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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 4 December 2019

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 12 December 2019**
Time **9.30 am**
Venue **Maple Suite 2, Allerton Court Hotel, Darlington Road, Northallerton, DL6 2XF**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: Councillors
P Bardon (Chairman)
M A Barningham
D B Elders
Mrs B S Fortune
B Griffiths
K G Hardisty

Councillors
J Noone (Vice-Chairman)
B Phillips
A Robinson
M Taylor
D Watkins
D A Webster

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 14 November 2019 (P.16 - P.17), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. MATTERS OF URGENCY

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 14th November, 2019 in the Yorkshire Suite, Golden Lion Hotel, 114 High Street, Northallerton, DL7 8PP

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	P Atkin	Councillor	A Wake
	Mrs I Sanderson		

P.16 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 17 October 2019 (P.14 - P.15), previously circulated, be signed as a correct record.

P.17 PLANNING APPLICATIONS

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

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

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

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

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

THE DECISION:

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

- (1) 19/01919/FUL - Construction of a detached dwellinghouse with associated parking and detached double garage at Former Little Hornby Farm, Appleton Wiske for Mr J Adams

PERMISSION GRANTED subject to an additional condition regarding finished floor levels.

- (2) 19/01254/FUL - Construction of a detached dwellinghouse and double garage at Land adjacent 53 Water End, Brompton for Mr and Mrs C Potter

PERMISSION REFUSED with additional reasons relating to the harmful impact of the siting and design.

(The applicant's agent, Adrian Burn, spoke in support of the application.)

(Carol Hill spoke objecting to the application.)

- (3) 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 for Mr L Smith

DEFER for further consideration of pedestrian access and impact of three storey dwellings.

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

(Kenneth Pierson spoke objecting to the application.)

- (4) 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 for Long Garth Enterprises Ltd

PERMISSION REFUSED

- (5) 18/02681/FUL - Construction of 9 bungalows, garages and associated infrastructure, access and parking at Lilac Cottage, Stillington Road, Easingwold for W&W Estates

DEFER for further discussions regarding the provision of affordable housing.

(The applicant, Dan Warrington, spoke in support of the application.)

- (6) 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

PERMISSION GRANTED subject to additional conditions limiting the height of the proposed dwelling and requiring indigenous planting.

Note: The meeting adjourned at 3.40pm and reconvened at 3.45pm.

- (7) 19/00009/TPO2 - Hambleton District Council (Great Ayton Parish) Tree Preservation Order 2019 No 9 at 100 Guisborough Road, Great Ayton

TREE PRESERVATION ORDER 2019 NO 9 CONFIRMED

(Gavin Coates spoke objecting to the confirmation.)

- (8) 19/01545/FUL - Demolition of existing property and proposed residential development, comprising the construction of 4 No detached dwellings for Purpose Build Group Ltd at 153 High Street, Great Broughton, North Yorkshire TS9 7HB

PERMISSION REFUSED

(The applicant's agent, Rod Hepplewhite, spoke in support of the application.)

(Michael O'Neill spoke on behalf of Little and Great Broughton Parish Council objecting to the application.)

- (9) 19/01882/FUL - Installation and operation of a solar farm and associated infrastructure at South Lowfields Farm, Kirkby Fleetham for Lightsource SPV 155 Limited

PERMISSION GRANTED subject to additional conditions regarding highways matters and details of grid connections.

(The applicant's representative, Richard Turner, spoke in support of the application.)

(Alison Booth spoke on behalf of Kirkby Fleetham with Fencote Parish Council in general support of the application.)

(Jean Morley spoke on the application in relation to traffic routeing issues.)

Disclosure of Interest

Councillor J Noone disclosed a non-pecuniary personal interest and left the meeting prior to discussion and voting on this item.

- (10) 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 Mr D Sharpe

PERMISSION REFUSED

(The applicant's representative, Ian Holmes, spoke in support of the application.)

(Mike Canavan spoke on behalf of Stokesley Town Council objecting to the application.)

(Ian Horn spoke objecting to the application.)

- (11) 18/01717/FUL - Demolition of day nursery and the dwelling house and replace with five detached houses at Burniston & Stonehall, Stockton Road, Thirsk for JDZ Development Ltd

PERMISSION REFUSED with additional reasons concerning overdevelopment of the site and adverse impact on neighbour amenity.

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

(Derek Rosamond spoke objecting to the application.)

The meeting closed at 6.00 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 12 December 2019. The meeting will commence at 9.30am

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

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

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

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

Mick Jewitt
Deputy Chief Executive

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members 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 12th December 2019
To be held at Maple Suite 2, Allerton Court Hotel,
Northallerton at 9.30am

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	19/02033/OUT Ms H Ledger West Rounton Page No.	Outline application for the construction of one detached dwelling and garage (all matters except access reserved) As amended 28 November 2019 For: Mr & Mrs G Elstob At: The Bungalow, West Rounton RECOMMENDATION: GRANT
2	19/02329/FUL Mrs Tracy Price Romanby Page No.	Retrospective application for the construction of detached double garage to the rear of the dwellinghouse For: Mr & Mrs P Bonomini At: 8 Lees Lane, Romanby RECOMMENDATION: GRANT
3	19/01304/FUL Mrs H Laws Pickhill Page No.	Change of use of land to domestic garden, replacement dwellinghouse to incorporate existing dwelling, as altered, to form an annex as amended by plans received by Hambleton District Council on 15 August 2019 For: Mr & Mrs O'Reade At: Roman Castle Barn, Pickhill RECOMMENDATION: GRANT
4	18/02681/FUL Miss R Hindmarch Easingwold Page No.	Construction of 9 bungalows, garages and associated infrastructure, access and parking as amended by details received 2nd September 2019 For: W&W Estates At: Lilac Cottage, Stillington Road, Easingwold RECOMMENDATION: REFUSE
5	19/00864/FUL Mr P Jones Crakehall Page No.	Rear two storey extension with single storey additions. Front porch extension and internal alterations. For: Mr & Mrs D Ventham At: 3 Coronation Road, Little Crakehall RECOMMENDATION: REFUSE
6	19/01499/FUL Aisling O'Driscoll Brompton Page No.	Construction of 22 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

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	19/00541/FUL Mr Craig Allison Brompton Page No.	Retrospective application for the siting of five static caravans on agricultural land for agricultural workers For: Mr Geoff Spence At: Lowfields Farm, Fullicar Lane, Brompton RECOMMENDATION: REFUSE
8	19/02099/FUL Mrs Angela Sunley Borrowby Page No.	Construction of part two storey part single storey rear extension. As amended on 11 November 2019 For: Ms S. Henn At: Highside, Borrowby, North Yorkshire, YO7 4QQ RECOMMENDATION: REFUSE

