

# Public Document Pack

**HAMBLETON**  
DISTRICT COUNCIL

## AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 24 December 2019

Dear Councillor

### NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**  
Date **Thursday, 9 January 2020**  
Time **10.00 am**  
Venue **Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

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

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING**

## **AGENDA**

### **Page No**

1. MINUTES

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To confirm the minutes of the meeting held on 12 December 2019 (P.18 - P.19), 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 9.30 am on Thursday,  
12th December, 2019 in the Maple Suite 2,  
Allerton Court Hotel, Darlington Road,  
Northallerton, DL6 2XF

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## 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	M S Robson	Councillor	Mrs I Sanderson
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### P.18 **MINUTES**

#### **THE DECISION:**

That the minutes of the meeting of the Committee held on 14 November 2019 (P.16 - P.17), previously circulated, be signed as a correct record.

### P.19 **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) 19/02033/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 for Mr and Mrs G Elstob

PERMISSION GRANTED subject to an additional condition stipulating that the development be limited to one bungalow and that any subsequent reserved matters application is to be referred to the Planning Committee.

(Ian Black spoke objecting to the application.)

Note: Councillor M S Robson arrived at the meeting at 9.45am during consideration of the above item.

- (2) 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 and Mrs P Bonomini

PERMISSION GRANTED

- (3) 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 for Mr and Mrs O Reade

PERMISSION GRANTED

(The applicant, Oliver Reade, spoke in support of the application.)

Note: Councillor Mrs I Sanderson arrived at the meeting at 10.05am during discussion of the above item.

- (4) 18/02681/FUL - Construction of 9 bungalows, garages and associated infrastructure, access and parking as amended by details received 2nd September 2019 at Lilac Cottage, Stillington Road, Easingwold for W&W Estates

PERMISSION REFUSED

(Jonathan Saddington spoke on behalf of the applicant in support of the application.)

- (5) 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 and Mrs D Ventham

PERMISSION GRANTED subject to a condition requiring the lower half of the glazing in south facing windows above ground floor level to be opaque.

The decision was contrary to the recommendation of the Deputy Chief Executive. The Committee was satisfied that the condition requiring the opaque glazing offered a satisfactory solution to reduce the impact on neighbour amenity.

- (6) 19/01499/FUL - Construction of 22 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

PERMISSION GRANTED subject to additional conditions requiring the provision of signage regarding road safety in suitable locations within the vicinity and submission of measures to 'design out crime'.

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

Note: Councillor M S Robson left the meeting at 10.35am during discussion of the above item.

The meeting adjourned at 10.55 am and reconvened at 11.00 am.

- (7) 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 Geoff Spence

TEMPORARY PERMISSION GRANTED for a maximum period of two years.

The decision was contrary to the recommendation of the Deputy Chief Executive. The Committee was satisfied that there were exceptional circumstances justifying the need for agricultural workers temporarily to be accommodated on site.

(The applicant, Geoff Spence, spoke in support of the application.)

- (8) 19/02099/FUL - Construction of part two storey part single storey rear extension as amended on 11 November 2019 at Highside, Borrowby, North Yorkshire, YO7 4QQ for Ms S Henn

PERMISSION GRANTED

The decision was contrary to the recommendation of the Deputy Chief Executive. The Committee was satisfied that the application as amended would not have a significant detrimental impact on neighbour amenity.

(Nicola Peacock spoke on behalf of the applicant in support of the application.)

(Michael Keast spoke objecting to the application.)

The meeting closed at 12.10 pm

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Chairman of the Committee

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# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 9 January 2020. The meeting will commence at 10.00am.**

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](http://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 9<sup>th</sup> January 2020**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>Morning session 10.00am</b>		
<b>1</b>	19/02128/FUL Mrs H Laws Bedale  Page No.11	Demolition of 4 Bungalows and removal of existing trees to facilitate the construction of 59 apartment extra care building with associated hard and soft landscaping and parking as amended by plans received by Hambleton District Council on 5 December 2019  For: Broadacres Housing Association At: Land to rear (Easby's Filed) of Queen Anne's Drive, Bedale  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	19/02102/OUT Mr Mark Danforth Huby  Page No.27	Application for outline planning consent for 8 dwellings with all matters reserved  For: Mr P Mead At: Land West Of Little Burn, Sutton Road, Huby  <b>RECOMMENDATION: REFUSE</b>
<b>3</b>	19/01626/FUL Ann Scott Topcliffe  Page No.35	Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works  For: I'Anson Bros Ltd At: OS Field 6717, Eldmire Lane, Dalton  <b>RECOMMENDATION: GRANT</b>
<b>Afternoon session 13.30pm</b>		
<b>4</b>	19/02184/FUL Ms A O'Driscoll Aiskew  Page No.54	Construction of warehouse and offices.  For: Mr Tony Blake (SpeedClad Ltd) At: Plot 1, Conygarth Way, Leeming Bar Business Park Leeming Bar  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	19/02514/FUL Naomi Waddington Alne  Page No.59	Construction of a 1.5 storey detached house  For: Mr O Shipley At: Falloden, Forest Lane, Alne  <b>RECOMMENDATION: REFUSE</b>
<b>6</b>	19/00993/FUL Mrs H Laws Burrill with Cowling  Page No.67	Construction of a detached dormer bungalow & garage as amended by plan received by Hambleton District Council on 13 November 2019  For: Mr M Averis At: Arbutus House, Cowling Road, Burrill  <b>RECOMMENDATION: GRANT</b>

<b>7</b>	19/02067/FUL Mrs Helen Ledger Great and Little Broughton  Page No.75	Application for outline planning permission with all matters reserved for the construction of a dwellinghouse  For: Mr Stewart Williamson At: Land To West Of, 38 The Holme, Great Broughton  <b>RECOMMENDATION: REFUSE</b>
<b>8</b>	19/01507/FUL Naomi Waddington Huby  Page No.83	Construction of a new dwellinghouse and attached double garage  For: Mr Thompson At: Land Adjacent To Greencroft House, Bell Lane, Huby  <b>RECOMMENDATION: REFUSE</b>
<b>9</b>	19/02169/FUL Mr Mark Danforth Huby  Page No.91	Development of 3no. three bed terraced houses with garages  For: Mr Steve Knowles At: Land To The North Of The Forge, Tollerton Road, Huby  <b>RECOMMENDATION: REFUSE</b>
<b>10</b>	19/01448/OUT Mr P Jones Ingleby Arncliffe  Page No.99	Outline application (some matters reserved) for the demolition of existing school and construction of four dwellings and access as amended by email received by Hambleton District Council on the 26 November 2019.  For: Mr Simon Quartermaine At: Ingleby Arncliffe Church Of England VC Primary School, Ingleby Arncliffe  <b>RECOMMENDATION: GRANT</b>
<b>11</b>	19/02064/FUL Mr M. Pearson Rudby  Page No.109	Construction of a detached dwellinghouse, garage and new vehicle access  For: Mr Welford At: Plot 3 OS Field 2719, Stokesley Road, Hutton Rudby  <b>RECOMMENDATION: GRANT</b>
<b>12</b>	19/00912/FUL A O'Driscoll Rudby  Page No.117	Construction of 3 bedroom dormer bungalow  For Mr E McMordie At Bluebarn Cottage, Middleton Road, Hutton Rudby  <b>RECOMMENDATION : REFUSE</b>
<b>13</b>	19/01980/FUL Ann Scott Sandhutton  Page No.125	Conversion of barn to create two dwellings  For: Mr Bosomworth At: Church Farm Sandhutton  <b>RECOMMENDATION: GRANT</b>
<b>14</b>	19/02006/OUT Ann Scott South Otterington  Page No.131	Application for Outline Planning Permission with all matters reserved for the construction of 5no dwellings  For Mr & Mrs M Harland At: Land South West Of Mill Farm, Station Road, South Otterington  <b>RECOMMENDATION: REFUSE</b>

