the site would be removed as would most of the front boundary hedge in order to provide a visibility splay. The tree is not considered to be of special merit.
- 5.16 The development proposes to replace the front boundary hedge with a new hedge behind the visibility splay and also to provide a hedge along the northern boundary of the application site where currently there is no boundary. A number of trees are proposed to be planted along the boundaries of the site.
- 5.17 It is considered that the new planting, which is proposed to compensate for the loss / replacement of the existing planting, would help to assimilate the new development into the village environment in accordance with Policy DP30.

Highway matters

- 5.18 Notwithstanding the position of the proposed access opposite existing individual access points, the Highway Authority does not consider that the proposed development would give rise to highway safety issues; conditions are recommended.

It is concluded that the proposed development will have no harmful impact on road safety and is in accordance with Development Policy DP3.

Other comments

- 5.19 The proposed development lies opposite residential development recently approved under the same IPG guidance but this is not seen as a precedent as each application is viewed on its own merits. Should a planning application be submitted for either a revised number of dwellings on this site or an additional number on a larger plot, the merits will be considered at that time based on the relevant planning policy.

Planning Balance

- 5.20 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 or residential amenity. 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. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and hedgerows illustrated on drawing number 2017:46/02E, has been submitted to and approved by the Local Planning Authority. No part of the

development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
 - a. The details of the accesses shall have been approved in writing by the Local Planning Authority
 - b. The crossings of the highway verge shall be constructed in accordance with the approved details shown on drawing 2017:46/02 and Standard Detail number E50.
 - c. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
10. There shall be no access or egress by any vehicles between the highway and the residential site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 59 metres measured along both channel lines of the major road U1443, Exelby to Westfield Lane, from a point measured 2.0 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.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a. vehicular parking
 - b. vehicular turning arrangements
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2017:46/02; received by Hambleton District Council on 11 October 2019; unless otherwise approved in writing by the Local Planning Authority.
15. The development hereby approved shall be for no more than one dwelling house.

The reasons are:

 1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
 2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
 3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
6. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
7. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP1 and DP1.
8. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
10. In the interests of highway safety in accordance with LDF Policies CP2 and DP4
11. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
14. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
15. For the avoidance of doubt and to ensure that the scale of development is appropriate to this location and to comply with the requirements of the Council's Interim Policy Guidance.

Informatives

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

1 x 240 litre black wheeled bin for general waste

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

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

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

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

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

2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 9.
3. The proposals required by condition 11 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

This page is intentionally left blank

Parish: Great Ayton

Ward: Great Ayton

7

Committee date: 14 November 2019

Officer dealing: Mrs Angela Sunley

Target date: 5 March 2020

19/00009/TPO2

Confirmation of Tree Preservation Order 2019/No.9

At 100 Guisborough Road, Great Ayton, North Yorkshire, TS9 6QJ

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

1.0 SITE, CONTEXT AND PROPOSAL

1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 19/00009/TPO2.

1.2 A member of the public submitted a request to place TPO's on trees within the garden areas of 100 and 102 Guisborough Road, Great Ayton. The individual considered that it is of a great importance that mature Oak trees like these are retained and preserved through this protective legislation. They stated that the trees are a feature of this area, visible to a wide audience and contribute significantly to the amenity value of the area, since they lie on one of the main roads into the village.

1.3 There were no observations in regards to the tree within the garden of 102 Guisborough Road, and as such a Tree Preservation Order for that tree has been confirmed. However, observations were received in regards to the placing of a TPO on the tree at 100 Guisborough Road and as such the application is being brought to Committee to determine.

1.4 The Oak tree stands in the front garden of the dwelling at 100 Guisborough Road. The tree stands adjacent to a public footpath and a highway and is visible from public view points along the road frontage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There is no relevant planning or enforcement history although as noted a Tree Preservation Order has been confirmed on a tree at the adjacent property.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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

4.0 CONSULTATIONS

4.1 Representations - Two objections have been received, 1 from the owners of the dwelling at 100 Guisborough Road and the neighbouring property at 102. The comments are summarised as follows:

- Owner of tree at 100 Guisborough Road: A tree surgeon inspected the tree on 13 September 2019. On inspection they found the tree to be diseased, suffering from Beef Steak Fungus (*Fistulina hepatica*). The tree surgeon advised the tree would last

around 10-15 years if maintained and managed appropriately. The tree surgeon felt a tree with such a disease should not be subject to a TPO, therefore we wish to formally object to the TPO, so we can manage the tree whilst not posing a danger to our property, our neighbour's property and the surrounding area.

- Neighbouring property at 102 Guisborough Road – The tree has been identified as being diseased by a tree surgeon. He has advised that the tree may potentially cause structural damage to both properties. We would therefore like to oppose the proposal.

5.0 ANALYSIS

- 5.1 The purpose of a tree preservation order is to protect trees which are deemed to be of significant amenity benefit to the local surroundings especially if they are in immediate risk of removal.
- 5.2 At this present time the tree does not appear to be in direct risk of removal, although it is clear from representations that the owner considers that the tree may need removal in the near future owing to its apparent health issues. The tree prominent in views from Guisborough Road and the public footpath and makes a positive contribution towards the character, appearance and amenity of the wider area.
- 5.3 The observations received state that a tree surgeon inspected the tree and found the tree to be diseased and that the tree may potentially cause structural damage to both properties within this area. No Arborist or structural report has been submitted to the Council to substantiate these concerns. The occupier of 100 Guisborough Road was contacted and asked if they would like to submit the tree report to the Council, so that it could be taken into consideration. At the time of writing this report, no further information has been submitted.
- 5.4 A site visit was undertaken and there was evidence of some degree of disease on this tree. However, taking into consideration the observations from the occupier which states that, "if the tree is maintained and managed appropriately, the tree would last around 10-15 years", it is considered reasonable to confirm the TPO to ensure that any proposed maintenance work undertaken on this tree would be carried out in accordance with British Standard 3998 (Tree Work) by the owner of the property, thus ensuring its amenity benefit in the longer term.
- 5.5 If the Oak tree was to be felled or maintained inappropriately, this would have a detrimental impact on the amenity of the area. The Oak tree contributes to the amenity of the area and is considered to be a valuable asset. The tree is a prominent feature within this locality and makes a positive contribution toward the character and appearance of the street scene and the wider area.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 It is considered that the tree contributes positively toward the amenity, character and appearance of the area.
- 6.2 It is therefore recommended that TPO 2019/No.9 Order **be confirmed**.

Parish: Great And Little Broughton

Committee date: 17 November 2019

Ward: Stokesley

Officer dealing: Peter Jones

8

Target date: 11 November 2019

19/01545/FUL

Demolition of existing property and proposed residential development, comprising the construction of 4 No detached dwellings

At 153 High Street Great Broughton North Yorkshire TS9 7HB

For Purpose Build Group Ltd

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

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site is located at the southern end of Great Broughton and on the eastern side of the B1257 High Street from which it is accessed by a double gated single driveway.

1.2 The site, which extends to an area of 0.63 hectare, is currently partially occupied by a detached dwelling with attached single garage, a commercial workshop building and adjacent shed, a large area of hardstanding and an extended garden area. The extended garden is cut through by the Holme Beck

1.3 The site is bounded by the extensive curtilage of a dormer bungalow (151 High Street) to the north, with further residential properties beyond and agricultural land to the south and east. The B1257 forms the western boundary with residential properties opposite and to the north west and south west.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

Supplementary Planning Guidance – Size, Type and Tenure

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – The Parish Council has concerns re this application. The village is attempting to assimilate the current 26 house development in the village, more housing is not sustainable. This is not valid as we are no longer a service village. Development requires removal of another 17 trees and hedgerows. We would like to add that the development will breach the natural boundary which is the beck that runs in the south part of the development

4.2 Highway Authority – There is a concern in relation to the visibility that is available at the access. The 30mph speed limit just south of the access and as such the exact speeds of vehicles of in the area are not known as vehicles accelerate/ decelerate near to the change in speed limit. There appears to be some confusion as to what visibility splays can be achieved here. The Planning Statement indicated a 2.4m by 120m splay however the plan showing the site layout from Wardman Brown indicates splays of 2.4m by 43m are appropriate here. It should be noted that on this plan the splay line is not complete to the north as it does not indicate the intersection with the kerb line, also the visibility splay to the south shows the splay being drawn to the opposite side of the road. Visibility splays are measured to the nearside carriageway edge in these circumstances.