Parish: West Rounton
Ward: Appleton Wiske & Smeatons
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Committee Date : 12 December 2019
Officer dealing : Ms Helen Ledger
Target Date: 22 November 2019
Date of extension of time (if agreed): 15 December 2019

19/02033/OUT

**Outline application for the construction of one detached dwelling and garage (all matters except access reserved) As amended 28 November 2019.
at The Bungalow West Rounton North Yorkshire DL6 2LW
for Mr & Mrs G Elstob.**

This application is referred to planning committee as a departure from the development plan

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The site is located within the settlement of West Rounton, which is a Secondary Village in the settlement hierarchy. Historically the settlement would have been linear in form. However, a relatively large amount of development has taken place to the west of the main road, creating an established block of development behind the main road frontage.
- 1.2 The site forms part of the wider domestic curtilage of the property known as White House Farm Bungalow, located to the west. The site is relatively flat with a line of trees along the northern boundary. It is located behind a relatively new housing development of approximately 15 dwellings. These were developed on a former pig farm associated with White House Farm Bungalow and White House Farm House located a short distance to the east.
- 1.3 The application is in outline form for one dwelling and garage (amended from two units). The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping and layout would be for a later application if this development is approved in principle. The application originally proposed two dwellings on this plot, however through negotiation this was reduced to a single unit. This has not meant a consequential change to the red line boundary.
- 1.4 The development would use the existing access that serves the bungalow. Access is gained through the adjoining housing estate, White House Wynd, from the main road passing through the village.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/02720/OUT Outline application for the construction of a detached dwelling and double garage (all matters except access reserved) - Approved 08/02/2018
- 2.2 02/01771/FUL - Construction of a domestic double garage - Approved 04/11/2002
- 2.3 95/51701/M - Removal of an agricultural occupancy condition - Approved 09/06/1999

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 DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 West Rounton Parish Council - No response received.
- 4.2 NYCC Highways - No objections subject to conditions on turning and parking, precautions to prevent mud on highway, construction traffic storage and parking.
- 4.3 Application advertised in a local newspaper as a development plan departure on 08.11.2019 and the consultation expired 02.12.2019
- 4.4 Historic England - no comment response received.
- 4.5 Natural England - no comment response received.
- 4.6 Teesside Airport - no comments response received.
- 4.7 Yorkshire water - no comments received.
- 4.8 Site notice posted and neighbours notified. The following is a summary of representations were received from members of the public. Three representations have been received from five individuals, all objecting.
- The proposal will affect views from neighbouring property
 - Construction traffic/vehicle access to new houses would increase traffic, noise level and pollution of the atmosphere.
 - Increased danger to residents and children in the Wynd.
 - The current road of White House Wynd is made of block paving, which enhances the rural location and outlook. Additional traffic will lead to extensive wear and tear on this surface. Who will then resurface it to its original surface state and to whose cost?
 - Loss of space and privacy.
 - The plans are out of date and do not show the recent extension on neighbouring property which makes the distance smaller to 8m. This does not follow the minimum separation distance. Similarly with the second dwelling proposed. The Design and Access statement incorrectly refers to a distance of 18 metres.
 - The 2015 loft conversion of no 9 White House Wynd makes this a three storey dwelling, this change affects to minimum separation distances raising them from 22m for a two storey and now 27.5 for three storey. The proposal does not comply with either of these standards. (Officer Note: This is not a standard adopted by this Council).
 - Restriction of daylight in afternoon and evening.

- Previous 2017 approval gave concerns this was an initial plan to develop. The final result maybe the demolition of the 1970s bungalow and the creation of another estate on this site.
 - The application states there are no trees or hedges on the site. This is untrue.
- 4.9 The following further comments were received from one individual following the publication of the revised plan proposing one unit and detached garage.
- Strongly object to the current proposed location, the neighbouring property is entitled to enjoy a reasonable degree of space, privacy and daylight. The current proposed location of this dwelling invades this entitlement that had been enjoyed for the past 15 years.
 - Object to the close proximity of this proposed dwelling as the separation distance does not comply with the standards. The distance between 7 White House Wynd and the new proposed dwelling with a double garage, is approx. 15m, which is significantly less than the 21m that Planning Regulations state as a minimum; and less than the 18m which is quoted in the Planning, Design & Access Statement.
 - On the previous plan this property was partly hidden from view by the garage, however on the updated plan the whole dwelling is now in full view. This is not acceptable as it blocks our view and restricts the amount of daylight and sunshine into the back garden. It will also restrict our ability to enjoy household activities in our garden due to the close proximity of the new build.

5.0 ANALYSIS

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

Principle

- 5.2 West Rounton does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.
- 5.3 Although the proposal is considered to be a Departure from the Development Plan, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 Paragraph 79 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".
- 5.5 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.
- 5.6 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.
- 5.7 In the Settlement Hierarchy reproduced in the IPG West Rounton is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.8 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the amended proposal for one dwelling is considered to be an acceptable scale in terms of the IPG.

Character and appearance

- 5.9 The remainder of criterion 2, alongside 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 requires the proposal to reflect the character of the village including its relationship to the countryside. This approach is consistent with policies CP17, DP10 and DP32 in the Local Development Framework, which requires development to be attractive, functional, accessible, respect open spaces that are important to settlements, respect and enhance the local context, and be high quality. Policy DP32 continues to state that scale, form and massing should contribute to the local character whilst respecting the local context in terms of settlement pattern. Spaces should be well designed to ensure private and semi-private space and create discrete parking. It is found that the revised plan for one dwelling with detached garage meets these policy tests. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access.
- 5.10 The site is sandwiched between the host bungalow and the adjoining housing estate, specifically numbers 7 and 9 White House Wynd. During the course of the application the applicant has amended the plan and created a single larger plot with one dwelling and detached garage. It is noted that the proposal goes some way to reducing any potential impact on amenity and would result in development not out of character with the locality.
- 5.11 As the site is already in residential use (i.e. domestic curtilage) and viewed within the context of residential development, the proposed development of a dwelling would not result in harm to the wider countryside to the west of the site.
- 5.12 It is therefore considered that, at this outline stage, one dwelling can be supported without causing harm to the character and appearance of the area.

Residential amenity

- 5.13 The council has not adopted the minimum separation distances referred to by several local residents. Instead each case is viewed on their individual merits. Policy DP1

requires that all development adequately protects residential amenity in terms of privacy, security, noise and disturbance, pollution, orders and daylight. This test is judged both on the impact on the existing neighbours of the proposal and the potential occupants of the proposed dwelling.