<p><b>15</b></p>	<p>19/02391/FUL Mr Mark Danforth Tollerton  Page No.139</p>	<p>Construction of 2no two semi-detached dwellings  For: Mr Anthony Charlton At: Grey Cottage, Main Street, Tollerton  <b>RECOMMENDATION: GRANT</b></p>
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**Parish: Bedale**  
**Ward: Bedale**  
**1**

Committee Date: 9 January 2020  
Officer dealing: Mrs H Laws  
Target Date: 23 January 2020

**19/02128/FUL**

**Demolition of 4 bungalows and removal of existing trees to facilitate the construction of a 59 apartment extra care building with associated hard and soft landscaping and parking as amended by plans received by Hambleton District Council on 5 December 2019.**

**At: Land To Rear (Easby's Field) Queen Anne's Drive Bedale North Yorkshire**  
**For: Broadacres Housing Association**

## **1.0 SITE CONTEXT & PROPOSAL**

- 1.1 The site lies on an area of land towards the south western end of Bedale, to the south of dwellings on Queen Anne's Drive. Grange Close is located to the east, and Beechwood Court/Close and Pinewood Grove to the south. To the west lies an area of overgrown land with the Bedale Allotments beyond. The site is landlocked with no vehicular access currently available.
- 1.2 The majority of the site (i.e. excluding the four bungalows on Queen Anne's Drive proposed for demolition) is allocated in the Local Development Framework for housing (Policy BH1). The land is currently overgrown and neglected and is occupied by three areas of trees that are the subject of a Tree Preservation Order (TPO). The site slopes downwards in a north to south direction with the application site being lower than Queen Anne's Drive but higher than the land on Beechwood Close, Beechwood Court and Pinewood Grove.
- 1.3 As identified in Section 2.0 below, the majority of the site is allocated (BH1) for housing development within the Local Development Framework, as part of a larger site for around 55 dwellings. To the south west of the application site lies an overgrown area of land that forms the remainder of Allocation BH1.
- 1.4 It is proposed to remove a total of 13 trees within the site. Only one of the trees the subject of the TPO would remain; this tree is a sycamore on the southern boundary of the site. A landscaping scheme is proposed for all external areas of the site to include a more formal garden within the central courtyard and an orchard and wildflower meadow to the south
- 1.5 The location plan shows the extent of the site boundary covering an area of 0.75ha. The application has been submitted with a Design and Access Statement; a Transport Statement; an Arboricultural Impact Assessment; an Ecological Appraisal; a Phase I & II Geo-Environmental Assessment; and a Statement of Land Identification for an Extra Care Scheme in Bedale.
- 1.6 It is proposed to construct a building in which to provide an extra care facility. A total of 59 units are proposed; 22 units on the ground floor; 29 on the first floor; and 8 on the second floor. The accommodation within the building would comprise:
  - 15no. one bedroom apartments
  - 36no. two bedroom apartments
  - 8no. studio apartments
  - 2no. residents lounges
  - Meeting room
  - 2no. quiet lounges
  - Publicly available café area with associated kitchen

- Hair salon
  - Reception/office and staff room
  - Laundry
  - Assisted bathroom
  - Plant rooms
  - Cleaner stores
- 1.7 It is proposed to access the site from Queen Anne's Drive on land currently occupied by bungalows in the ownership of the applicant (numbers 13, 15, 17 and 19). A total of four bungalows would be demolished to provide an access into the site. A client statement has been submitted explaining the background to the relocation of the existing residents. The affected residents have been kept informed of the process since October 2018, have been provided with options for alternative housing and will be provided with payments and expenses towards a move. Full support has been provided and will continue throughout the process should the development proceed.
- 1.8 The proposed building would effectively be U-shaped with a courtyard positioned within the central space, open to the southern boundary. The building would be made up of different sections and heights but completely interconnected as a single building. The majority of the building would be two storeys and the inner section of the U-shape facing into the courtyard would be three storeys in height. The building would be finished in a mix of brickwork and render with concrete roof tiles. The windows throughout the building would be upvc and the doors and window glazing at the entrance to the building would be dark grey powder coated aluminium.
- 1.9 A sub-station is proposed to be constructed in the eastern corner of the car parking area adjacent to a proposed bin storage area.
- 1.10 A statement provided by the applicant to explain the background to the proposal has been submitted as part of the submission for the extra care units. The proposed development is a result of North Yorkshire County Council commissioning a Housing Market Research Report that identified a need for extra care provision in Bedale. Extra care is a different type of provision to a care home facility and allows the residents much more independence. Following an Invitation to Tender process, the proposed scheme is the only one from six possible providers that is compliant and, subject to planning permission, achievable. The compliance is due to the site's proximity to the community, facilities such as the health centre and shops, and infrastructure.
- 1.11 Improvements to the layout and detailed design of the buildings were secured at pre-application stage.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 TPO No. 1985/09 confirmed January 1986, relating to three areas of trees A1, A2 and A3 including a mix of elder, sycamore, hawthorn and ash.
- 2.2 As noted in paragraph 1.1, the majority of the site is allocated for housing development within the Council's Local Development Framework and the requirements are as follows:

BH1 Masham Road, Bedale (1.5ha)

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

- i. development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 55 dwellings (of which a target of 40% should be affordable);
- ii. types and tenure of housing developed meeting the latest evidence of local needs;
- iii. an alternative location being provided for the current allotments occupying the site;

- iv. vehicular access to the site being taken exclusively from Masham Road through the development to the south;
- v. contributions from the developer providing improvements to pedestrian and cycle access in the area, particularly retaining the public right of way across the site and along Firby Road to local facilities;
- vi. contributions from the developer towards providing public open space, necessary infrastructure improvements, particularly increasing sewerage and sewage disposal capacity; and
- vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

### 2.3 History on the adjacent part of the Allocation:

18/00592/FUL - Residential development for the construction of 14 dwellings. Permission refused 29/4/2019 for the following reasons:

1. The proposed development fails to provide the required level of affordable housing and as such is not considered to accord with the requirements of Allocations Document Policy BH1, which requires 40% of the housing within the allocation site to be affordable.
2. The proposed development fails to meet the requirements of allocation BH1 as no alternative location is being provided for the allotments which occupied the site. The investment into the remaining allotments is not considered to be sufficient to off-set the harm caused by the loss of the allotments, resulting from the development of this site.
3. Due to the lack of proposed improvements to the pedestrian and cycle access in the area as required by the allocation, it is considered that the proposed development does not result in a sufficiently sustainable form of development, in terms of its connectivity to local services, by sustainable means of transport.

### 2.4 19/01511/FUL - Residential Development comprising 14 dwellings (resubmission). Permission refused 20/9/2019 for the same reasons as those given above.