Given the proximity to the national speed limit and the issues above I will require further information and justification with regard to the visibility splays that are available at the access. The visibility splays should be justified in line with the guidance from Manual for Streets or the Design Manual for Roads and Bridges as appropriate and justified by means of a speed survey. Once the "y" distance has been established I will need a detailed plan showing how these splays, particularly the splay to the south, can be achieved taking into account the physical restraints of the bridge pillars and fencing in that direction.

Further information has been submitted by the applicant and the Highway Authority has confirmed that they withdraw their objections to the proposals, subject to conditions.

4.3 Northumbrian Water - No objections as surface water is to discharge to the watercourse.

4.4 Environmental Health - No objections but wish to advise the developer that there should not be any connections to the surface water system of sinks, dishwashers etc. that could result in the pollution of the stream.

4.5 Representations have been received from two local residents objecting to the development, summarised below:

- Loss of light & overshadowing to neighbouring property
- The high street is already a slalom course getting in & out due to parked cars all over the high street & more & more houses being built
- The only entrance to this property is far too small to get in & out of this property for 6-8 cars & will lead to car accidents & damage to property.
- Development is out of character
- Insufficient local services
- Poor local drainage

5.0 ANALYSIS

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

The principle of development

- 5.2 The site falls outside of Development Limits of Great Broughton. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Great Broughton is defined as a Service Village. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Great Broughton is considered to be a sustainable community where the principle of development under the IPG will be supported and therefore the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the main built up part of the village. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.8 It is considered that the cul-de-sac development form, whilst exhibited in the locality, is not characteristic of the village and is otherwise an alien feature. In this case this is further exacerbated owing to the location of the development on the edge of the village, a site which is considered to have more in association with the open countryside surrounding the village, than the built up area of the village. The proposed development is considered to have a harmful impact on the character and form of the settlement and the character of the countryside surrounding the settlement.
- 5.9 It is considered that the proposed residential development of this site would have a detrimental impact on the openness of the surrounding rural landscape. The development is also considered to be harmful to the character and form of the village. The development fails to accord with the requirements of the Interim Policy Guidance and is contrary to LDF Policies DP16, DP30, CP17 and DP32.

Design

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The proposed development is for four number, four bedroomed houses. The architectural forms in the village are mixed, especially towards the edge of the village,

where more modern development tends to prevail. The application proposes four large detached houses of individual design. The design is generally considered to be acceptable. However, concern must be expressed in terms of the Council's Supplementary Planning Guidance on Size, Type and Tenure which seeks a mix of housing to support locally identified need. This need is mainly for 2 and 3 bedroom houses and the proposed development is for four bedroomed properties. It is considered that the proposed development fails to meet the requirements of housing need in the area.

Residential amenity

- 5.12 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.13 It is considered that the additional dwellings would not create undue noise and disturbance that would be contrary to the requirements of Policy DP. It is considered that the separation distances to adjacent properties at 149 and 151 High Street are adequate to ensure that no unacceptable levels of overlooking or overshadowing would occur as a result of the development.
- 5.14 The proposed development would therefore accord with LDF Policy DP1.

Highway matters

- 5.15 Concern was initially raised by the Highway Authority with regard to the access and further information was provided by the applicant to address these concerns. The further response of the Highway Authority will be reported to Planning Committee by way of the up-date papers.

Planning Balance

- 5.16 In assessing this application it is clear that the proposal would create additional dwellings in a sustainable location without causing harm to highway safety or residential amenity. 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. However, the proposed development is considered to result in a harmful impact on the character and form of the settlement and as such is considered to fail to accord with the requirements of the Council's Interim Policy Guidance. The development is also considered to fail to accord with the requirements of Development Policy CP17, DP16, DP30 and DP32.

6.0 RECOMMENDATION

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

1. The proposed development is contrary to Core Policy CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the location does not respect the built form of Great Broughton by proposing development where it is considered not to be organic growth of the village, providing a natural infill to existing development or a natural extension to the built form.

2. All new development should respect and enhance the local context and be appropriate to its setting. It is considered that the proposal, by reasons of the site location and development form, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of Hambleton Local Development Framework Policies CP17 and DP32.

3. The proposed development is contrary to Policies CP16 and DP30 of the Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the domestic character of the residential development, it would fail to respect the character and appearance of this rural countryside setting and the built form of Great Broughton and would therefore have a detrimental effect on the immediate environment.

4. The proposed development of larger, four bedroom dwellings is considered to fail to meet locally identified housing needs and fails to accord with LDF policies CP8 and DP13 and the Council's Supplementary Guidance on Size, Type and Tenure.

19/01882/FUL

**Installation and operation of a solar farm and associated infrastructure.
at South Lowfields Farm Lowfield Lane Kirkby Fleetham North Yorkshire
for Lightsource SPV 155 Limited.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies to the south east of Kirkby Fleetham, north east of Little and Great Fencote and west of the River Swale. The site comprises approximately 226 acres and is currently in agricultural use. The site is accessed from the existing farm track off Lowfield Lane to the north of the Site.
- 1.2 The site is broadly flat in character with well-established hedgerows and small woodland blocks on field boundaries. The surrounding landscape is predominantly rural with limited areas of woodland in all directions. The fields surrounding the site comprise of further farmland, with a sewage works located adjacent to the western boundary and high voltage electrical infrastructure crossing the site.
- 1.3 The application is for the installation and operation of a solar farm and associated infrastructure. This includes solar PV panels, substations, transformers, monitoring house, toilet facility, security fencing, access track within the site and CCTV security system.
- 1.4 This Solar Installation will have a generation capacity of 49.9 megawatts (MWp) and will generate enough electricity to power the equivalent of 15,730 houses annually. This will result in 19,800 fewer tonnes of carbon dioxide emissions from energy generation in the UK each year.
- 1.5 The proposal is for a temporary development for the operational life of the solar farm. At the end of the solar array's operational lifetime, all equipment associated with the Solar Installation will be removed and the land restored to sole agricultural use. If a defined permission term is required by Council, then a minimum term of 30 years is requested. Solar PV panels are currently manufactured with performance warranties of 30years plus – this guarantees the performance of the panels to a certain minimum level at year 30 of operation, the panels will continue to work efficiently and economically well beyond this performance warranty period.
- 1.6 The application is supported by the following reports:
 - Solar Photovoltaic Glint and Glare Study
 - Transport Statement
 - Aquatic Habitat Assessment
 - Sequential Test Analysis
 - Construction, Decommissioning and Traffic Management Assessment
 - Agricultural Land Classification
 - Landscape and Visual Appraisal
 - Landscape and Biodiversity Management Plan
 - Great Crested Newt Assessment
 - Ecological Appraisal
 - Statement of Community Involvement

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 19/00888/SCR - Request for screening opinion pursuant to Town and Country (Environmental Impact Assessment) Regulations 2017 for a 49.9mw solar installation – Environmental Statement Not Required
- 2.2 15/02801/SCR - Screening opinion for a solar farm – Environmental Statement Not Required
- 2.3 10/01404/FUL - Construction of an agricultural building for the housing of livestock and the storing of associated bedding materials and feed stuffs as amended by plans received by Hambleton District Council on 10 and 12 August 2010 - Granted

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP26 - Agricultural issues
- Development Policies DP28 - Conservation
- Development Policies DP29 - Archaeology
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP33 - Landscaping
- Development Policies DP34 - Sustainable energy
- Development Policies DP36 - Waste
- Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

- 4.1 Kirkby Fleetham with Fencotes Parish Council – Wishes to see the application approved.
Some concern raised over the transportation route especially during school pick up and drop off times. Recommend approval subject to conditions controlling the movement of HGVs during construction
- 4.2 Environment Agency - Provided the LPA are happy that the FRA demonstrates that the site does not lie within functional floodplain then we have no objections to the proposed development subject to the works being carried out in accordance with the FRA and subject to a condition relating to compensatory storage.