- 5.14 Two dwellings on this part of the site were considered unacceptable. Given the revised layout plan proposed, reducing the scheme to one dwelling, it is considered there is scope within the site to deliver suitable separation distances to achieve an acceptable level of amenity for current and future occupiers. This arrangement would, be subject to the submission of a detailed scheme at Reserved Matters stage, to ensure that the development does not impact detrimentally on residential amenity.
- 5.15 The design and access statement which was submitted for the two dwelling scheme on this site, describes a separation distance of 18 metres between the primary elevations of the proposed dwelling and 9 White House Wynd. This distance is found to be incorrect on measurement of the submitted plans, and following a site visit noting the recent extension to the rear of 9 White House Wynd which enlarged this property in the region of 4.5m closer to the application site.
- 5.16 The revised illustrative layout plan which reduced the scheme to one dwelling, relocated the dwelling further to the south within the site, creating separation distances of 12.4 metres to the rear elevation of 7 White House Wynd and a separation distance of 13.7 metres to the rear elevation of 9 White House Wynd. Subject to careful consideration of window location, this separation distance is considered to be sufficient to protect residential amenity.

Highway safety

- 5.17 The proposed access will make use of the existing drive, which serves the bungalow. There is scope within the site to provide parking and manoeuvring space. The local highway authority has raised no objection. It is considered that the proposed development will have no detrimental impact on highway safety and complies with the requirements of policies CP2, DP3 and DP4.
- 5.18 Convenient access via footways is possible into the adjoining housing estate in compliance with policy DP3. It is noted this site meets the sustainability test in terms of access to services in criterion 1 in the IPG which is also a requirement of CP2. The indicative layout would be able to support a final design to meet the requirements of access for all under policy DP4.

Planning Balance

- 5.19 It is considered that the site is in a sustainable location and that the site can be developed with a single dwelling house, without detriment to the character or appearance of the area or to residential amenity. The proposed development is considered to accord the requirements of the Interim Policy Guidance and relevant Local Development Framework Policy.

6.0 RECOMMENDATION:

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the

date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale (including the number) of buildings overall.

3. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved under condition number 3 are available for use, unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

4. 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.

5. 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.

6. The development hereby approved shall comprise no more than one dwelling.

7. Prior to the commencement of development, other than the initial formation of the access, full levels shall be provided of the existing and proposed ground levels along with the finished floor, eaves and ridge levels of the proposed development.

The reasons are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
4. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. For the avoidance of doubt and to ensure that the development is compatible with the character of the area and to accord with the requirements of Development Policy DP32 and the Interim Policy Guidance.
7. In order to ensure that the development is appropriate in terms of the character and appearance of the area and the amenity of neighbouring occupiers and to accord with the requirements of Development Policy DP1 and DP32.

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Parish: Romanby
Ward: Romanby
2

Committee date: 12th December 2019
Officer dealing: Mrs Tracy Price
Target date: 30 December 2019

19/02329/FUL

Retrospective application for the construction of detached double garage to the rear of the dwellinghouse

At 8 Lees Lane, Romanby

For Mr & Mrs P Bonomini

This application is referred to Planning Committee because the applicants are related to an officer at the council.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is occupied by a large detached two storey dwelling with a detached garage. It is situated within a predominately residential area off Lees Lane within Romanby, Northallerton.
- 1.2 The facade of the property is set back from the highway with a substantial front garden, the rear garden of the property is a generous size and is well screened with bushes and shrubs of various heights and the boundary hedgerow between the adjacent properties is approximately 1.8 metres high.
- 1.3 Planning permission was granted in 2016 (16/00061/FUL) for the construction of a replacement double garage with first floor games room. This application seeks retrospective planning consent for a double garage omitting the first floor games room and first floor fenestration from the original permission. The garage has rendered walls, roof tiles and UPVC windows and doors.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00061/FUL: Proposed construction of a replacement double garage with 1st floor games room, approved 04.03.2016
- 2.2 06/00054/FUL: Alterations and extensions to existing dwelling - 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 CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Supplementary Planning Document – Domestic extensions guidance note
Emerging Hambleton Local Plan
National Planning Policy Framework - published February 2019

4.0 CONSULTATIONS

- 4.1 Parish Council – No observations received

4.2 Public comments – No observations received

5.0 OBSERVATIONS

5.1 The main issues to be considered are: i) the impact of the garage on the character and appearance of the dwelling and the street scene; ii) the impact of the proposals on the amenity of neighbouring residents and; iii) highway matters.

5.2 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."

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

5.4 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.5 The retrospective replacement double garage is sited on approximately the same footprint as the previously approved garage. The siting and size of the garage would have little overbearing impact upon the character or appearance of the existing dwelling as it would be located within the dwellings generous garden some distance from the main house. The garage has been constructed and finished to match the existing dwelling.

5.6 Development Policy DP1 seeks to protect the amenity of the occupiers of neighbouring properties. The scale, design and separation distances mean that there are minimal issues arising in respect of the proposal being overbearing, overshadowing or in respect of loss of privacy to neighbours.

5.7 Taking into account Hambleton District Council's Supplementary Planning Document for Domestic Extensions, it is considered that the pitched roof garage by virtue of its height, massing and form would not be harmful to neighbouring residential amenity and does comply with adopted policy. It is considered that the requirements of Policy DP1 are met.

5.8 Taking all of the above into account it is considered that the garage as built does not cause significant harm or adverse impact on the appearance, character or setting of the surrounding area nor does the development have any significant impact on residential amenity. Therefore this retrospective application is recommended for approval.

6.0 RECOMMENDATION

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC01, SCH1163/1 & 2 received by Hambleton District Council on 4th November 2019 unless otherwise approved in writing by the Local Planning Authority.