## 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 CP7 - Phasing of housing  
 Core Strategy Policy CP8 - Type, size and tenure of housing  
 Core Strategy Policy CP9 - Affordable housing  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP4 - Access for all  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP8 - Development Limits  
 Development Policies DP13 - Achieving and maintaining the right mix of housing  
 Development Policies DP15 - Promoting and maintaining affordable housing  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Allocations Document Policy BH1 - Masham Road, Bedale - adopted 21 December 2010  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

#### **4.0 CONSULTATIONS**

**4.1 Town Council - wish to oppose the application for the following reasons:**

**Traffic:** The traffic situation on Queen Anne's Drive, Firby Road, and the five lane ends where Firby Road meets the B6268, is already unsatisfactory, and the recent approval of expansion plans for the Glebe House Surgery will only add to that. The Council feels that the inevitable and substantial increase of vehicle traffic resulting from this planned development will cause unacceptable levels of congestion, pollution, noise and inconvenience for residents, and for staff and users of the surgery, school and leisure centre. The five lane ends junction, which already causes alarm among drivers and pedestrians, would be even more dangerous with the increase in traffic resulting from such a development, and the inevitable increase in impatience among drivers. The Council does not see how any development on this site can go forward without access being from Masham Road/Calvert Way rather than Firby Road/Queen Anne's Drive.

**Parking:** While accepting that many of the residents of the 59 units proposed will not be car owners, the Council feels that some will, and that in any case the 28 spaces proposed are nowhere near sufficient for the number of visitors, staff and deliveries such a large facility would attract. The only option for overflow parking would be on Queen Anne's Drive, where parking on pavements is already an issue for wheelchair and pushchair users.

**Design:** While appreciating the efforts the applicant has made to make the design less obtrusive, the Council feels that the building as proposed remains out of scale to its surroundings, with the third storey in particular being obtrusive and architecturally unpleasant. The Council heard from and agreed with a number of residents who accept that this land will be developed in accordance with the Local Plan, but feels strongly that this particular scheme is trying to cram an inappropriate number of units into the space available

**Landscape:** The Council feels that the landscaping attached to this scheme is "off the shelf" rather than bespoke. It is uninspiring and does not go far enough to replace the trees which will be felled in order to clear the land.

**4.2 NYCC Highways - no objections subject to conditions regarding the construction of the new access and the provision of parking and turning facilities on site in accordance with the submitted drawings.**

**4.3 MOD Safeguarding - no height safeguarding concerns. The principal concern of the MOD is that the creation of new habitats may attract and support populations of large and or flocking birds close to an aerodrome. There is potential to attract or support hazardous birds if the drainage detention basin holds water on a permanent or semi-permanent basis and there are no details as of yet of the proposed landscaping for the site.**

**4.4 Yorkshire Water - conditions recommended**

**4.5 HDC Environmental Health Officer (Contaminated Land) - conditions are recommended**



4.6 Publicity - objections have been received from more than 80 local residents, the comments are summarised as follows:

- Access - safety concerns due to the added volume of traffic
- Pollution resulting from more traffic
- Insufficient parking
- The building would be an overdevelopment of the site
- The building would be in the highest part of town and would overshadow neighbouring properties
- Overlooking of existing properties
- Loss of the protected trees and associated wildlife habitat
- Requires four properties to be demolished resulting in the need to re-home potentially vulnerable residents
- Light pollution
- Café and hairdresser proposed and open to the public; existing facilities lie within the town
- Hard surfacing will increase flood risk
- Disruption in respect of construction works
- Alternative sites should be considered

## 5.0 ANALYSIS

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

### The Principle of Development

5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this, the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy. As noted in paragraph 2.1 above, 1.5ha of land is allocated for new housing under Policy BH1, of which the majority of this site forms a part, and which states that the land is allocated for housing for release in Phase 1 (up to 2016). No planning applications have been considered on this specific parcel of land since the land was allocated for development. The remainder of the allocation has been subject to a refused application for housing development.

5.3 The NPPF in paragraph 59 emphasises the importance of bringing forward land where it is needed and that land is developed without unnecessary delay. The landowner of the adjacent part of the allocated site is holding a ransom strip, which precludes access to the site from Masham Road as would be required by BH1; the application site is otherwise landlocked. The development of the site by Broadacres provides an opportunity to gain access through their existing elderly person's accommodation, which would require the removal of three of the dwellings. A fourth resident has expressed a preference for relocating, allowing the opportunity to demolish four bungalows to create a better access onto Queen Anne's Drive. This would allow the development of the site from Queen Anne's Drive rather than Masham Road with the sensitive relocation of existing residents, in order to achieve development for which there is an identified need.

- 5.4 In 2010, North Yorkshire County Council commissioned an independent Housing Market Research report for the County, which highlighted a potential need for extra care housing. The County Council then undertook a mapping exercise, which indicated a need for Extra Care in Bedale.
- 5.5 The County Council then undertook a procurement procedure for providers to access NYCC's extra care framework. Six providers were successfully appointed onto the framework. An Invitation to Tender process then followed, requiring providers to bring land forward as part of their tender submission. The inclusion of and proof of land obtainability was an absolute requirement. Only two expressions of interest were received at the end of this process but during the following stage one of the bids was withdrawn as the land intended for that scheme became unavailable and the only viable scheme was that from Broadacres/Galliford Try.
- 5.6 As part of the tender submission a points based scoring system was applied to provide details of the distance in metres from the scheme to various local amenities including the health centre, public transport, ATM, local food store; pharmacy and library. The submission met the criteria. In September 2018 a report was presented to NYCC's Executive Committee to recommend approval to proceed with the extra care development in Bedale.
- 5.7 Following initial feedback from public consultation further exploration of alternative sites has been made but all considered sites are deemed unsuitable due to distance from town centre, lack of infrastructure including highway and general access issues.

#### Affordable and extra care housing

- 5.8 There is a 40% requirement for affordable housing in the Local Development Framework Allocation; the proposed scheme is for 59 units of extra care affordable rented housing, which is 100% of the provision.
- 5.9 The units would be occupied by qualifying individuals with a local connection. Thirty seven of the units would be two bedroom apartments for independent living; 14 would be one bedroom apartments for independent living and 8 would be one bedroom open plan apartments specifically designed for residents with complex health needs.
- 5.10 The County Councils preferred model of accommodation with care, is Extra Care housing, which is defined as housing that supports older people to live independently in their own home. Extra care developments provide purpose built apartments in a community setting, with access to on-site care and support services that can be tailored to the occupiers needs. The applicant in designing this scheme has made provision for additional facilities including communal areas and on site catering, a lift and access to a range of services on-site, including the provision of rooms to enable more specialist care to take place on-site in a location with an existing community and in close proximity to external services such as the health centre and shops.
- 5.11 A draft Section 106 agreement has been submitted.

#### Layout, design and impact on the character and appearance of the area

- 5.12 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'.

- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.15 The application site is currently open and undeveloped with several protected trees. The land has not been maintained and is overgrown giving it a character of neglect. The site is allocated for housing and therefore it is accepted that the character will change.
- 5.16 Existing development in the surrounding area is all residential and is a mix of two storey housing, elderly person's bungalows and larger detached two storey dwellings within larger plots. The proposed development would be significantly different in character as it would constitute the construction of a single building rather than a group of smaller buildings, and resulting in a much higher density of development. This form and character would not reflect the character of the surrounding area, and would therefore be contrary to LDF Policy CP17
- 5.17 Information has been submitted with the application to illustrate the relationship with the existing developments to all sides. Albeit a single structure it is comprised of different elements, some of which are three storeys in height, but all the development around the perimeter is restricted to two storeys. The ground levels of the building would be the same throughout the site and the scheme proposes to set the building at a lower level than the land to the north. The building would be set at a higher level than existing development to the south.
- 5.18 The proposed building would be a single structure, with its scale and massing at odds with the surrounding locality. The building would not be viewed in its entirety, due to its position in close proximity to existing development and therefore its effect in relation to other buildings and spaces, would not be as a single overwhelming entity. Any longer range views of the perimeter elevations would be of two storey structures at a finished floor level that reflects the sloping ground of the surroundings and the three storey elements if visible would not be seen as full elevations but as part of the roofscape of the town, which is not uniform and is characterised by varying building heights. Should the building be visible from longer range views the walls and roofs would be viewed in the context of existing residential development within the town. There would however be no gaps or spacing as is found within the existing development in the locality.
- 5.19 The elevations of the building have been designed to reflect a streetscene of terraced buildings that is common within the town; individual but connected. It is important to instil local distinctiveness into the design as required by development policies, and taller structures contribute to the varied roofscape. Bedale Grange is an existing example which is located close to the application site, of how buildings can vary in height. Although a much smaller building in terms of its footprint, than the proposal, it lies at a higher ground level than the surrounding buildings and is a prominent feature in the streetscene. It contributes to the varied roofscape of the town without unduly detracting from the character and appearance of the locality. The three storey element of the proposed building reflects the varied roofscape whilst keeping its distance from the boundaries where it would have an over-bearing and dominant impact.
- 5.20 The proposed two storey element would be taller than many of the surrounding two storey dwellings but the ground levels would be dropped so that the ridge heights of

existing and proposed would be similar when compared to the properties on Queen Anne's Drive.

- 5.21 The three storey element, visible from the internal courtyard area and from private properties to the south, is a more institutionalised elevation in appearance. This would not however be clearly visible from public viewpoints outside the site.
- 5.22 The proposed design of the building and the use of brickwork and render is considered appropriate for the locality.
- 5.23 The proposed building has been designed to address the functional requirements of an extra care facility and, as a result, does not reflect the context of the surrounding area. The resultant development would not therefore complement its surroundings but would introduce an incoherent element into the mix of development types in the immediate locality. This adverse impact must be balanced against the need for such a development in this location. The position of the building close to existing services and within the heart of an existing community must be given considerable weight in the determination of the application.

#### Impact on neighbour amenity

- 5.24 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.25 The proposed development is a large scale structure in relatively close proximity to existing residents who currently enjoy an undeveloped aspect across the application site. The built development would clearly change the outlook for the residents with the removal of the trees and the construction of a large building.
- 5.26 Residential neighbours to the north on Queen Anne's Drive, with side elevations facing the site would be a minimum of 12m away, measured building-to-building, and more than 21m away when measured from the three storey element. The side gable of the existing bungalow at 80 Queen Anne's Drive would lie 12.3m from the side blank gable elevation of the proposed building. Other properties within Queen Anne's Drive lie at a much greater distance from the application site. The greatest potential for impact would be the proximity of the proposed building in relation to neighbouring gardens within Queen Anne's Drive but as the proposed building would be set at a lower ground level this would not have such an imposing and dominant effect.
- 5.27 The existing dwellings to the south of the application site would be at a lower ground level than the proposed building with the potential for being overlooked and overshadowed. The dwellings at Four Winds, Mulberry House and 16 Pinewood Grove are set in positions so that part of their rear outlook faces onto the application site. A distance of 14m lies between the side elevation of 16 Pinewood Grove and a blank gable of the proposed building, whilst a distance of approximately 25m lies between the rear elevation of Mulberry House and the proposed building. The dwelling at Four Winds lies approximately 12m from the closest part of the proposed building. The boundary between the two sites is formed by a 5m tall leylandii hedge and without such a tall boundary the relationship would not be acceptable with overlooking from first floor windows into ground floor windows and a currently private garden area, from close quarters.
- 5.28 The retention of this hedge or other suitable boundary treatment and landscaping would be essential in this situation to address the impact on amenity as a result of overlooking and overshadowing.

- 5.29 Solar shading diagrams demonstrate that the replacement of trees with the proposed building would not result in significant increased overshadowing of adjacent properties.
- 5.30 In conclusion, whilst the proposed development would change the outlook from some nearby dwellings, the proposed separation distances between the development and adjacent dwellings are considered to result in no significant harmful impact on residential amenity from the development.
- 5.31 The internal layout of the scheme is considered to allow for sufficient amenity space and separation distances for the development itself.

#### Trees and ecology

- 5.32 Policy DP31 of the Development Policies DPD states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in the number of sites and habitats of nature conservation value". The site however is allocated within the LDF for housing and therefore the principle of development, which is likely to have required the removal of trees positioned centrally within the site and the consequent effect on wildlife, has already been accepted. It is important however to assess the possibility of mitigation or compensation.
- 5.33 The applicant has submitted an ecological appraisal and a detailed arboricultural assessment in order to assess the impact of the proposed development on wildlife and on the trees and hedges within the site.
- 5.34 The ecological appraisal concludes that the site is not of high value in respect of its habitat but of moderate suitability for foraging; there are likely to be bat roosts nearby and the site clearly provides value for wildlife such as garden birds and hedgehogs. Mitigation and compensatory measures are recommended.
- 5.35 A total of 17 individual trees were identified within the site; 9 groups of trees; and 5 hedges of which 13 trees; 7 groups of trees and 28.6m of hedgerow would need to be removed. One Category A (high quality) tree, a sycamore, has been identified on the southern boundary of the site. This tree would be retained. The protected trees within the site comprise mostly of sycamores.
- 5.36 The report concludes that there is limited opportunity for replanting trees due to the size of the site but that planting should be undertaken to partially compensate. Tree protection for the remaining trees is recommended. A landscaping scheme has been submitted to illustrate the trees that are to be retained on the site's perimeter, which proposes to undertake additional tree planting and other landscaping, particularly along the southern part of the site and within the proposed courtyard.
- 5.37 The loss of so much of the protected areas of trees is contrary to LDF Policies CP16 and DP31 as the necessary large scale of the building requires the wholesale removal of all the vegetation apart from a small amount on the boundaries of the site. This loss must be weighed against the need for the development in this location as detailed within paragraph 5.23 above.

#### Community Engagement

- 5.38 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 128 of the NPPF.
- 5.39 Paragraph 128 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views

of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

5.40 Public consultation events have taken place at the Bedale Leisure Centre on Firby Road in November 2018 and again in September 2019 at the local Methodist Church. The main issues raised through the consultation are summarised below:

- Access from Queen Anne's Drive
- Scale and massing of the three storey building
- Congestion on Firby Road and 5 lane ends
- Proposed building not in keeping with the character of Bedale
- Overlooking
- Ground level changes
- Parking

5.41 Following the first consultation event the proposed development scheme was amended and the second event held; no new issues were raised. Concerns remained regarding highways issues, access into the site and the three storey nature of the development.

#### Highway safety

5.42 The applicants have submitted a Transport Assessment, which concludes that additional traffic generated as a result of the proposed development would be insignificant in respect of its impact on the existing congestion associated with the Firby Road area. This is one of the greatest issues of concern from the Town Council and local residents relating to the proposed development. Firby Road is accessed at 'Five Lane Ends' and serves the doctors surgery, the Bedale Church of England Primary School, Bedale High School, the leisure centre, the football club, several housing areas and is the route to Firby itself.

5.43 Consideration has been given to the local highway network, accident statistics, sustainable transport, likely traffic movements as a result of the proposed development, and the impact of the development on the local highway network. The scheme includes a total of 35 car parking spaces, which the Assessment states is in excess of the County Council's Parking Standards.