- 4.3 Natural England – No Objection
- 4.4 Northern Gas – Objection based on proximity of building to existing gas pipeline. Negotiations ongoing, however, it is expected that an agreement can be reached that will enable the lifting of the objection.
- 4.5 NYCC Archaeologist – Geophysical survey indicated a complex multi-phase settlement that was previously unrecorded. NYCC Archaeologist agrees that mitigation should advance understanding of the new settlement and safeguard it for the lifetime of the solar farm (removing the threat from degradation from the plough). Currently awaiting formal comments on the mitigation strategy
- 4.6 NYCC Highways – No objection subject to conditions
- 4.7 NYCC Lead Local Flood Authority – No objection
- 4.8 MOD Safeguarding-RAF Leeming – No objection subject to conditions to ensure the removal of bird attractants (loose earth, pooling on site etc).
- 4.9 SABIC UK – No Observations
- 4.10 Public Representations – 18 Representations in support of the development and 3 objecting have been received. The issues raised are summarised below:

Concerns raised include:

- Routing of vehicles during construction and management of the development
- Disruption during construction
- Impact on breeding birds in the area

Supporters of the scheme raise:

- Local and national benefits to the environment
- Site is well screened
- Scheme will enhance wildlife
- Disruption would be short-lived
- Once installed it will not be visible
- Opportunity for farm diversification
- Solar energy should be encouraged
- Will help to reach regional carbon targets
- Will reduce farm related traffic in long term
- Combat climate change

5.0 OBSERVATIONS

- 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 the development, including national and local planning policies on solar energy and Agricultural Land Classification
- Impact on landscape and the character of the countryside
- The cumulative impact of this and other solar schemes
- Impact on Heritage Assets and Archaeology

- Drainage and flooding
- Neighbour amenity, health and safety
- Ecology
- Highways, access and construction issues
- Community involvement

The Principle of development, including national and local planning policies on solar energy and agricultural land classification

- 5.2 Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF deals with the promotion of renewable energy projects. Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 5.3 Paragraph 150 of the NPPF indicates that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 5.4 Paragraph 154 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 5.5 In terms of Development Plan policy, Core Strategy Policy CP1 indicates that the use and development of land will be assessed against the community's housing, economic and social requirements, protection and enhancement of the natural and built environment and minimisation of energy consumption and the need to travel. Proposals will be supported if they promote and encourage or protect and enhance: the conservation of scarce resources and reduction of their use, and encouragement to the use of sustainable resources.
- 5.6 Core Strategy Policy CP4 states that outside of development limits development will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where inter alia it would make provision for renewable energy generation, of a scale and design appropriate to its location.
- 5.7 LDF Policy DP34 of the Hambleton Local Development Framework Development Policies states that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable sources.

The Policy goes on to state that developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions.

- 5.8 Government Guidance “Planning for renewable and low carbon energy” encourages the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. Where a proposal involves greenfield land, the following will also need to be taken into account: whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 5.9 The site was subject to an Agricultural Land Classification (ALC) survey, conducted in April 2019. This identifies approximately 21ha as grade 3a (Best and Most Versatile Land), approximately 58ha as grade 3b (not BMV land) and approximately 21ha as grade 4 (not BMV land).
- 5.10 Grade 3a is considered to be the Best and Most Versatile agricultural land (BMV). Hambleton District is mainly Agricultural Grading 2 and 3, with small areas of Grade 1 and 4 land. The NPPF states that Local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 53 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.11 Development Plan policy CP16 “Protecting and Enhancing Natural and Man-made Assets” specifically refers to BMV in its introductory text (as part of the open countryside) and states: “Development or activities will not be supported which:
- i. Has a detrimental impact upon the interests of a natural or man-made asset;
 - ii. Is inconsistent with the principles of an asset’s proper management;
 - iii. Is contrary to the necessary control of development within nationally or locally designated areas.”

In this regard, BMV is clearly an asset that would normally be protected under this policy.

- 5.12 In this case the majority of the land falls under grades 3b and 4 which are not considered the best and most versatile land. The applicant argues that the site has also been considered in relation to proximity to the Leeming Bar substation which is the point of connection to the National Grid. The proposed grid connection therefore will not need to cross main roads or railway lines and can be a prohibitively costly and technically problematic issue for the development of solar farms.
- 5.13 It is noted that the development would be temporary (30-40 years) and the use reversible, with little in the way of ground disturbance. The proposal would not lead to an irreversible loss of agricultural land irrespective of land quality. This argument has been accepted by Planning Inspectors and the Secretary of State in considering appeals relating to BMV and also by this Council in the determination of previous applications for solar farms. The proposal has also been designed to accommodate sheep grazing beneath and between the rows of solar panels, to maintain grasslands within the Site and maintain an agricultural use.
- 5.14 A sequential test was also carried out by the applicant. The report indicates that the size of a suitable study area depends on the size of the electricity generating

station. The cost of connection to the electrical grid increases substantially with distance from the connection point. Therefore, the maximum viable distance from the site to the point of electrical connection to the grid has been determined to be no more than 4 km. This results in a 4 km radius of the Leeming Bar substation.

- 5.15 Within the study radius, land to the west of the A1 was discounted due to the requirement of the connection to cross the A1 to reach the Leeming Bar substation. To the east of the A1 agricultural land with a classification grade of 2 or higher was discounted. Topography, scale and proximity to residential dwellings and public rights of way were also considered in the search for an appropriate site. The chosen site benefits from local undulation and significant screening from existing woodland areas which acts to reduce the visual extent of the development.
- 5.16 It is considered that, in principle, the proposed development meets the requirements of national and local policy.

Impact on landscape and the character of the countryside

- 5.17 LDF Policy DP30 advises that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.18 Paragraph 170 of the NPPF indicates that Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 5.19 A Landscape and Visual Impact Assessment (LVIA) was submitted with the application assessing the effect of the proposed development upon the landscape character.
- 5.20 The assessment indicates that the development site is located in an area with established screening giving rise to limited open views. Screening is afforded by extensive existing vegetation both onsite and within the surrounding context. The site has a relatively flat and low-lying topography within the site. A large embankment alongside the River Swale reduces the visibility from the east. The existing screening provides multiple layers of vegetation which effectively block and filter views of the Development. There will be some filtered views of the Development from the network of local roads and public rights of way that cross the area. Additional mitigation planting is proposed as part of the Development which will further reduce views, and both add to the exiting vegetation layers in the landscape.
- 5.21 The proposed development will result in a change to the character of the landscape in this area, through the installation of what are effectively industrial structures. However, overall it is considered that the degree of harmful impact of the development on local landscape character is low.

The cumulative impact of this and other solar schemes

- 5.22 The National Planning practice Guidance indicates that cumulative impacts require particular attention, especially the increasing impact that large scale solar farms can have on landscape and local amenity as the number of solar arrays in an area increases; local topography is an important factor in assessing whether large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominately flat landscapes as in hilly or mountainous areas.
- 5.23 The closest array to the development site is sited at land to the North East of Ainderby Steeple. This solar farm was approved in 2014 and has been installed. The remaining installed arrays beyond this are located some distance away at Dalton, Hushwaite and Easingwold. It is considered that the cumulative impact on the landscape in this case is acceptable.

Impact on Heritage Assets and Archaeology

- 5.24 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. LDF policy DP28 states that conservation of the historic heritage will be ensured by [...] ii. identifying, protecting and enhancing Conservation Areas; [...] Development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance, in accordance with the national legislation that designates the feature, and in the case of a Conservation Area, any appraisal produced for that Area. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration. Particularly important considerations will include the position and massing of new development in relation to the particular feature, and the materials and design utilised.
- 5.25 In addition to this the NPPF sets out the following guidance for the assessment of development affecting designated heritage assets:

Paragraph 193: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal

Paragraph 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

- 5.26 The application site borders the eastern edge of the Kirkby Fleetham Conservation Area. Kirkby Fleetham is situated around a spacious village green of about 4 acres. On three sides the green is enclosed by modest buildings, on the south east side

there are no buildings giving an uninterrupted view to the countryside beyond (towards the application site). This has been taken into account in the design of the layout of the array so that the panels are adequately separated from the edge of the Conservation Area. In this regard it is considered that there will be no significant impact on the character of the Conservation Area.

- 5.27 A heritage impact statement was submitted in support of the application. The statement indicates that data provided by the National Mapping Programme identifies a number of potential subsurface archaeological remains. Despite the past agricultural activities on the land which has destroyed surface evidence, there was a medium-high potential that subsurface remains have survived. A geophysical survey was recommended.
- 5.28 During the life of the application the geophysical survey was undertaken. The survey indicated a complex, multi-phase settlement that was previously unrecorded. In response to this the applicant proposed a mitigation strategy to advance the understanding of the new settlement and safeguard it for the lifetime of the solar farm whilst also removing the threat of degradation from the plough. At the time of writing North Yorkshire County Council's Archaeologist and the applicant were in the process of agreeing the details of the mitigation strategy and conditions. NYCC Archaeologist has confirmed, however, that the remaining issues can be addressed through the mitigation strategy and planning conditions.