Reasons for Conditions:

1. 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, CP17, DP1, DP32

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Parish: Pickhill with Roxby
Ward: Tanfield
3

Committee Date: 12 December 2019
Officer dealing: Mrs H Laws
Target Date: 18 December 2019

19/01304/FUL

Change of use of land to domestic garden, replacement dwellinghouse to incorporate existing dwelling, as altered, to form an annex as amended by plans received by Hambleton District Council on 15 August 2019

At: Roman Castle Barn Pickhill North Yorkshire YO7 4JR

For: Mr & Mrs O Reade

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located approximately 1km to the north west of Pickhill on the western side of Swainby Lane within a gently undulating landscape. The existing dwelling, which is currently vacant, is a converted barn of very domestic appearance, that lies within a group of three dwellings in this location. A large agricultural building, which is in poor condition lies adjacent and partly within the application site boundary. Other agricultural and domestic buildings lie within the existing complex of dwellings.
- 1.2 It is proposed to construct a new two storey dwelling to be attached to the existing four bedroomed dwelling, which would be retained in an altered form as an annexe. The proposed dwelling would create an L-shaped arrangement with the existing property. The proposed accommodation would include 5 bedrooms within the new dwelling and two bedrooms within the annexe. A single storey link would connect the two parts of the unit, providing an entrance hall, boot room and wc.
- 1.3 The proposed dwelling would have a two storey gable feature on both the front and rear elevations with a flat roofed single storey section (with glazed roof lantern) to the side and a lean-to single storey section to the rear. A gabled porch is proposed for the front entrance and a bay window for the main gable. The dwelling would be finished in brickwork with pantiled roofs to the two storey sections and slate for the single storey roofs. Upvc double glazed windows are proposed.
- 1.4 It is also proposed to extend the domestic curtilage to enclose part of the established agricultural area (to the north east of the existing domestic curtilage) extending the garden. Approximately half of the large agricultural building would be demolished and removed from the site to create space for the extended garden.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 83/0131/FUL - Alterations and extension to existing disused agricultural building to form a dwelling. Permission refused 1993; appeal allowed 1994.

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 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
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - no objections

4.2 NYCC Highways - no objections

4.3 Publicity - one letter of support has been received as follows:

After seeing this property decline over the past 20 years, it is refreshing to see that the new owners are striving to improve the appearance and facilities with some vigour. I have studied the plans and support the proposed improvement.

5.0 ANALYSIS

5.1 The main issues to be considered are: i) the principle of creating a new dwelling and an annexe on this site; ii) the effect of the development on the character and appearance of the surrounding rural landscape and; iii) the effect on the amenity of local residents.

Principle

5.2 The site is outside the defined Development Limits boundary of any settlement and is located away from nearby villages and therefore the site is not considered to be a sustainable location for new residential development. An additional dwelling in this location would not be considered appropriate under LDF Policy CP4 given the isolated location of the site unless exceptional circumstances were shown to exist. Outside of settlements development is strictly controlled having particular regard to the protection of the countryside and environmental constraints. It is noted that this application results in no net change in the number of residential units.

5.3 LDF Policy DP9 allows development where it constitutes a replacement of a building where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. The proposed development is in effect both a replacement and an extension, whereby a new dwelling is constructed and the existing dwelling is retained and incorporated into the accommodation as an annexe.

5.4 There is an existing dwelling on the site occupied by a single household as a single planning unit. There are no objections in principle to the replacement of an existing dwelling with a larger dwelling but the two sections of the dwelling as proposed are divided and could, with internal alteration, be occupied independently of each other. It is currently proposed that there are shared areas of accommodation within the house as a whole; access and parking would be shared as would the areas of amenity space. The proximity and orientation of the two sections of dwelling to each other would mean that independent occupation would result in disturbance and an adverse impact on the residential amenity of both sets of occupants. It is unlikely therefore that the two parts of the dwelling could satisfactorily be divided to provide two independent dwelling

units. The principle of replacing the existing accommodation with a larger dwelling and annexe is therefore acceptable and is in accordance with Policy DP9.

Appearance of rural landscape

- 5.5 The existing dwelling is a converted barn but is domestic in appearance and not considered to be of special architectural or historic merit and contributes little to the character of the area. The proposed alterations to the existing building are not significant but the removal of the later additions to the side and rear would improve its overall appearance. The proposed 'extension' would be much larger in scale but comprises several sections in terms of roof arrangement and heights thereby breaking up the bulk and footprint.
- 5.6 LDF Policies CP16 and DP30 require development to protect the rural character and appearance of the countryside. The application site and its neighbours form a group of dwellings, farm buildings and outbuildings that is contained within the landscape by well-established screening of mature hedgerows and trees. The removal of part of the existing agricultural barn that lies to the east of the dwelling would significantly improve the appearance of the site. The proposed replacement dwelling, albeit large, would not cover as much space as the agricultural building. It would have a different appearance, i.e. domestic rather than agricultural, but would not extend beyond the existing established domestic part of the plot. The use of the land on which the agricultural building would be removed, would be changed from agricultural to domestic but this would have less visual impact than existing as a result of the building to be removed. The land to which the application site relates would not extend into the adjacent open rural landscape beyond the existing established grouping.

Amenity of local residents

- 5.7 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed development would not have an adverse impact on the amenity of existing residents as the extended part of the development lies further from the neighbouring properties than the existing.

Other matters

- 5.8 There are no objections to the increase in the accommodation in respect of highway safety.
- 5.9 The proposed development is an appropriate scale and design and would not detract from the appearance of the existing building or immediate locality. It would not have an adverse effect on the character or appearance of the surrounding rural landscape or the amenity of neighbouring residents and is in accordance with LDF Policies.
- 5.10 The proposed development does not increase the number of dwelling units in the countryside, would not have an adverse impact on the character and appearance of the rural landscape and would not harm residential amenity or highway safety. It is considered that the proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.
3. The accommodation hereby approved shall not be occupied as a separate independent dwelling; shall be occupied as a single dwelling with the original dwelling known as Roman Castle Barn, Pickhill; and shall form and shall remain part of the curtilage of the original dwelling as a single planning unit.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2019:15/02A; 05E; 06C; 07D; 08D; 09B; received by Hambleton District Council on 13 and 26 June and 15 August 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. The Local Planning Authority would wish to carefully examine any independent use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with LDF Policies CP1, CP2, CP4 and DP1.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Easingwold
Ward: Easingwold
4

Committee Date : 12 December 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.
- 1.7 The application was deferred at the November Planning Committee meeting to allow Officer's to discuss the potential for affordable housing provision within the scheme. Discussions have taken place and the outcome will be detailed in the relevant section of the report.

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
Emerging Hambleton Local Plan
National Planning Policy Framework

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) affordable housing; (iii) highway safety; (iv) drainage; (v) design; and (vi) 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.

Affordable housing

- 5.6 As reported previously 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. Following consideration of the application at November's Planning

Committee further discussion on the potential for affordable housing provision has taken place. The agent has confirmed delivering affordable homes on-site or even via an off-site contribution would have an unacceptable impact on the viability; especially given the applicant has amended the scheme from 10 houses to 9 bungalows. No evidence has been provided to confirm the viability issues. Therefore there remains to be no provision of affordable housing within the scheme. 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. Although policy CP9 notes that:

“The actual provision on individual sites will be determined through negotiations, taking in to account viability and the economics of provision”

In the absence of evidence to demonstrate the impact upon viability of providing affordable housing it is considered that the absence of any affordable housing is a substantial breach of the Development Plan Policy.