5.44 The NYCC Highways Authority has confirmed no objections to the proposed development subject to the imposition of conditions.

5.45 Owing to the level of concern locally with regard to the potential highways implications of the development the Planning Authority commissioned a third party assessment by Fore Consulting, to assess the use of local junctions, the local network, design and layout of the proposed access and car parking provision.

5.46 This assessment has concluded that the local junctions and highway network are sufficient to allow the proposals to go ahead without detriment to road safety. Further to this, Fore Consulting consider that the parking provision now proposed on site is in excess of the need for parking on this site, which significantly reduces the likelihood of any increase in on-street parking in the vicinity of the application site.

5.47 In conclusion, it is considered that the proposed development will provide sufficient parking and will have no significant impact on road safety in the vicinity of the application site.

### Drainage Infrastructure

- 5.48 It is proposed to drain foul sewage into the existing mains but Yorkshire Water requires the developer to follow the surface water disposal hierarchy as a means of sustainable development. An appropriate condition is recommended to this effect. A detention basin is proposed within the courtyard area, to allow surface water retention during periods of heavy rainfall.

### Planning Balance

- 5.49 The application site is allocated for housing and as such the principle of development is accepted. The loss of trees along with the overall scale of the built form proposed result in harmful impacts that weigh against the proposed development. However, in the absence of significant harm in terms of road safety or residential amenity the benefits of the scheme in terms of the provision of much needed, affordable, extra care accommodation are considered to weigh heavily in favour of the proposed development. These matters, along with the economic and wider social benefits of the proposal lead to the recommendation for approval.

## **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details 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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building whichever is the sooner, unless the landscaping scheme shown on the landscaping plan (Drawing number 127628/8001A) received by Hambleton District Council on 12 December 2019 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development hereby approved shall not be undertaken except in full accordance with the Arboricultural Method Statement and Tree Protection details produced by The Environment Partnership and received by Hambleton District Council on 7 October 2019. The development shall thereafter be carried only in accordance with the agreed details and scheme, unless otherwise agreed in writing by the Local Planning Authority.
5. The package of mitigation measures as detailed within the Ecological Appraisal produced by E3 Ecology Ltd, received by Hambleton District Council on 7 October 2019 shall be carried out in full unless otherwise agreed in writing by the Local Planning Authority.

6. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

7. Prior to first occupation or use, the approved remediation scheme (as presented in the Remediation Strategy by 3e Consulting Engineers, dated 11/02/2019) must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

10. No external lighting shall be installed other than in complete accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the approved scheme.

11. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.

12. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation



have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

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

a. The crossing of the highway footway shall be constructed in accordance with the approved details shown on drawing 10779-002 'Proposed Access' and Standard Detail number A1.

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

14. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided in accordance with referenced drawing: 10779-002 Rev C. The eye height will be 1.05 and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority:

a. Provision of tactile paving

b. Relocation of existing lighting column in agreement with NYCC Road Lighting Team.

A programme for the completion of the proposed works shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (ECB-PHS-XX-XX-DR-A-90-202 Rev P11 ) and 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.

17. 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. wheel washing facilities

e. measures to control the emission of dust and dirt during construction.

18. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings numbered:

ECB PHS XX XX DR A 90 200 S2 Revision P2 (Location Plan)  
 ECB PHS XX XX DR A 90 202 S2 Revision P11 (Proposed Site Plan)  
 ECB PHS XX XX DR A 90 203 S2 Revision P10 (Ground Floor Plan Wider Context)  
 ECB PHS XX XX DR A 90 205 S2 Revision P1 (Bin store/bike store etc)  
 ECB PHS XX XX DR A 20 240 S2 Revision P4 (GA Elevations)  
 ECB PHS XX 00 DR A 21 200 S02 Revision P02 (GA Sections)  
 ECB PHS XX 00 DR A 22 240 S2 Revision P2 (Ground Floor Plan)  
 ECB PHS XX 01 DR A 22 241 S2 Revision P1 (First Floor Plan)  
 ECB PHS XX 02 DR A 22 242 S2 Revision P3 (Second Floor Plan)  
 ECB PHS XX RF DR A 22 243 S2 Revision P3 (Roof Plan)  
 C993899 (Substation)  
 received by Hambleton District Council on 7 October and 5 December 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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP31.
4. In the interests of the protection of trees, in accordance with Local Development Framework Policy CP16 and DP31.
5. To minimise the harm to local ecology in accordance with LDF Policies CP16 and DP31.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LDF Policies.
8. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies.
9. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage in accordance with LDF Policies.
10. In order to protect the amenity of local residents and the surrounding locality in accordance with LDF Policies CP16 and DP1.
11. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.

12. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
14. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
15. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
18. 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.

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**Parish: Huby**  
**Ward: Huby**  
**2**

Committee Date : 9 January 2020  
Officer dealing : Mr Mark Danforth  
Target Date: 28 November 2019  
Date of extension of time (if agreed): 13 January 2020

**19/02102/OUT**

**Application for outline planning consent for 8 dwellings**

**At: Land west of Little Burn, Sutton Road, Huby**

**For: Mr P Mead**

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

**1.0 SITE, CONTEXT AND PROPOSAL**

1.1 The application is located beyond the eastern edge of the village of Huby, north of Sutton Road, the road towards Sutton on the Forest, close to the Skates Lane properties.

1.2 The existing access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber/wire fencing, there is a stable block in the north-east corner. The site is 0.8 hectares in area forming a rectangular shape. It has a road frontage of 120m and is relatively flat at a level of around 24m Above Ordnance Datum.

1.3 The application seeks outline consent for 8 dwellings with all matters reserved.

1.4 The proposal is accompanied with an indicative Master Plan illustrating a mix of dwelling types and size as follows, in order to meet the Council's SPD for Size, Type & Tenure of New Homes;

2 x 2 bed semi-detached houses  
1 x 2 bed detached bungalow  
2 x 3 bed semi-detached houses  
1 x 3 bed detached dormer bungalow  
2 x 4 bed detached houses

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 None relevant

**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 CP3 - Community assets  
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 DP6 - Utilities and infrastructure

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  
Development Policies DP33 – Landscaping  
Interim Policy Guidance  
National Planning Practice Guidance  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

##### **4.1 Parish Council - objects to the proposal on the following basis;**

1. The site is beyond the development limits, and starts to 'fill the gap' between Huby and Sutton. It is disconnected from the main settlement.
2. In Part 2 Preferred Options, this site is not a preferred site, and also results in loss of open countryside.
3. The existing footpath to the village from the site is not adequate and does not meet accessibility standards.
4. There are concerns about storm water infrastructure.
5. There is no provision for affordable housing or small dwellings.

The Parish Council would, however, like to acknowledge that the site is not a 'bad' site, and that the applicant is a local and well reputed developer.