Drainage and flooding

- 5.29 Paragraph 158 in NPPF states that developments located within Flood Zone 3 should apply a risk based sequential test in order to steer the proposed development towards areas classed as having a lower probability of flooding. Paragraph 159 and 160 in NPPF does, however, acknowledge that under certain circumstances it may not be possible to locate the development on land identified as having a lower risk of flooding (Flood Zone 1) but the benefits of the development should be clearly stated.
- 5.30 A large section of the site is recorded as being located within flood zone 3b – functional floodplain. A flood risk assessment has therefore been carried out which includes detailed flood modelling. The flood risk assessment concludes that the Flood modelling has demonstrated that the development is not located within the functional floodplain, as large flood embankments are located adjacent to the River Swale. The Development site should be considered as being located within Flood Zone 3a and benefitting from flood defences.
- 5.31 Subsequently the Environment Agency was consulted and have responded as follows: The FRA submitted with the application details that the site should not be classed as functional floodplain based on detailed modelling that the applicant has carried out. This would appear to be backed up by the historic information also detailed within the FRA. Provided the LPA are happy that the FRA demonstrates that the site does not lie within functional floodplain then we have no objections to the proposed development subject to the works being carried out in accordance with the FRA and a condition relating to compensatory storage.
- 5.32 As the development has been determined to be located in flood zone 3a and the development is classed as 'Essential Infrastructure' an exception test is required. The Planning Practice Guidance to the NPPF also states that the two criteria set out in the Exception Test should be applied to developments:

1. It must be demonstrated that the Development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment; and

2. A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.33 In response to this the applicant argues that the primary function of the Development is to produce green energy for export to the National Grid. Sections 2.2.1 to 2.2.6 of the Flood Risk Assessment have demonstrated that onsite flood risk, and the potential risk of offsite flooding, will not increase as a result of the Development. Additionally, it is considered that the Development will provide significant wider sustainability benefits in terms of a significant supply of renewable energy to the National Grid.

5.34 Sections 2.2.4 and 4 of the Flood Risk Assessment demonstrate that current surface water runoff rates will be maintained for the life time of the Development, as climate change allowances have been factored into surface water runoff calculations. The embedded development design ensures that the non-critical elements of the development have been designed to be flood resilient (PV arrays) while the critical infrastructure has been designed to be flood resistant. An evacuation plan for construction contractors will be established in the event that overtopping (or possible breach of) flood defences to the west of the development site during the construction phase. Similarly, an evacuation plan for visiting servicing personnel will also be in place during the operational phase.

Neighbour amenity, health and safety

5.35 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

5.36 During the construction phase the applicant has indicated that excavation requirements are minimal and no large machinery is required. During the operation phase some noise will be generated by inverters, transformers and the substation, however, given the distance to neighbouring dwellings this is unlikely to have a significant impact on amenity.

5.37 A Glint and Glare assessment has been carried out to assess the impact of the development on aviation. For clarity the following definitions are provided by the applicant:

Glint – a momentary flash of bright light typically received by moving receptors or from moving reflectors.

Glare – a continuous source of bright light typically received by static receptors or from large reflective surfaces.

The assessment found that the orientation of the panels in relation to the assessed flight paths and approach points would negate any impact on aviation.

5.38 Due to the presence of a Northern Gas Networks pipeline which runs through the centre of the site, northern Gas raised a holding objection to development pending consultation with their technicians. During the life of the application the applicant has liaised with Northern Gas Networks to ensure that the site can be developed and operated safely. At the time of writing there was general agreement that a designated crossing point for vehicles should be agreed. This crossing point may need to be reinforced to ensure that heavy vehicles do not damage Northern Gas

assets underground. It is considered that this information can be agreed by condition.

Ecology

- 5.39 The ecological appraisal submitted with the application state that the only habitats of value that will be lost to the Development will be small amounts of semi-improved grassland, which represents a limited amount of the Site's overall ecological value. Following changes to management of habitats on the site to maximise benefits for biodiversity, the change in land use will provide a net gain in the ecological value of the grassland beneath and between the solar panels and in areas outside the solar panel footprint.
- 5.40 Enhancements have been proposed with the aim of providing a local net biodiversity gain, such as planting additional hedgerows to connect the Site to a wider area, filling in existing hedgerow gaps, creation of log/brush/grass piles and installing bird and bat boxes. Mitigation measures have been recommended to minimise the risk of harm to badgers, bats, reptiles and birds during the construction phase of the Development. It is recommended that a condition be included in the decision requiring the development to be carried out in accordance with the ecological appraisal.

Highways, access and construction issues

- 5.41 The Highways Officer has commented as follows: It is acknowledged that the main concern from a highway perspective is the routing of construction traffic to and from the application site. The most suitable route for construction/delivery vehicles has already been highlighted by the applicant within the Transport Statement and it is agreed that access via the B6271 and Langton Bridge is not appropriate. Whilst the width of Lowfield Lane is of concern for the Local Highway Authority with regard to HGV movements, it is accepted that vehicle trips will only form a temporary intensification on the local network. The timing of HGV vehicles making deliveries to the site will reduce the chances of large vehicles meeting on Lowfield Lane. There is no Highways objection subject to conditions relating to highways condition survey and construction management plan.

Community involvement

- 5.42 The applicant held a public community information event on Wednesday 12th June 2019 at the Kirkby Fleetham Village Hall between 4pm and 6:30pm. Earlier in the day two other sessions were held for Councillors and Parish Councillors. The Council is in receipt of an information pack which was available at the event. A public notice was placed in the 1st June 2019 editions of the Darlington & Stockton Times and The Northern Echo inviting people to the event. Copies of the information leaflets, along with invitations to the Information Event were sent to the local MP, County Councillor, Ward Councillors, District Councillors and Parish Council. A site walkover was arranged with Kirkby Fleetham and Fencote Parish Councillors on Wednesday 12th June 2019. Three representatives of Lightsource BP attended the meeting, the purpose of which was to provide members with an overview of the proposal while viewing the site. A summary of feedback gathered at the event was provided along with the applicants responses in the Statement of Community involvement.
- 5.43 In addition a further event was held on request of the Parish Council in order to discuss the construction traffic. Following the meeting the transport statement was updated to reflect feedback from the community. The Highways Officer has subsequently confirmed that the update is acceptable.

Planning Balance

- 5.44 The proposed development will result in a detrimental impact on the appearance of the local landscape. However, owing to the landscape form, the scope of this impact is considered to be limited. The development will result in the loss of Best and Most Versatile farm land. This loss is relatively transient and not considered to be sufficient to warrant a recommendation for refusal. The proposed development will have an impact on the use of the local highway network, although this is mitigated through the provision of a detailed transport management plan. It is considered that the relatively minor detrimental impacts of the proposed development are sufficiently offset by the environmental gains through the provision of renewable energy on the scale proposed to allow the proposed development to be recommended for approval.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to any outstanding consultations and 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:

South Lowfield Farm_Proposed Layout_Rev15 Slow_01 received 11th October 2019

Road Cross Section RCS_01 received 4th September 2019 CCTV Pole Details CCTV_01 received 4th September 2019

Deer Fence Details inc. Mammal Gates DRF_01 received 4th September 2019

Landscape Masterplan 3362-DR-LAN-101 Revision E received 4th September 2019

Panel Elevation 4 Landscape for Bifacial PNL_4L-BI received 4th September 2019

Switchgear/Production Substation/MV&LV Kiosk Details SWS_01 received 4th September 2019

Toilet Cabinet Details TLT_01 received 4th September 2019

Transformer Details TFM_01 received 4th September 2019AC

Box Details ACB_01 received 4th September 2019

Auxiliary Transformer Details AUX_01 received 4th September 2019

Customer Substation Building Details CSS_01 received 4th September 2019

DNO Building Details DNO_01 received 4th September 2019

Monitoring House/Communication Building Details MTH_01 received 4th September 2019