Principle of development – sustainable development and housing land supply

- 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 and given the housing land supply this approach is delivering a sufficient supply of homes in accordance with the NPPF. An example of support for this approach is seen in the recently dismissed scheme at 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 limited 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: unjustified development contrary to Development Plan Policies, 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 3.5 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. Yorkshire Water has confirmed this to be acceptable and also agree with the discharge points for both foul and surface water. The Local Lead Flood Authority considered the proposals when the scheme was a major development (10 dwellings) and concluded conditions would be required should the application be approved. 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)

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 could justify approval of additional development contrary to the Development Plan, 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.

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Parish: Crakehall

Ward: Bedale

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Committee date: 12 December 2019

Officer dealing: Mr P Jones

Target date: 4 July 2019

19/00864/FUL

Rear two storey extension with single storey additions. Front porch extension and internal alterations.

At: 3 Coronation Road, Little Crakehall

For Mr & Mrs D Ventham

This application is referred to Planning Committee as the application has been requested by a Member of the Council.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site is occupied by a two storey, semi-detached dwelling, finished in render under a tile roof. The rear boundaries of the property are formed by a 1.8m close boarded fence.

1.2 The area is residential in character, with both linear and in-depth development forms.

1.3 The application is for full planning permission for a front porch and single and two storey extensions to the rear elevation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There is no relevant history relating to this site.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

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 DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

Emerging Hambleton Local Plan

National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Public comments - One neighbour objection received, summarised below:

- The proposed extension would affect 2 Coronation Road
- The height of the proposed building would restrict the light in the garden in the afternoon/evening.
- It would also restrict the view to the west.
- A 2-storey extension may set a precedent and we would be concerned that other properties would do the same, thus blocking the outlook further.
- No objection to a single storey extension, the proximity to the boundary and oil tank should be taken into consideration.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) The impact of the development on the character and appearance of the host building and that of the wider area; (ii) the impact of the proposals on neighbour amenity.

Character and Appearance

- 5.2 Development Policy DP32 supports development of the highest quality which respects the local character and distinctiveness of the area by enhancing the positive attributes and mitigating its negative aspects.
- 5.3 The Council's domestic extensions supplementary planning guidance builds on these issues bringing in concepts of subservience, form and detailing in order to protect the character and appearance of the host building and that of the wider area.
- 5.4 The application site is occupied by a relatively typical semi-detached house. The proposed rear extension will not be readily visible from the street frontage and as such has little in the way of impact on the wider character and appearance of the area.
- 5.5 The proposed rear extension is a relatively large, two storey structure which will dominate the rear elevation of the property. However, given the context of the site and the design of the existing building, it is considered that the proposed development is not harmful and is in compliance with the requirements of Council policy relevant to the design of house extensions.

Residential Amenity

- 5.6 Development Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 5.7 The Council's domestic extensions supplementary planning guidance develops on the theme of daylighting to habitable rooms, setting out the principle of the 45 degree rule in assessing the impact of development on daylight.
- 5.8 In this case the applicant has sought to limit the impact on the amenity of the neighbouring property, by breaking up the massing of the rear extension, through the formation of a single storey element close to the boundary and the two storey element set approximately 2m back from the boundary. As a result the two storey element is in compliance with the Council's guidance. However, the single storey element, sitting close to the boundary of the property will have a measurable impact on the amenity of the neighbour as this element of the development is in breach of the 45 degree rule. The proposed development will have an impact on the only window to a large kitchen. However, there is a close boarded fence, between the application site and the neighbouring property and as a result the proposed extension will have a minimal impact in terms of daylighting.
- 5.9 In terms of privacy, the proposed development has no significant impact on the privacy of the neighbouring properties to the east or west. However, there is potential for a loss of privacy to the occupier of the property to the south.
- 5.10 The windows in the two storey element of the existing house are 21 m from the neighbouring property to the south and are in a direct window to window relationship.

The proposed two storey rear extension projects from the rear elevation of the existing property by 3.9m (to the external face of the wall), bringing the window to window distance down to 17.1m.

- 5.11 Whilst the Council has not adopted a set separation distance, a well-established rule of thumb is to maintain a 21m separation between windows where oriented in the fashion found in this case. The separation distance is significantly less than 21m and it is considered that the resultant development will result in a significant loss of amenity to the occupier of the property to the south. As such the proposed development is considered to fail to meet the requirements of the Council's domestic extensions guidance and those of Development Policy DP1.

Planning Balance

- 5.12 On assessment of the application, the form and detailing of the application is generally found to be acceptable and in compliance with Local Development Framework policy. However, the proposed development is considered to have an unacceptable impact on neighbour amenity owing to the proximity to the neighbouring property to the south and the resultant loss of residential amenity.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed development is considered to result in an unacceptable loss of residential amenity, in terms of privacy, to the neighbouring property to the south and as such fails to accord with the requirements of the Council's supplementary planning guidance on domestic house extensions along with the requirements of Development Policy DP1.

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Parish: Brompton
Ward: Northallerton North & Brompton
6

Committee Date : 12 December 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 residential dwellings with associated landscaping and parking as amended by plans received by Hambleton District Council.

For: Mr Lea Smith

At: Land Off Danes Crest Brompton North Yorkshire

- 1.0 The application was deferred at the November Planning Committee to allow further investigation into possible pedestrian improvements and alterations to the layout to reduce the impact of proposed three storey dwellings. The first part of the following report provides an up-date on the above matters. The remainder of the report remains as previously reported to Members in November.

Highways

- 1.1 Since November Planning Committee further site visits have been undertaken by NYCC Highways including an assessment by a crossings specialist. It was noted again that there is potential in the future to provide a crossing at the western end of the junction with Danelaw Road and Cockpit Hill, however, it is also acknowledged that the current position with regard to landownership and parking does not allow for the provision of a crossing in this area.
- 1.2 A meeting was subsequently held between the NYCC Highways Officer, the HDC Planning Officer, the developer and the applicant's highways consultant. During the meeting alternative solutions to increase pedestrian safety at the junction were discussed.
Alternative measures to a pedestrian crossing were discussed, in particular;
1. The use of speed humps / speed cushions to slow down traffic approaching the junction. This option was discounted due to negative impacts of noise from vehicles as they cross over them, the impact on emergency vehicles and the impact on busses and large vehicles which use the road. The siting and location of these would also prove difficult due to the amount of on street parking in the locality.
 2. Signage – this was considered a possibility. The main issue discussed was finding a location which would not have a negative impact upon existing residents and use of the footpath.
 3. Road Markings – considered a possibility.
- 1.3 The developer has indicated that road markings (e.g. SLOW) have been discounted due to the prevalence of on street parking where the parked cars would partially cover the road markings and thus reduce the impact. It was concluded that the best available option was to install safety signage on Cockpit Hill, Water End and Fullicar Lane.
- 1.4 Site visits were conducted to assess potential locations for the signs and in particular, if there were any existing poles or columns which could be utilised to mount additional signage. Three suitable locations were found. Two of these are existing road signs which could be raised in height and the additional sign added. The third, on Cockpit Hill, is an existing lamp-post. The Council's Design and Maintenance team were consulted on this option and have agreed that subject to proper installation at the correct height there is no objection to the use of the lamp-post.