- ##### **4.2 NYCC Highways - has no objections subject to conditions relating to discharge of surface water, private access/crossing, turning and parking and the prevention of mud on the highway.**
- ##### **4.3 Contaminated Land Officer - no response.**
- ##### **4.4 Environmental Health - no objection.**
- ##### **4.5 Yorkshire Water - No objections subject to conditions regarding separate systems for foul drainage and surface water run-off.**
- ##### **4.6 Natural England - advised no comments to make.**
- ##### **4.7 Yorkshire Wildlife Trust - Trust advises that there is insufficient information from which to form a baseline understanding of habitat make-up on site. As such, we have no means of making any realistic assessment regarding impact upon any potential protected species from the proposed development. The Trust recommends that bat and hedgerow surveys are conducted before a planning application can be determined.**
- ##### **4.8 Ministry of Defence - has no safeguarding objections to this proposal.**
- ##### **4.9 Kyle and Upper Ouse IDB - object to the proposal as the applicant has not applied for consent to the board.**
- ##### **4.10 Publicity - There have been two letters of support, from people living in homes built by the applicant, for the project commenting that the applicant builds very good housing and they will appeal to a wide variety of people of all ages. The properties would enhance rather than spoil our village.**

A third respondents' letter commenting notes that the road in front of the field floods after heavy rain and part of the field also floods. Several times a year the pumping station becomes blocked more houses will increase blockages.

## **5.0 ANALYSIS**

- 5.1 The main issues to consider are: The principle of development, impact upon the character of the area - including the village and countryside, mix and type of housing, highway safety, ecology, residential amenity, land contamination and drainage other issues.

### **The principle of development**

- 5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration.
- 5.3 The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 8 'Achieving sustainable development means that the planning system has three overarching objectives,(economic, social and environmental) which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 5.4 Huby is a Service Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.5 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.

- 5.6 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Huby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development albeit it is some distance from any of these provisions.

**Impact upon the character of the area - including the village and countryside**

- 5.7 With regard to the IPG, the development of 8 dwellings is beyond the limit to what may normally be described as small in scale. The proposal indicates a linear development form and the main character of the area is linear development, with dwellings generally being one plot deep.
- 5.8 There is a clear gap between the edge of Huby village, at West Villa, and the start of properties on Skates Lane, and a further larger gap from Skates Lane to Sutton on the Forest. There are residential properties along Bell Lane that extends the residential character south of the village of Huby, however the undeveloped character on the east and north side of Bell Lane is only interrupted by one dwelling and buildings at Sunnyside. The gap between Huby and Skates Lane is important to the character of the area.
- 5.9 This proposal for 8 dwellings between Huby and Skates Lane would erode the openness between the two places and lead to an increased coalescence of Huby and Skates Lane. The land on the south side of Sutton Road opposite the application site also has an undeveloped character, and is the only part of Sutton Road that is undeveloped on both sides of the road. The application site is therefore particularly significant for that reason, and its openness should be protected in accordance with the policies of the LDF.
- 5.10 The proposal is contrary to criterion 2 and 4 of the IPG as it is not small in scale, and would lead to coalescence of Huby and Skates Lane contrary to LDF Policy DP8 v) and DP10.
- 5.11 As noted above the area is rural in character despite the properties on the west of Bell Lane, to the south of Sutton Road and on Skates Lane; the feel of this area is that of an open aspect that is depicted by hedgerows and trees. Allowing 8 dwellings along this section of road would suburbanise the area to its detriment contrary to criteria 3 of the IPG, which requires that development to have no detrimental impact on the natural, built and historic environment.
- 5.12 In the light of the above it is considered that development on this site will be prominent beyond the Development Limits, visually extending into the countryside. Development of this site would impact on the open character, form and appearance of the surrounding countryside. For these reasons the scheme would not comply with criteria 2, 3 and 4 of the IPG and is contrary to CP4 and CP16, DP8, DP10, DP30 and DP32.

**The mix and type of housing**

- 5.13 The Size, Type and Tenure of New Homes SPD build on the Development Policies Policy DP13 (Achieving and Maintaining the Right Mix of Housing) and has been published to encourage a change in house types and sizes and increase tenure choice, enabling all residents to have access to a decent home which they can afford, and which suits their need.



- 5.14 The SPD details that the Council wishes to improve the new housing offer by enabling the provision of:
- more smaller homes;
  - homes to meet the needs of older people;
  - some shared housing
  - specialist housing;
  - self-build;
  - a wider tenure choice
- 5.15 The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs.
- 5.16 It is considered that the proposal would comply with Policy DP13 in respect of the housing mix submission.

### **Affordable housing**

- 5.17 The proposed properties are to be 'open market sale' with a contribution being offered towards Affordable Housing provision. The applicant has calculated a figure of £210,750, as a commuted sum. Council's Rural Housing Enabler has reviewed the proposal and agrees with the basis of the calculation. A draft planning obligation under s106 of the Act has been prepared that proposes that the sum is paid in two equal parts after the occupation of the 4<sup>th</sup> dwelling and before the occupation of the 8<sup>th</sup> dwelling.

### **Highway safety**

- 5.18 There is currently one point of vehicular access onto the site, in the south-east corner, which is to be utilised to serve five of the properties. This shall remain as a private driveway and should not affect any of the frontages planting. A new access is proposed to serve the three remaining properties to the west. Again, this shall be a private drive, around 4.5m wide to allow vehicles to readily manoeuvre, and will result in a short length of hedgerow being removed at the site frontage in order to facilitate this access.
- 5.19 The site is bound to the southern boundary by a high hedge that is to be retained due to the setback being sufficient to allow for visibility splays on a road frontage that is relatively straight. There is also a tarmac footpath which links Huby and Skates Lane, and Sutton on the Forest.

### **Ecology**

- 5.20 The survey submitted with the application advises that development will result in the loss of improved grassland which is heavily grazed by horses. It is reported by the applicant that the hedgerow boundary is not species rich, nor classified as 'important' under the Hedgerow Regulations. It is recommended that the hedge is retained as part of the development apart from the provision of the accesses, this could be required by condition.
- 5.21 There are no records of great crested newts (GCN) but previous work in 2018 by consultants MAB identified a medium population of GCN within central Huby (c. 520m away). There is some habitat connectivity to this population, but this GCN population is restricted to a single pond, and have not dispersed into any of the adjacent ponds, therefore, it is unlikely that any GCN have travelled to the proposed development site.

- 5.22 There is a single mature oak on the southern boundary, which has been identified to contain low bat roosting potential in the form of a crevice within the trunk. It is recommended that this tree is retained as part of the development. If this is not possible further survey effort will be required to rule out use of the crevice by bats.
- 5.23 Mitigation measures are proposed, including clearance of vegetation to any trees/hedgerows should be scheduled to avoid the bird breeding season, bird and bat boxes and the retention of existing hedgerows and trees where possible.
- 5.24 It is considered that the proposal will not be harmful to local ecology if the mitigation measures are implemented and landscaping conditions are applied.

### **Residential Amenity**

- 5.25 Although this is an outline application with only an indicative plan and all matters reserved it is considered that there would be no real harm towards existing neighbouring properties given the intervening distances involved based on the layout plan submitted. The proposed units would be capable of providing sufficient fenestration to each unit without causing harm to residential amenity. Consideration of the amenity issues would form part of any reserved matters application in any case.

### **Land contamination and drainage**

- 5.26 The potential for land contamination of the site is considered to be low according to the agents given its simple use for grazing of horses.
- 5.27 There is no drainage report with the proposal. The application form advises the use of soakaway but there has been no testing undertaken to see if this will be a successful method of drainage of the surface water. The site is elevated from the road therefore run-off onto the road would need to be carefully managed. There is insufficient information in order to determine whether surface water could be discharged at a greater rate than 1.4 l/s/Ha. There appears to be space within the site to install attenuation facilities is required.
- 5.28 Yorkshire Water advise that surface water from the site is not to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. The developer should note that there are no available sewers in the area which are able to accept any proposed discharge of surface water from this development. If there is an issue with the disposal of surface water storage facilities would need to be included into a drainage strategy as noted above and this could be conditioned.