Storage Building Details STG_01 received 4th September 2019

3. The permission hereby granted is for the development to be retained for a period of not more than 30 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no heavy commercial vehicles brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority.
5. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel washing facilities
 - e. measures to control the emission of dust and dirt during construction
 - f. HGV routing and delivery timings
 - g. Deliveries to be arranged to avoid school opening and closing times
6. Details of a scheme for compensatory storage are to be submitted and agreed in writing with the Local Planning Authority. The scheme is to be in line with the details submitted within section 2.2.1.4 of the Flood Risk Assessment.
7. No development for any phase of the development shall take place until a Call Off Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details for the removal of attractants (compaction of loose earth and drainage of any ponding or pooling on site) should the construction be attracting and supporting hazardous birds (gulls and other soaring birds that could potentially increase the bird-strike risk to aircraft operations).
8. Archaeology condition to be agreed with NYCC subject to ongoing site investigation
9. Potential condition relating to the safeguarding of the gas pipeline (details to be discussed with SABIC)

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 Policy(ies) CP1, CP16, CP17, DP1, DP28 and National Planning Policy Framework.
3. In the interests of the open character of the rural surroundings, in accordance with Local Development Framework Policy CP16 and DP30.
4. In accordance with Policy CP2 and DP3 and in the interests of highway safety and the general amenity of the area.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity.

6. To ensure that there is no loss of storage from the floodplain and that flood flows are not displaced onto others.
7. To ensure the safety of passing aircraft.
8. In order to ensure that archaeological remains are protected in accordance with Development Policy DP29.
9. In order to ensure the safety of the SABIC pipeline.

This page is intentionally left blank

Parish: Stokesley

Ward: Stokesley

10

Committee date: 14 November 2019

Officer dealing: Ms A O'Driscoll

Target date: 29 November 2019

18/02019/FUL

Demolition of house and associated buildings; change of use of land and the construction of a Care Home (Use Class C2), together with change of use of land to include a service yard and refuse area, associated landscaping and car parking

At Mill Riggs Farm, Stokesley

For Applicant Stokesley Care Limited

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located outside of the Stokesley development limits on the east side of the A172 and to the north of the river Leven. The site comprises approximately 0.78Ha of land and was most recently used as a farm with a shop and residential dwelling.
- 1.2 The site is currently occupied by the main dwelling, farm shop building, small stable and various outbuildings. The site is well screened from the road frontage by trees and mature hedgerow.
- 1.3 To the west of the site is the A172 and then the main built up area of the Stokesley settlement. To the North there is open agricultural land, beyond which is Strikes garden centre site which is currently undergoing reconstruction after a fire. To the south and east is agricultural land considered to be open countryside.
- 1.4 The proposal is for the demolition of the existing buildings and the construction of a 64 bedroom care home for the elderly with associated landscaping and parking. The applicant states that the care home is to cater for the frail elderly, dementia care and nursing and palliative end of life care. A Section 106 agreement would be required controlling occupancy, should the scheme be approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00072/FUL - Demolition of existing buildings and erection of a food store (Class A1), petrol filling station and car wash, with associated car parking, servicing, highway works including roundabout on A172, access road and footways, and hard and soft landscaping – WITHDRAWN
- 2.2 04/02304/FUL - Single storey extension to existing dwelling – PERMITTED
- 2.3 00/51528/P - Extension to existing dwelling as amended by plans as received by Hambleton District Council on 15th June 2000 – PERMITTED
- 2.4 94/51256/P - Construction of a building to comprise a farm shop with stores and a domestic garage - PERMITTED

- 2.5 93/1118/FUL - Alterations and Extension to Existing Dwellinghouse – PERMITTED
- 2.6 92/1012/FUL - Alteration to Existing Vehicular Access – PERMITTED
- 2.7 92/1427/FUL - Construction of an Agricultural Storage Building
- 2.8 77/0929/OUT - Outline Application for the Construction of a Dwellinghouse – REFUSED
- 2.9 74/0871/FUL - Provision of a Residential Caravan - PERMITTED

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 CP9 - Affordable housing
 Core Strategy Policy CP13 - Market towns regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy 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 DP5 - Community facilities
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP28 - Conservation
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP39 - Recreational links
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Hambleton Biodiversity Action Plan
 Conservation Area Appraisal Stokesley Supplementary Planning Document - adopted 21 December 2010
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Town Council - Members agreed that there is a requirement for such a development in Stokesley and that this would be a valuable asset to the Town and neighbouring villages. However, they are concerned that this development falls outside the current

development limit and this is something they have always been vocal about when considering other planning applications. They therefore would like reassurance that this development has gone through the appropriate sequential testing and that there is not a better site for this development.

Members were also concerned about the proposed roof size and design and would like to see the development more in keeping with the character of Stokesley. In addition, the height of the development should be reviewed to ensure that the view from Stokesley to the hills remains, i.e. the Vista remains.

If the development is approved, members ask that the following conditions be included:

- The screening must remain;
- The footpaths between the development and the Town must be improved;
- A transport statement must be included;
- Pedestrian refuge must be considered.

4.2 Highways Authority - On request the applicant provided additional information regarding to highways. The Highways Authority subsequently recommended refusal on the following grounds:

- The Planning Authority considers that the proposed traffic island on the A172 would be contrary to national advice on the location of such features and would place pedestrians in a vulnerable position on a classified road where vehicle speeds are high with a consequent danger to highway users.
- The Planning Authority considers that the absence of a direct and desirable pedestrian route would result in journeys on foot exceeding the accepted standards and would thus result in a reliance on car journeys including single occupancy trips. This reliance on car journeys is contrary to the advice contained in NPPF which supports developments being sited where sustainable journeys on foot are achievable.
- The proposed development would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and thus would interfere with the free flow of traffic and consequent danger to highway users.

The applicant subsequently supplied additional information and research leading to the proposal to provide a shuttle bus between the site and the town centre to improve connectivity. The Highways Authority consequently withdrew their objections to the proposed development.

4.3 Environmental Health (Contaminated Land) – Agreed with the submitted assessment and recommends conditions relating to contamination investigation, remediation and verification.

4.4 Natural England – No Comments

4.5 Yorkshire Water – No Comment

4.6 Yorkshire Wildlife Trust – The recommendations contained in the Preliminary Ecological Appraisal be included as conditions of the permission.

- 4.7 North Yorkshire Local Access Forum: Site is on the wrong side of the Stokesley bypass and lacks connectivity. Concerns over under provision of parking and cycle storage
- 4.8 Public Comments – 20 letters of representation were received, 14 in support and 6 in objection to the application.

Letters of support raised the following points:

- No similar facility in the area
- Ability of local elderly residents to remain in the area
- Site is close to town with easy access
- Create additional employment

Letters of objection raised the following points:

- Flooding issues
- The site is on the wrong side of the bypass which is high speed.
- The site is not allocated for development in the plan
- A pedestrian crossing would be dangerous
- Not enough parking proposed
- Change of use of land on east side of A172 would set a precedent for other development
- Impact on the landscape
- Other more suitable sites are available

5.0 OBSERVATIONS

- 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:

- i) Principle of development; ii) Proposed use and demonstration of need; iii) Highways impacts; iv) Impact on the wider landscape character; v) Design; vi) Drainage; vii) Impact on biodiversity and; viii) Land Contamination

Principle of development

- 5.2 The application site lies outside the Development Limits of Stokesley, which is defined in Policy CP4 of the Core Strategy as a Service Centre. Policy DP9 states “Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4”. Core Strategy Policy CP4 states that outside of development limits proposals: “will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2”. CP4 allows for an exceptional case where the development would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy. Development in this location therefore will only be supported if it can be demonstrated that the scheme is necessary to meet local needs and will not result in a harmful impact on

the character of the countryside that forms the setting of the Town. However, if this need can be proven then an exceptional case can be made under Policy CP4.