- 1.5 In order to secure the safety signage it is likely that an agreement with the Highways Authority will be required under section 278 of the Highways Act. It is therefore recommended that a condition be included any grant of planning permission requiring the installation of the signage in line with the proposal offered by the applicant.

Layout

- 1.6 Revisions to the layout have been made in order to minimise the impact of the three storey dwellings on the neighbouring properties and surrounding area. The number of three storey (three bedroom) dwellings has been reduced from nine to eight. In place of this is an additional two storey (two bedroom) dwelling. All of the three storey dwellings are now located to the south side of the proposed access road. Plots 15,16 and 17 are now the two storey dwellings on the northern side of the site and plots 1 and 2 are three storey on the southern side of the site.
- 1.7 Other matters remain as previously reported.

2.0 SITE CONTEXT AND PROPOSAL

- 2.1 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.
- 2.2 The application is for full planning permission for the construction of 21 affordable dwellings.
- 2.3 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.

3.0 PLANNING & ENFORCEMENT HISTORY

- 3.1 None

4.0 RELEVANT PLANNING POLICIES:

- 4.1 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
Emerging Hambleton Local Plan
National Planning Policy Framework

5.0 CONSULTATIONS

- 5.1 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
- 5.2 Environmental Health Officer – Raised concern regarding noise during construction. A condition restricting hours of work during construction is therefore recommended.
- 5.3 Environmental Health Officer (contaminated land) – No objection subject to conditions relating to gas monitoring and ceasing of works should unexpected contamination be found.
- 5.4 NYCC County Archaeologist – A geophysical survey was received which showed negative results and therefore no further archaeological assessment or mitigation is required.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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 type amenity/ability of children to play out safely

6.0 OBSERVATIONS

6.1 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

- 6.2 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

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

Affordable Housing and Mix

- 6.3 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.
- 6.4 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 Bungalow	10%	2	9.5%

Table: Housing mix compared against SPD Target Mix

- 6.5 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

- 6.6 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.
- 6.7 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.
- 6.8 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.

- 6.9 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.
- 6.10 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.
- 6.11 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.
- 6.12 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.
- 6.13 In conclusion, it is considered that the proposed development results in no harm to the significance of the Conservation Area.

Highways

- 6.14 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.
- 6.15 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.
- 6.16 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.
- 6.17 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.
- 6.18 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.
- 6.19 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.
- 6.20 In light of the above information and Highways Officers comments it is considered that the provision of a crossing is not necessary.
- 6.21 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

- 6.22 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.

- 6.23 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.
- 6.24 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

- 6.25 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.
- 6.26 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

- 6.27 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

- 6.28 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.

- 6.29 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.
- 6.30 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 PO23 received 3th December 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.
15. Unless otherwise approved in writing by the Local Planning, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in the submitted Technical Note reference 191105-798-TN v2 received by Hambleton District Council on 27.11.2019
 - The provision of 3 off signs to diagram 544.1

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.
15. In the interests of the safety and convenience of highway users.

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Parish: Brompton Committee date: 13 December 2019
Ward: Northallerton North & Brompton Officer dealing: Mr C Allison
7 Target date: 18 October 2019

19/00541/FUL

Retrospective application for the siting of five static caravans on agricultural land for agricultural workers
At Lowfields Farm, Fullicar Lane, Brompton
For Mr Geoff Spence

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located at the end of Fullicar Lane, Brompton and is situated within the open countryside. The business operating from the site is a dairy farm which has 685 pedigree dairy cows and 650 followers at Lowfields Farm on 114.5 hectares of grass and arable with further forage sourced from other local farms.
- 1.2 The applicant seeks retrospective planning permission for the siting of five static caravans which are to be used for the housing of agricultural workers. The caravans are currently sited behind one of the agricultural buildings. The applicant has provided two documents to justify the need for agricultural workers on the site and the need specifically for five caravans on the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/01761/FUL – Roofing over existing slurry store to reduce pollution – Approved 11 October 2018
- 17/01968/FUL – Construction of an agricultural building – Approved 13 November 2017
- 16/02713/FUL – Construction of a dwelling house (Miresdale House) and transfer of agricultural clause from Miresdale House to Lowfields Farmhouse – Approved 6 February 2017
- 15/02546/FUL – Formation of pond for flood defence purposes – Approved 18 April 2016
- 14/00865/FUL – Construction of lean-to extension for the housing of cattle as an extension to an agricultural building – Approved 10 June 2014
- 14/00409/FUL – Construction of an agricultural building – Approved 16 April 2014
- 12/00276/FUL – Construction of an agricultural building for the housing of livestock – Approved 10 May 2012
- 07/00682/FUL - Construction of an agricultural workers dwelling and creation of a new vehicular access – Approved 13 April 2007
- 06/01328/REM – Reserved matters application for the construction of an agricultural workers dwelling – Refused 29 August 2006. Refused for the following reason:

“The proposed development is contrary to Policies L9, H24 and H24 (Alteration No.1). The proposed dwelling due to its height and bulk would erode the rural character of the area to the detriment of the appearance of the surrounding countryside, designated as a Special Landscape Area. The size of the proposed dwelling is not commensurate with the needs of the farm enterprise and does not therefore accord with Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas.”

05/01464/OUT – Outline application for the construction of an agricultural workers dwelling – Approved 9 September 2005

04/02505/OUT - Outline Application for the construction of an agricultural workers dwelling – Refused 14 February 2005. Refused for the following reasons:

“There are already two full time workers living in close proximity to the farm buildings to serve its functional need. In circumstances when additional staff would be required it is not considered unreasonable for them to travel from the village of Brompton, which may be reached on a bike or in a car in a matter of minutes. It is considered perfectly reasonable to expect a worker to travel this distance and a range of properties in terms of size and price are available within the village. The proposal for an additional dwelling at the farm does not therefore accord with Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas and Policy H23 and H23A1 of the Hambleton District Wide Local Plan (1999).