### **Other issues**

- 5.29 The applicant has forwarded a draft Section 106 that provides the Council with assurances regarding an affordable housing contribution being made. Figures are provided at paragraph 5.17 above.

### **Planning balance**

- 5.30 Overall, this proposal does not meet the requirements of the LDF Policies and no exceptional case has been provided to show why a scheme that fails the requirements of CP4 should be approved.

- 5.31 The scheme is considered to fail the tests of the Interim Policy Guidance and would result in visual intrusion in to the countryside and as such the scheme is contrary to the Interim Policy Guidance.
- 5.32 Consideration has been given to the benefits of providing additional homes, the social and economic gains that can be derived from new housing. This is to be weighed against the harm to the environment as set out above. The Council has a supply of land for housing that meets the housing requirements for a period in excess of 9 years; this is a substantial buffer beyond the 5 year housing land requirement set out at paragraph 67 of the NPPF. Little weight can therefore be given to the benefit of providing additional housing land. Therefore it is considered that the environmental harm substantially outweighs the potential benefits of further housing.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:
1. The proposed residential development is located outside Development Limits. The proposed scheme would extend built form into the open countryside leading to coalescence, causing a physical and visual intrusion to the area. The proposal is considered to be detrimental to the surrounding open rural character of the countryside. The proposed residential development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP4, CP16, DP8, DP9, DP10, DP30 and DP32 and the Council's Interim Policy Guidance (IPG).
  2. The economic and social benefits of the proposed dwellings would not outweigh the harm to the landscape and the character of the area contrary to Hambleton Local Development Framework Policies CP1, DP30, DP32 and DP33 together with NPPF policy advice at paragraph 8.

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**Parish: Topcliffe**  
**Ward: Sowerby & Topcliffe**  
**3**

Committee Date : 9 January 2020  
Officer dealing : Ann Scott  
Target Date: 26 October 2019  
Date of extension of time (if agreed): 24 January 2020

**19/01626/FUL**

**Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works.**

**At: OS Field 6717 Eldmire Lane Dalton North Yorkshire**

**For: I'Anson Bros Ltd.**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application seeks full planning permission for a new agricultural feed mill, warehouse, access and parking arrangements and associated works in addition to production facilities for a business that has been established for many years in Masham.
- 1.2 The application is supported by a suite of documents from which details are provided below, particular reference is made to detail in the planning statement and landscape and visual impact assessment.
- 1.3 The unit is proposed to support an existing enterprise sited at Masham which employs 80 people and this site is proposed to expand the existing business which is outgrowing its premises.
- 1.4 The site lies to the south side of Dalton Lane, Dalton in open countryside. The site is situated on agricultural land which is of Agricultural Land Classification grade 2 (very good quality). Part of the site is in Flood Zone 2 as defined on the Environment Agency Flood Map, the proposed factory building is not situated in the flood risk area. The flood map demonstrates zone 2 to the north boundary of the application site and zone 3 which affects parts of Dalton Lane, the access to the site between the new Cod Beck bridge that links the site to the A168 dual-carriageway is within flood zone 2.
- 1.5 The applicants' agent refers to an extant permission for an industrial building approved in 2009 under outline planning permission. The existing permission is extant as the access has been implemented that was approved under the outline planning permission and the conditions have been discharged. No other works have been commenced.
- 1.6 There is an access to the site lies via an existing track across the old airfield that links in to the estate road within the industrial estate to the south. In addition a new access road is proposed from Eldmire Lane.
- 1.7 The project involves the construction of an industrial production plant and associated works to include the following:-
  - 1) Production building with a plan area of approximately 1335m<sup>2</sup> Height approximately 34 metres.
  - 2) Warehouse building with a plan area of approximately 1050m<sup>2</sup> Height approximately 12.5 metres.
  - 3) External service yard with a plan area of approximately 12815m<sup>2</sup>

- 4) Vehicle washdown
  - 5) Weighbridge
  - 6) New site access off Dalton Lane consisting of a new access road, approximately surfaced 1540m<sup>2</sup> plan area.
  - 7) Fencing (as described in the Landscape and visual impact assessment (LVIA)) 2.4m high meshed palisade fence around the perimeter of the site, colour coated in dark grey, located on the inside of the woodland tree belts in order that the fencing would not be visible from Dalton Lane
  - 8) Installation of mains services
  - 9) New boundary planting on southern and western boundaries
- 1.8 Vegetation within the site comprises two mature woodland tree belts along northern and eastern boundaries which is up to 15m high in places. These woodland belts contain a mix of trees and understorey planting, which is generally densely planted, apart from a few small gaps to the north-eastern corner. Species within the tree belts are generally native and consist of willow, oak, field maple, ash, hazel, elder, aspen and hawthorn, amongst others. A mature oak is located to the north-eastern corner, which partly overhangs Dalton Lane

## **2.0 RELEVANT PLANING AND ENFORCMENT HISTORY**

- 2.1 09/01546/OUT - Outline application for the construction of a new production and finishing building with associated external storage, access, parking and drainage attenuation pond. - Granted 07.08.2009

### **Condition 19**

The development hereby approved shall not be used other than as an annex to the existing production and storage facilities on the south side of the Dalton Airfield Industrial Estate (as shown as existing facility and on the attached plan) and shall not be used other than by a single user.

- 2.2 10/00185/REM - Reserved matters application for the construction of a new production and finishing building with associated external storage, access, parking and drainage attenuation pond - Granted 18.03.2010.
- 2.3 10/00184/DIS - Proposed discharge of conditions 2, 3, 4, 5, 13, 14, 15, 16 & 17 - attached to planning application 09/01546/OUT - Granted 5/10/2010.

### **Related applications**

- 2.4 2/01/163/0236 The landscaping which borders the site to the north and east was implemented as part of a S106 Agreement associated with the Wagg Foods Ltd development (approved under planning application ref 2/01/163/0236). The planting was then implemented as required.
- 2.5 19/01608/FUL - Construction of an access road - decision pending.

## **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 CP11 – Distribution of new employment development
- Core Strategy Policy CP12 - Priorities for employment development

Core Strategy Policy CP15 - Rural Regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP16 - Specific measures to assist the economy and employment  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework  
 National Design Guide 2019  
 National Planning Practice Guidance

### **Emerging Local Plan**

- 3.2 The Council are preparing a new Local Plan. The Hambleton Local Plan Publication Draft July 2019 has completed the 'Representations' period (30<sup>th</sup> July 2019 to 17<sup>th</sup> September 2019).
- 3.3 The Council are considering the representations made before submission of the new Local Plan to the Planning Inspectorate and subsequently there will be an Examination in Public.
- 3.4 The NPPF states at paragraph 48 how weight should be given to relevant policies in emerging plans, noting the more advanced the stage of the emerging plan the greater the weight that may be given, also the extent to which there are unresolved objection to the plan and the degree of consistency of the relevant policies of the emerging plan to the NPPF are relevant. As the Local Plan progresses it is expected that the Council will resolve to commence the use of the policies of the new Local Plan for "Development Management purposes", however until a specific resolution is made the new Local Plan will be given only "limited weight" and the Local Development Framework will remain the Development Plan for the District.
- 3.5 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration.
- 3.6 The site forms part of a wider 24.57ha employment allocation to the north of Dalton Airfield Industrial Estate within the emerging Local Plan, identified as 'DAI 1: Extension to Dalton Industrial Estate, Dalton'. However, case law states that no more than limited weight can be given to this policy document at this time.