Use/Need

- 5.3 The applicant has submitted an analysis of the need for this type of development in the area. As Stokesley is considered a service centre within the Council's hierarchy of settlements the catchment area for the analysis was based on the area which Stokesley serves. The report found that the local catchment is one where affluence is strong and the age profile is far older than typical. It was also found that, within the catchment area there are currently no elderly care homes providing the type of care proposed.
- 5.4 In addition to this North Yorkshire County Council as Social Care provider, were consulted with regard to care home need. However, the County Council advised that they do not currently have specific need/demand information relating to residential/nursing care.
- 5.5 However, the County Council also advised, in terms of need/demand that there are currently no care homes located in the area that Stokesley provides for. Currently the closest care homes are located in Middlesbrough. There is an extra care housing scheme located at Town Close in Stokesley (40 units) and planning permission has also been recently granted by HDC for a further extra care scheme to be developed in Great Ayton (69 units). The County Councils preferred model of accommodation with care is extra care housing but where new residential/nursing care home is being proposed then the preference is that such provision would need to support people with higher/more complex needs as is the case in this application.
- 5.6 It appears clear that there is a need for this type of provision within the sub-area. However, it is not wholly clear what the level of need is and as a consequence it is considered difficult to reconcile the level of need against the level of proposed provision. It is considered that given the proposed development will cater for customers with more complex needs including dementia and end of life care the applicant has reasonably demonstrated that there is a local need for this type of care but it remains unclear as to the level of that need in the locality.
- 5.7 In terms of sequential testing the applicant has submitted a list of alternative sites and reasons why they are not suitable. Much of this is related to the cost of alternative sites, insufficient space to accommodate the proposal and unavailability of the sites. In addition to this the applicant has argued that the location of many of the sites, closer to the town centre, does not fit with the business proposal which centres on peaceful out of town care for the frail elderly.

Highways Impact

- 5.8 During the life of the application the Highways Authority requested that further information be provided relating to parking, public transport and pedestrian access to the site. Further information was subsequently provided by the applicant.
- 5.9 The Highways Authority has provided substantial commentary which is available on the public file. In summary the Highways Authority found that a pedestrian refuge island would have implications for highways safety given the speed limit of 60 miles per hour and that the road is unlit.
- 5.10 In addition to this the walking distances to bus stops are longer than the 'acceptable' distance recommended in the "Guidelines for Providing Journeys on Foot". Even if a footway link were provided sustainable walking distances would be exceeded and as

such it was considered that the site was not reasonably connected by sustainable modes of transport.

The highways Authority recommended refusal for the following reasons:

- The Planning Authority considers that the proposed traffic island on the A172 would be contrary to national advice on the location of such features and would place pedestrians in a vulnerable position on a classified road where vehicle speeds are high with a consequent danger to highway users.
- The Planning Authority considers that the absence of a direct and desirable pedestrian route would result in journeys on foot exceeding the accepted standards and would thus result in a reliance on car journeys including single occupancy trips. This reliance on car journeys is contrary to the advice contained in NPPF which supports developments being sited where sustainable journeys on foot are achievable.
- The proposed development would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and thus would interfere with the free flow of traffic and consequent danger to highway users.

5.11 In order to overcome these issues research was sought into the viability of providing a pedestrian crossing or refuge on the A172. A Road Safety Audit was conducted by NYCC Highways which concluded that ***“the ‘Do Nothing’ option is the most relevant for this location at present”***, being based upon current traffic flow and pedestrian usage across the A172 and highway design standards. The report, however, detailed a number of options including the provision of a formalised crossing.

5.12 The applicant subsequently sought a recommendation of approval subject to a condition requiring the provision of a safe crossing point. The Local Highway Authority disagreed with this on the premise that, given the complexity and variables involved, there would be no guarantee that an acceptable design solution could be achieved and as such it may not be possible to implement a consent on this basis.

5.13 In response to this the applicant provided an alternative solution in the form of a shuttle bus. This was backed up by research undertaken by Age UK which found that in this case, only 26 residents of the proposed care home would receive visitors at all. Of these 8 would get more than one visitor a week, 11 one only a week and 7 would get one a month.

5.14 This shuttle bus service would pick up at the high street car park and drive (3 minutes) around to Mill Riggs to tie in with the local bus services. The following timetable has been suggested:

1. Pick up for staff at 7.45am from High Street to Mill Riggs
2. Pick up from High Street to Mill Riggs at 11 am (visitors)
3. Return from Mill Riggs to High Street at 12pm (visitors)
4. Pick up at 12.15 from High Street to Mill Riggs (staff)
5. Pick up at High Street at 2.30pm to Mill Riggs (visitors)
6. Return from Mill Riggs to High Street at 3.45pm (visitors)
7. Pick up at 4pm from High Street to Mill Riggs (staff)
8. Pick up at 6.30 pm from High Street to Mill Riggs (visitors)
9. Return from Mill Riggs to High Street at 7.30pm (visitors)

Note, staff on late shift would travel home by private taxi or car

- 5.15 The Highways Officer notes that the provision of a mini bus service reduces the risk to pedestrian safety and therefore has withdrawn the formal objection to the proposal. The Highways Officer notes, that a crossing facility may still be provided at a later date as part of the Endeavour Way project (public right of way/cycleway between Stokesley and Great Ayton). The applicant may wish to enter into an agreement to provide funding towards the provision of a crossing should a suitable design be achieved and therefore remove the need for the shuttle bus.
- 5.16 The Highways Officer is now satisfied that the development is acceptable subject to conditions relating to detailed plans, construction requirements, use of existing access, discharge of surface water, visibility splays, works in the highway, details of access turning and parking, travel plans and a construction management plan.
- 5.17 Whilst the solution put forward is supported by the Highway Authority, Development Policy DP3 sets out the Council's policy position with regard to Site Accessibility and states:
- All proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:
- i) Footpaths, cycleways, safe provision for cycle parking and cycle shelters;
 - ii) Bus stops/shelters and transport information;
 - iii) Support for sustainable forms of transport (eg community transport schemes)
 - iv) Preparation and implementation of Travel Plans
 - v) Minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.
- 5.18 It is clear that whilst the applicant has sought to address the issue of sustainable transport through the provision of the shuttle bus, the development is unable to provide for the range of sustainable transport connections that one would expect for a development such as that proposed. The Local Access Forum has further highlighted the lack of pedestrian access between the site and the Town Centre.
- 5.19 In conclusion it is considered that whilst the development will not result in a harmful impact on highway safety and the applicant has sought to address sustainable transport concerns. The location of the site is not a sustainable from a transport perspective, being too far from local services and lacking in footpath connections. On balance, the location of the site that is separated from the town is considered to weigh against the proposals from this perspective. The proposal fails the requirements of LDF policies CP2, DP3 and DP4.

Impact on the wider landscape

- 5.20 The application site currently houses a number of buildings including a two storey dwelling and various outbuildings. Whilst these are visible from the front of the site, they are small in scale and fit with the rural character of the area.
- 5.21 In support of the application a Landscape Impact Assessment was submitted. The assessment concludes that the impact on the local landscape character area is "considered to be slight, with a moderate/minor effect which is considered to be not significant." In addition the report found that "In relation to the visual amenity, six representative viewpoint locations were assessed from nearby residential properties, public rights of way and local highways. Significant effects on local visual amenity were found not to be present". "In relation to potential cumulative effects of the site

development on landscape character and visual amenity, none were considered to be present”.

- 5.22 The applicant argues that the site is well screened by hedging measuring 3-4 metres in height, reducing the visual impact of the development. Whilst the frontage of the proposed building measures approximately 76 metres, the applicant argues that a large portion of this, (approximately 31 metres) is stepped back from the rest of the building by approximately 11 metres. The proposed building would therefore be located between 33 and 45 metres from the front of the site. Despite this there is concern over the visual impact of this increased scale of development in what is open countryside.
- 5.23 In terms of landscape, the question is whether or not development to the east of the A172 is considered to be harmful to the character and form of Stokesley or to the character and appearance of the open countryside around the town.
- 5.24 Travelling north along the A172 from the roundabout that forms the junction of the A172 with the A173 and B1257, one travels between agricultural fields, the area to the west of the road being the Stokesley Showfield and to the east open countryside. Views to the east at this point are extensive over open countryside toward the edge of the Cleveland Hills.
- 5.25 Continuing north, the more built up part of the town is noted to the west of the road, albeit the backs of houses on Roseberry Avenue and Meadowfield. The character remains largely rural, with fields predominating to the east and glimpse views of the open countryside beyond. Views to the east are more confined due to the height of the hedge, in particular that along the frontage of the proposed development.
- 5.26 On approach to the roundabout junction of the A172 and the B1365 the character is dominated by the roundabout and a garden centre. However, the character remains predominantly rural. The development to the south is separated from the road by a wide grass verge, hawthorn hedge and a wide grassed area adjacent to Ashwood Drive and Cedarwood Avenue.
- 5.27 There is sporadic development around the edge of Stokesley but this is relatively low key, mainly agricultural and is not considered to erode the rural setting of the town. As a result the A172 and B1365 form a strong separation in terms of landscape character, between the urban form of the town and the rural character of the countryside surrounding the town.
- 5.28 The proposed development introduces a large block of development, alien in character and form, to the type of development expected to be found in the open landscape, noting that the site in itself is previously developed land.
- 5.29 In conclusion, the proposed development by virtue of its scale and form is considered to have a harmful impact on the character and appearance of the landscape surrounding Stokesley and as such this is considered to weigh against the proposed development.