The proposed dwelling, even if well designed and modest would erode the rural character of the area through the introduction of an additional domestic property in the area, to the detriment of the appearance of the surrounding countryside, designated as a Special Landscape Area. The proposal does not therefore accord with Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas or Policy L9 of the Hambleton District Wide Local Plan.”

03/00116/FUL – Construction of an agricultural building for the accommodation of livestock – Approved 23 April 2003

02/01930/FUL – Construction of an agricultural for the accommodation of livestock and storage purposes – Approved 14 November 2002

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
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
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP25 – Rural Employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – have commented on the application and asked for an agricultural occupancy condition imposed on the caravans if approved.
- 4.2 Environmental Health – Have no objection as the development would have no impact on residential amenity in terms of noise and disturbance. However have stated if approved that a Site License would be required for the mobile homes.
- 4.3 Public comments – A site notice was posted and neighbours consulted and no letters of representation have been received in regard to the application.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity;

Principle

- 5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development. In determining applications decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 5.3 As the site is located outside of the settlement boundary of Brompton, within open countryside, Policy CP4 and Policy DP9 are of relevance. Policy CP4 and DP9 states that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria:
- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy
 - Where it is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance
 - It would provide affordable housing or community facilities
 - It would re-use existing buildings without substantial alteration or reconstruction
 - It would make provision for renewable energy generation
 - It would support the social and economic regeneration of rural areas.
- 5.4 The proposal for the siting of five static caravans for residential use by agricultural workers is in accordance with Policy CP4 and DP9 and as such could be acceptable in principle where the need can be proven.
- 5.5 However, consideration needs to be given for the need for five agricultural workers dwellings on the site. The main management of the farm is carried out by the owners. Over the next few years the applicant will approach retirement and his input into the farm will reduce and more responsibility will be passed to the owner's son. The farm employs a number of full and part time staff. European staff are employed for the milking of the cows and the nature of the applicant's staff is that in general they work for two to three months before returning to their home countries and then returning to work at Lowfields Farm for another two to three month period.
- 5.6 With a statutory holiday requirement of 21 days plus Bank Holidays the number of hours worked by a full time person per year is expected to be about 2200 hours.

Based on the number of cattle on site and the labour requirements associated with the farm this equates to a requirement for 11.45 full time workers.

- 5.7 Labour is currently provided by the owners of the business Mr Spence, Mr Spence's son, full time employees living at Lower Stobthorne and Bethesda Cottage. The rest of the labour is provided by a part time employee, a self-employed milker and six European milkers who work on rotation with only a maximum of five ever being on the farm at any one time.
- 5.8 The applicant has stated that the existing dwellings on the farm provide accommodation for Mr Spence and his family and the other dwellings provide accommodation for other workers on the site. The applicant has stated if he was to consider alternative provision of accommodation for his workers, the minimum assured short term tenancy length is 6 months and considering his workers are here for no longer than three months this is not feasible. Therefore the applicant considers that the only alternative is to house workers within mobile homes on the site.
- 5.9 In terms of a functional need there is no doubt that the farm requires one or more full-time workers to be on hand at all times. This requirement is currently met by full time workers living in close proximity to the site. Whilst it is acknowledged that Mr Spence senior plans to retire in a couple of years there will still be three full time workers in close proximity to the farm business, providing for the functional needs of the business.
- 5.10 It is considered that the needs of the farm, in terms of being within sight and sound of the farm operations are catered for by existing bricks and mortar accommodation on the farm. In circumstances where additional staff are required, it is not considered unreasonable for staff to travel from a nearby settlement, including the village of Brompton which can be reached in a matter of minutes. It is considered perfectly reasonable to expect a worker to travel this distance and a range of properties in terms of size and price are available in the area. It should also be borne in mind that Bethesda is a four bedroom dwelling comprising part of the holding and located only 1km away from the farm operation. This is currently occupied by somebody who also works full time on the farm.
- 5.11 It is considered that the proposal for five static caravans for agricultural workers in the open countryside is contrary to the Council's Local Development Framework on the grounds that there is already permanent accommodation on the site which can meet the functional needs of the farm and alternative / additional accommodation can be found within the Service Centres of Brompton or Northallerton which are only around 1km away from the site. As such the proposed development is considered to fail to accord with the requirements of Policy CP4 and DP9.

Impact on the Character and appearance of area

- 5.12 Policy DP30 recognises 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 important long distance views.
- 5.13 Policy DP32 states that development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.14 The five mobile homes are positioned to the rear of one of the agricultural buildings and adjacent to an existing hedgerow. Therefore the mobile homes are well screened and not readily visible until you are in close proximity to them. Whilst it is considered

that mobile homes as permanent accommodation in the open countryside cannot be considered to be high quality design, given the context of the development adjacent the existing, large farm buildings, the development is not considered to be harmful to the character and appearance of the countryside.

Impact upon neighbouring residential amenity

- 5.15 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.
- 5.16 The mobile homes are situated away from any neighbouring residential properties and are well screened from any neighbouring residential properties. The proposals have no significant impact on neighbouring occupiers in terms of residential amenity. It is therefore considered that the siting of five mobile homes would have no significant impact on the amenity of neighbouring residential properties and is in accordance with Policy DP1 of the Local Plan.
- 5.17 The amenity of the occupiers of the proposed development must also be considered. The static caravans are grouped in the absence of any suitable form of amenity space, immediately adjacent the agricultural operations of the farm. Generally static caravans are not considered to be an appropriate form of development for permanent residential occupation. Whilst it is noted that the 'normal' occupation is for two to three months only this is considered to be considerably more than would be expected for holiday purposes.
- 5.18 It is considered that the proposals fail to provide a sufficiently commodious development to provide an acceptable level of amenity for its occupiers and as such fail to accord with the requirements of Development Policy DP1.

Planning Balance

- 5.19 The site is a large dairy farm and there is a demonstrable requirement for workers to be on site to attend to the needs of the animals on the site. However, it is noted that there are permanent dwellings associated with the farm in close proximity to the site with approximately four full time workers all within 1km of the farm and some considerably closer. Therefore, having another five permanent mobile homes on the site would be excessive considering the proximity of service centres such as Brompton and Northallerton within walking/cycling distance and therefore it is considered that the siting of five mobile homes is contrary to the Council's Local Development Framework policy CP4 and DP9.
- 5.20 Furthermore, the use of static caravans for permanent residential accommodation is considered to provide an insufficient level of residential amenity for the proposed occupiers and as such fails to accord with the requirements of Development Policy DP1.

6.0 RECOMMENDATION

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

1. It is considered that the application has not adequately justified an agricultural need for additional farm workers to be accommodated on the farm holding. There are already four full time workers living in close proximity to the farm operation serving its functional needs. The proposal for five static mobile homes on the farm holding, to accommodate farm workers fails to accord with Policy CP4, DP9 and DP25 of the Council's Local Development Framework.