Design

- 5.30 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.”

- 5.31 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.
- 5.32 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.33 Stokesley is dominated by three storey Georgian and Victorian commercial buildings set mostly at the back of the pavement on narrow plots. Domestic buildings tend to be of a relatively simple form reflecting the pitched roofs of the larger commercial properties. Chimneys are prevalent, usually set on party walls or gable ends of properties. Dormers remain rare and varied in style and few buildings have hipped roofs. Other details used throughout the town include the small windows set close below low eaves on smaller vernacular cottages, carved stone kneelers at the bottom of gables where the roof is finished with a raised weathered course detail and the use of stone quoins. Stokesley is principally a town of brick buildings with rendered properties playing an important secondary role in the streetscape. Stone is much less used but is employed on important properties and serves to highlight individual buildings.
- 5.34 The existing buildings on the site are indicative of the form and style of sporadic development found in the countryside surrounding Stokesley. A small collection of relatively low rise, brick built buildings loosely orientated around a yard area, mainly in an agricultural form / use.
- 5.35 Much of the design of the proposed building focusses on the future occupants with roof terraces, balconies and external gardens providing views to the countryside. The form of the building has also been influenced by the internal layout which aims to provide accommodation that moves away from hospital type layouts and provide better visual aspects for residents.
- 5.36 The proposed building is to be two storey in height, constructed using rough dressed stone, slate, render and timber boarding.
- 5.37 The design is largely dictated by use, although heights have been kept to the minimum required to allow for the proposed use, including additional floor to ceiling heights to allow the incorporation of hoists as required. Given the proposed use, the design of the building is considered generally acceptable should the principle of the use be considered acceptable. However, concern must still be expressed with regard to the location of the development and the impact of the development on the landscape setting of Stokesley.

Drainage

- 5.38 Yorkshire Water were consulted during the life of the application and the following response was received: "Application details have been reviewed and based on the information submitted Foul water only to public sewer and surface water to soakaway – as indicated on proposed site plan), no observation comments are required from Yorkshire Water".

Impact on biodiversity

- 5.39 In support of the application an Ecological Appraisal was submitted. Yorkshire Wildlife Trust advises that the recommendations of this report be included as a

condition of any approval. The recommendations relate to retention of trees and hedgerows where possible, planting of native trees, addition of new hedgerows and the provision of nesting areas for birds and bats. Natural England had no comments to make on the application. It is therefore recommended that should the application be approved the above recommendations are secured by condition.

Land Contamination

- 5.40 The Council's Environmental Health Officer agrees with the submitted assessment and recommends conditions relating to contamination investigation, remediation and verification. These are standard conditions to ensure that any contamination found during the development is dealt with appropriately.

Planning Balance

- 5.41 The application site is outside of the defined development limits and therefore permission should only be granted if it can be demonstrated that the scheme is necessary to meet local needs and will not result in a harmful impact on the character of the countryside that forms the setting of the Town. It is considered that the applicant has reasonably demonstrated that there is a need for this type of development in the area, albeit only due to the complex needs that the proposed development would cater for. The applicant argues that the proposed location suits their need in terms of providing a tranquil environment for patients who can find the bustle of a settlement location confusing and distressing.
- 5.42 It is clear that there are other sites within the Stokesley settlement that could cater for a care home of this type (should they become available and affordable), however, an alternative site specific design would be required and the applicant considers that the general amenity offered (in terms of peaceful surroundings, gardening therapy etc) would be reduced. Officers do not wholly accept this position and consider that alternative sites including allocated housing sites, could accommodate this type of accommodation, although no sites were identified as available at the time the application was submitted.
- 5.43 There remains concern over the visual impact of the development in terms of its scale and form. On balance it is considered that the need for this type of specialist service does not outweigh the harm to the landscape character of the area and that an exceptional case has not been made. As such the proposal is recommended for refusal.

6.0 RECOMMENDATION

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

1. It is considered that the location of the site is not a sustainable location from a transport perspective, being too far from local services and lacking in footpath connections. The poor location is not considered to be suitably mitigated by the proposed shuttlebus. The proposal fails the requirements of LDF policies CP2, DP3 and DP4.

2. The proposed development by virtue of its scale and form, located in open countryside on the edge of Stokesley, is considered to have a harmful impact on the character of the countryside forming the setting of the town. The proposed development is considered to fail to accord with the requirements of LDF policies CP16 and DP30.

3. The proposed development by virtue of its scale, form detailing and use of materials is considered to have a harmful impact on the character of the area and fails to accord with the requirements of LDF policies CP17 and DP32.

This page is intentionally left blank

Parish: Thirsk
Ward: Thirsk
11

Committee Date : 14 November 2019
Officer dealing : Miss Ruth Hindmarch
Target Date: 19 November 2018
Date of extension of time (if agreed): 1 March 2019

18/01717/FUL

**Demolition of day nursery and dwelling house and replacement with five detached houses.
at Burniston & Stonehall Stockton Road Thirsk North Yorkshire
for JDZ Development Ltd.**

1.0 Site description and proposal

- 1.1 The site is located on Stockton Road, Thirsk and currently occupies a vacant nursery building and a detached dwelling. The site is located within the development limits of Thirsk and is bounded on three sides by residential properties with the remaining side fronting onto Stockton Road. There is existing landscaping along Stockton Road which includes hedging and tree planting.
- 1.2 It is proposed to demolish the existing buildings on site and replace them with five, 5 bedroom two storey detached properties with rooms in the roof. Some planting within the site is to be removed, including conifer hedging to the eastern boundary. Additional planting is proposed along the front boundary. Four of the properties will take access from Stockton Road through two shared access points. The fifth property will be accessed from Stoneybrough Lane to the rear.
- 1.3 During consideration of the application improvements have been sought to the scheme. The size and design of some of the dwellings has been amended to improve the overall design of the scheme and also in the interest of the amenity of surrounding properties. An indicative landscaping scheme has been provided to show the arrangement of tree and hedge planting on the boundaries of the site.

2.0 Relevant planning and enforcement history

- 2.1 There is no relevant history on this site. The following application for the redevelopment of 91 and 91A Long Street to the south of this application site is relevant to this proposal as they are both to be carried out by the same developer.
- 2.2 17/02037/FUL – Demolition of two houses and construction of 6 flats with parking spaces; Granted December 2017

3.0 Relevant planning policy

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- 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 CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP8 - Development Limits
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping

4.0 Consultations

- 4.1 Thirsk Town Council – Recommend approval.
- 4.2 Highway Authority – no objection subject to condition on the original scheme, comments awaited on the revised scheme that takes an access from Stoneybrough Lane.
- 4.3 Contaminated Land Officer – no objections subject to conditions
- 4.4 Environmental Health – no objections
- 4.5 Yorkshire Water – no comments received
- 4.6 Public comments – representations have been received from neighbouring properties. Concerns have been raised over the visual dominance of the dwellings, the impact on the existing footpath through the site, the rear access point not being under the ownership of the applicant, the presence of a telegraph pole within the rear access area, the impact on the amenity of neighbouring properties of the proposed rear access, potential for overlooking and blocking of light and clarification sought on the landscaping of the site.

A letter of support for the revised scheme was also received.