2. It is considered that static caravans, located in close proximity to the agricultural buildings, fail to provide a sufficient level of amenity to the proposed occupiers and as such the development is considered to be inappropriate for permanent residential accommodation and fails to accord with the requirements of Development Policy DP1.

Parish: Borrowby
Ward: Bagby & Thorntons
8

Committee date: 12th December 2019
Officer dealing: Mrs Angela Sunley
Target date: 16th December 2019

19/02099/FUL

Construction of part two storey part single storey rear extension. As amended on 11 November 2019

At Highside, Borrowby

For Ms S. Henn

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is occupied by a two storey terraced dwelling, located to the northern end of the village on the eastern side of the main street. The property is at a higher level to that of the highway and is sited within a diverse arrangement of properties within Borrowby Conservation Area.
- 1.2 The front of the property looks onto a grass embankment which has steps down to the highway and the rear elevation looks onto a good sized garden area which backs onto the narrow Back Lane.
- 1.3 This application seeks planning permission for construction of a part two storey and part single storey rear extension.
- 1.4 Amended plans were received on 11 November 2019. The amendments include lowered eaves and ridge height and reduced projection of the proposed rear extension. The drawings also illustrate the 45 degree code as detailed within Hambleton District Council's Supplementary Guidance (SPD) regarding domestic extensions.
- 1.5 The proposal is to construct a 3m deep two storey extension to the middle of the rear elevation of the property. A small single storey extension approximately 0.8m x 3m would be sited to the north of the two storey element. The proposed materials are natural stone, rubble random coursed to match the existing dwelling and the use of reclaimed brick for the lean-to. The roof is to be covered with clay pantiles and lead for the lean-to.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning history

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Response date 7 November 2019: The Parish Council do not object to the planning application in principle but are concerned about the effect of the right to light on the neighbours.

4.2 Public comments - 5 responses, 4 neighbour objections and 1 neighbour in support of proposal. The representations are summarised below:

- Conflict with planning policy relating to the impact on the amenity of the occupiers of the immediately adjoining residential dwelling at Mullion Cottage,
- Harmful impact on the character and appearance of the terraced properties
- Harmful impact on the Conservation Area, and consequently local visual amenity
- The development is out of character and unsympathetic to the row of cottages, which currently only have single storey extensions and do not restrict light to neighbouring properties. The proposal sets a precedent for others to follow.
- The 45 degree rule has not been applied appropriately, to the neighbouring properties ground floor and the first floor. The rule has been applied to a window on the ground floor and not the glazed door which delivers light into a lounge area. There is also an error on the code on the upper floor.
- The proposal would cause a loss of light to principle rooms and significant overshadowing within the neighbouring property and garden area.
- The proposed would be overbearing and it would cause a sense of enclosure.
- Overshadowing of neighbouring amenity area.
- Measurements on the application are incorrect and as such the development will have a greater impact than that shown in the application.
- In reality 60% of the light into the rear room of the neighbouring property is via the glazed door which is excluded from the applicant's assessment.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on i) Impact on the significance of the Conservation Area and character and appearance of the host building and; ii) Impact on amenity

Design and Impact on the conservation Area

5.2 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."

- 5.3 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. 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.
- 5.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.5 DP28 states; "development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance".
- 5.6 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.
- 5.7 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.
- 5.8 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
- 5.9 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.
- 5.10 The dwelling is located within the Borrowby Conservation Area. Much of the character in the area derives from its hillside location, wide variety of materials, layout of the settlement and numerous orchards adding significantly to the overall character. The application site is located between Main Street and Back Lane featuring a distinctive road fronting property with a long rear garden. Many of the properties in this area have rear extensions and various outbuildings close to Back Lane which limit views into the site from Back Lane. The proposed extensions would be to the rear of the property within the private domestic curtilage, out of public view within the main part of the Conservation Area. It is considered that the proposed development within this vicinity would have a neutral impact on the character of the Conservation Area.
- 5.11 CP17 and DP32 states all developments must be of the highest quality design and they must take into account local character and settings. The proposed development would be proportionate to the size of the plot and the host dwelling; the proposed enlargement would be of a suitable scale and is sympathetically designed, the

proposed materials match and complement the existing dwelling and surrounding area which has a diverse street scene, with various styles of dwellings.

- 5.12 It is considered that the relevant tests within the NPPF concerning heritage matters, are met and that the development is otherwise in accordance with relevant Local Development Framework policy concerning design.

Impact on Amenity

- 5.13 LDF Policy DP1 and Hambleton District Council's Supplementary Planning guidance on domestic extensions state all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development of either two or single storey in nature to the rear of properties will, where applicable, be assessed on the 45° code to establish the impact of the proposal on the amenities of neighbouring properties. An extension must not cause any significant loss of light to principal rooms in neighbouring properties, or significant overshadowing to neighbouring gardens. The purpose of this is to ensure that an extension does not take away too much daylight or outlook. It is based on the notion that it is reasonable to expect a certain level of light and unobstructed view from a habitable room (habitable rooms include living rooms, studies, bedrooms and larger kitchens).
- 5.14 The applicant, within the amended plans, has illustrated the 45 degree code. The drawing illustrates the impact that the proposal would have in these terms. Whilst the window of the property is not directly impacted, the glazed door is. It is clear that the property benefits from light from both the window and the door and the proposed development will result in a loss of daylight into this room.
- 5.15 It is also noted that the proposal will lead to overshadowing to a small part of the yard immediately to the rear of the property, currently laid out with table and chairs and plainly used as the primary external amenity space. This area will be overshadowed and will result in a loss of amenity as a result.

Planning Balance

- 5.16 It is considered that the proposal has a neutral impact on the Conservation Area and will preserve the character and appearance of the Conservation Area. The proposed development is considered to have no significant, detrimental impact on the character or appearance of the host building.
- 5.17 The proposed development will have a harmful impact on the residential amenity of the neighbouring property owing to loss of daylight to the rear glazed door and overshadowing of the amenity space immediately to the rear of the property. The proposed development is considered to fail to accord with the Council's supplementary planning guidance on House Extensions and the requirements of Development Policy DP1.

6.0 RECOMMENDATION

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

1. The proposed development will result in a loss of amenity to the occupiers of the neighbouring property through a loss of daylight to the rear glazed door and through the overshadowing of the amenity space to the rear of the property. The proposed development is considered to fail to accord with the requirements of Development Policy DP1 and the Council's supplementary planning guidance on House Extensions