5.0 Analysis

- 5.1 The main issues to consider are:
 - (i) the principle of development;
 - (ii) housing mix;
 - (iii) design of the dwellings and the impact on the character and appearance of the area;
 - (iv) highway issues;
 - (v) residential amenity;
 - (vi) drainage;

Principle

- 5.2 The site is located within the Development Limits of Thirsk which is a Principal Service Centre within the Settlement Hierarchy, the Local Development Framework directs development to service centres. The proposal is for redevelopment of a previously developed site. Whilst the land within the curtilage of the dwelling Burniston is, with reference to the glossary of the NPPF, not previously developed land, the land within the curtilage of Stonehall, is previously developed land.
- 5.3 Policy CP2 of the LDF states development should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided. Policy CP4 states development of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the settlements in the hierarchy. The site is considered to be in a sustainable location, there is a bus stop close by, and services within the town are also accessible by foot or cycle.
- 5.4 The proposed development is considered to be a natural infill of the site with a scale of development that is considered appropriate to its location within the limits of this

Principal Service Centre. The principle of redevelopment of the site is considered acceptable.

Housing Mix

- 5.5 The Size, Type and Tenure of New Homes SPD that builds on the Development Policies Policy DP13 (Achieving and Maintaining the Right Mix of Housing) has been published to encourage a range in house types and sizes and increase tenure choice, enabling all residents to have access to a decent home which they can afford, and which suits their need.
- 5.6 The SPD details that the Council wishes to improve the new housing offer by enabling the provision of more smaller homes, homes to meet the needs of older people, some shared housing, specialist housing, self-build, a wider tenure choice. The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs.
- 5.7 This development proposes five detached properties that all have five bedrooms. It is considered that the proposal fails to comply with Policy DP13 due to the lack of 2 and 3 bedroom dwellings and the absence of single storey dwellings.
- 5.8 Within the submitted design and access statement reference is made to the size of the dwellings proposed stating the designs provide for modern living with generous room space redolent of the era of the existing housing and recognises the increasing requirement for multi-generational occupancy without crowding. It is also stated that were the houses to be constructed to a brief reflecting less space and a lesser number of bedrooms it is likely there would in a very short timeframe be pressure to extend the properties.
- 5.9 The comments in the design and access statement are noted however it is not considered this provides justification for allowing a development that does not accord with DP13 and does not provide a scheme that reflects the need for smaller dwellings.

Design and impact on the character and appearance of the area

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is: "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The applicant has submitted a Design and Access Statement in support of the proposals in which they conclude '*overall the developer has sought to replicate the provision of housing reflected...on Stockton Road in a number of ways principally the individuality of the high quality well-spaced dwellings with significant provision of gardens front and back, individual access, standing well back from the highway*'.

- 5.14 Local residents have raised concern over the scale of the proposals, albeit some of these comments relate to the original scheme. The dwellings now proposed will be higher than the adjoining dwellings however not significantly so. Despite concerns from neighbours it is not considered the dwellings would appear unduly dominant within the street scene and the design would reflect the character of the immediate area.
- 5.15 In terms of landscaping, the agent has stated the front aspect of the site will retain the hawthorn hedging and this will be supplemented where necessary. Five self-seeded ash trees will be removed and each property will have a fruit tree within the front garden area. Conifer hedging to the rear is to be removed. The retention of the hedging is welcomed and a final planting scheme can be agreed by conditioned.
- 5.16 It is considered the proposed dwellings, given the siting within the plots and the retention of the hedging, would not appear unduly dominant and the overall scale and design would fit in with the character and appearance of the area.
- 5.17 It is also noted part of the site contains a redundant childrens nursery building which does not provide an attractive feature within the area and also provides potential for anti-social behaviour. It is therefore acknowledged the existing site does not provide a good contribution to the visual appearance of the area and redevelopment would improve the overall appearance of the site. No mechanism has been proposed by the applicant to secure the early implementation of the scheme that could address the adverse impacts of the partially derelict site.

Highway issues

- 5.18 The original scheme took access from Stockton Road for all five dwellings through the use of the three existing access points. The revised scheme alters that as plots 1&2 will share an access from Stockton Road, as will plots 3&4. Plot 5 will gain access from the rear off Stoneybrough Lane and there will also be a garage to the rear.
- 5.19 The Local Highway Authority have not yet provided comment on the revised scheme but did not have any objections to the original scheme. The site layout appears to show the dwellings have sufficient parking and the layout provides turning areas.
- 5.20 Concern has been raised by neighbouring residents regarding the use of the rear access, stating there will be a highway safety concern and parking problems. The plans show a garage space and further parking area which appears to provide sufficient space for parking. It is also noted the access comes off a low speed road and will only serve one dwelling.
- 5.21 It is noted there is a telegraph pole present in this area. It is understood this pole is redundant and has no lines attached to it, the removal therefore is not considered to be an issue.
- 5.22 Subject to confirmation being received from the Local Highway Authority, it is considered the proposal is acceptable in highway terms.

Residential Amenity

- 5.23 Policy DP1 stipulates that all development proposals must adequately protect amenity. Neighbouring properties have raised concerns on terms of the potential for overlooking and overshadowing.

- 5.24 The site is surrounded on three sides by residential properties. To the north is “Serendipity”, plot 1 is located closest to this property and only contains a small secondary window at ground floor level in the side elevation, it is therefore considered the potential for direct overlooking is limited. This plot is also located roughly in line with the neighbouring property and although being higher than the property at Serendipity there will not be a significant overshadowing or overbearing impact.
- 5.25 To the south is “The Beeches”, plot 5 is located closest to this property and only contains a small secondary window at ground floor level in the side elevation, it is therefore considered the potential for direct overlooking is limited. This plot is also located roughly in line with the neighbouring property and although being higher than the property at The Beeches there will not be a significant overshadowing or overbearing impact.
- 5.26 To the east are properties along Stoneybrough Lane, residents have raised concern over the impact on the privacy of properties to the rear of the site, particularly from the dormer windows/third floor. The initial plans did contain Juliet balconies to some of the dwellings but these have been removed. Whilst the concerns are acknowledged the dwellings all have long rear gardens, the minimum set back from the rear boundary is approximately 16.5m with the neighbouring properties being set in again from the boundary. All the properties meet the commonly referred to “21m back to back” distance. The side of No.14 Stoneybrough Lane faces the site and only requires a lower separation distance however this is still around the 21m distance. There is some conifer hedging planting along the rear boundary that is to be removed, despite the required distance being met additional planting could be provided along this boundary if considered necessary to provide screening to reduce actual or perceived overlooking.

Drainage

- 5.27 The proposed development is in an area of low flood risk as assessed by the Environment Agency (flood zone 1), there is no susceptibility to surface water flood risk as assessed by the Environment Agency. The submitted details state the surface water will be disposed of via soakaways and the foul drainage will be discharged to the public foul sewer. Yorkshire Water has not provided comments on the scheme however there is nothing to suggest the drainage options proposed would not be acceptable and should the application be approved the details can be controlled by condition.

Residual Matters

- 5.28 Comments have been received relating to the applicant not owning the entire application site, following discussion with the applicant it has been confirmed they do own the entire site. It is also noted the current red line on the location plan does not include the rear access and garage area for plot 5, a revised plan has been requested. Part of the site has also been used as an informal footpath over the years, whilst this is acknowledged there is no designated public right of way on the site.
- 5.29 The applicant has stated the development of this site will facilitate the redevelopment of a site on Long Street which is also under the same ownership. Whilst this may be the case there has been no information submitted to evidence this or a mechanism to secure the redevelopment of the Long Street site. The redevelopment of the site at 91 Long Street, as per the planning approval 17/02037/FUL, would be welcomed however it is not clear why the development of 5 large dwellings at this site is required to facilitate this and there is also nothing to show that a scheme of 5 dwellings with a mix of sizes compliant with policy DP13 would not help in the same

way. It is therefore considered this issue is not something that can be taken to work in favour of the proposal.

Planning Balance

- 5.30 The proposal would provide a small economic gain through the construction and subsequent occupation of 5 dwellings (4 additional), there would be some environmental improvement in terms of improving the overall appearance of the site however these gains would be achieved by construction of dwellings that do not meet the requirements of LDF Policy DP13. Overall, it is considered the benefits of the scheme do not outweigh the negative impact of allowing a development that does not provide a mix of dwellings to meet the identified need within the district.

6.0 Recommendation

That subject to any outstanding consultations and submission of an amended location plan the application be **REFUSED** for the following reasons(s);

The reasons are:-

1. The proposal comprises of five detached dwellings all with 5-bedrooms. The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs. No evidence has been supplied to demonstrate how the proposal for exclusively larger homes can outweigh the provisions of the Hambleton Local Development Framework Policy DP13 (Achieving and Maintaining the Right Mix of Housing).