## **4.0 CONSULTATIONS**

- 4.1 Topcliffe Parish Council - support the application and wish to see it approved.

- 4.2 Dalton Parish Council – concerns have been expressed regarding the potential for traffic from the site to pass through the village and that the access should be relocated to remove this potential.
- 4.3 NYCC Highways - Comments have been received from recommending conditions in relation to discharge of surface water, access/verge crossing, visibility splays, control of mud on roads, parking/turning and storage, amendment of traffic order.
- 4.4 Ministry of defence - views awaited, further request for response made.
- 4.5 Yorkshire Water - recommend a condition in relation to construction works in the relevant areas of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.
- 4.6 Environment Agency -The proposed development falls partially within Flood Zone 2, which is land defined in the planning practice guidance as being at risk of flooding. Reference is made to the standing advice before making a decision on this application.
- 4.7 Yorkshire Wildlife Trust – Initially noted that there is no ecological assessment uploaded in its support, as a material consideration this should be done prior to determination of the application showing the development also proposes to achieve a net gain in biodiversity in accordance with NPPF.

Consideration must be given to the value of the grassland on site, which as an airfield may be subject to low levels of improvement resulting in uncommon grassland habitat being present. This area must also be considered for its value to farmland birds, waders and overwintering species, including lapwing and curlew. Particular consideration should be given to the protection of the hedgerows (likely a BAP and S41 habitat), in particular from lighting which in accordance with the provided lighting assessment may be anywhere between 0 and 49 lux. In accordance with BCT guidance we would wish to request confirmation of lux levels through a contour plan showing levels under 2lux, preferably 1 lux, for sensitive habitats for foraging bats such as established hedgerows as present on this site. Should this not be possible, full bat activity surveys will be required. We are nearing the end of the bat survey season this may result in significant delays.

Further response received to the submitted biodiversity report received on the 25th November 2019 consequently, the Trust has no objection to the proposals as long as the following mitigation measures listed in the Ecological Impact Assessment are implemented -

- o Vegetated landscape buffer zone strip
- o New hedgerows (300m on South and West boundaries)
- o Species rich wildflower area (with accompanying ecological management plan to avoid degeneration)
- o Tree planting on South side to compensate for loss of cover re access
- o Low level lighting scheme and implementation of bird and bat roost boxes in boundary woodland belts.

In conclusion, Yorkshire Wildlife Trust is content that this application poses no realistic adverse potential impact upon any protected species or for any loss of biodiversity. As such, the Trust has no objections to the proposals.



- 4.8 Natural England - no comments to make.
- 4.9 Environmental Health Service – no objection in principle to the above proposal. However I would make the following comments.

### **Noise**

Initially I would advise that the Consultation Statement submitted with the application is incorrect in its assumption that all caravans on Dalton Bridge Caravan Park are for holiday purposes only. It is my understanding that there are a small number of residential caravans on this site as permitted by 1527A granted by Thirsk Rural District Council in 1963. There are also residential properties at Dalton Bridge House and Greystones, adjacent to the caravan site. No assessment is provided to indicate the effect of the vehicle movements, in particular HGVs, on these properties.

A number of elements in the Noise Impact Assessment, produced by Beechfield Design Consultancy Limited, assessing the impact of the Mill operations require clarification or further information.

- 1) Calculation of the specific noise appears to assume the façade of the building will act as a plane reflective surface when calculating the sound power level but subsequently treats it as point source when calculating the attenuation due distance. This requires clarification as if the façade is treated as a reflective surface the sound levels at the noise sensitive receptor may be 3dB higher which may result in noise from the Mill being more noticeable overnight. It is noted however that the background levels at the noise sensitive receptors maybe slightly higher than map location 3 used in the calculations.
- 2) The grinder is excluded from the assessment as it has already been identified that it will require additional acoustic screening. To ensure that noise levels from the grinder can be sufficiently controlled I would recommend that condition(s) be attached detailing the attenuation measures. There is currently insufficient detail to allow the formulation of a suitable condition. Similarly there is a recommendation that the stacks be fitted with attenuators both to reduce the sound level and remove tonal elements, and the calculations are made on the basis that these attenuators are in place, but no details of the attenuators are included. Again, when sufficient details are provided, I would recommend a condition specifying these control measures be installed and maintained.
- 3) The Noise Impact Assessment makes no comment on the likely presence or absence of low frequency noise which may be associated with the mill operations. It would be particularly useful to understand prior to determination of the application whether there are any significant low frequency components and how they may be controlled.

### **Odour**

A statement has also been provided regarding the potential for the operation to release odours. This service does periodically receive complaint regarding unpleasant odours emanating from Dalton industrial Estate and there are a number of potential sources already present on the Estate. Establishing how likely this development is to increase the likelihood of odour complaint is important to assess at the planning stage. The details as submitted indicate that the site will operate under an environmental permit issued by the Environment Agency. I would recommend that the Environment Agency be consulted to ensure that the operations proposed are able to comply with the permit requirements.

- 4.10 Environmental Health Scientific Officer - Recommend contamination condition for unexpected contamination to be mitigated if found.
- 4.11 Publicity - letters of comment from third parties object to the proposal on the grounds of:
- Traffic generation,
  - Dalton Road is unsuitable
  - Traffic queueing caused by vehicles entering Cod Beck Blenders makes the site entrance unsafe.
  - The road between Greystones (dwelling) and Cod Beck Blenders floods.
  - Noise from the resulting traffic would adversely affect nearby properties.
  - The development would have a harmful impact on the holiday caravan business at Dalton Bridge Caravan Park.

## **5.0 OBSERVATIONS**

### **Principle**

- 5.1 Section 70 of the Town and Country Planning Act 1990 requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise and in accordance with the provisions of Sections 91 and 92.
- 5.2 Section 38 of the National Planning Policy Framework relates to decision making and Local Planning Authorities should approach decisions in a positive and creative way, using the planning tools available and work with applications to secure development that will improve the economic, social and environmental conditions of the area, and seek to approve applications for sustainable development where possible.
- 5.3 Paragraph 7 of the National Planning Policy Framework 2019 relates to achieving sustainable development. The NPPF advises that achieving sustainable development means that there are three overarching objectives, economic, social and environmental. Paragraph 12 of the NPPF advises that the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making.
- 5.4 The Development Plan is the Local Development Framework's documents, the following text sets out the main policy issues to be considered.
- 5.5 Local Development Framework Policy CP1 relates to Sustainable Development and informs that the use and development of land will be assessed against the community's economic and social requirements, protection of the natural and built environments and minimisation of energy consumption and the need to travel. Development that would harm the natural or built environment or that would generate an adverse traffic impact will not be supported. Proposals will be supported if they promote and encourage or protect and enhance the efficient use of land and infrastructure, conserve scarce resources, the health, economic and social well-being and amenity of the population. The quality of natural resources is to be protected, including water, air land and biodiversity, drainage, vitality, the character and quality of local landscapes and the wider countryside.
- 5.6 Policy CP11 relates to the distribution of new employment development, whilst CP12 relates to priorities for employment provision and seeks to ensure that support will be given to developing and sustaining the economy of Hambleton and priority will be given to sustaining the development of key economic sectors. This development is proposed in the proximity of the Dalton Industrial Estate. The proposal is well related

to the industrial estate and with close links to major trunk routes through the district including accessibility to the wider highway network.

### **Main planning issues**

- 5.7 The main issues arising from the proposal are: i) the location of the site with regard to the policies of the LDF, ii) the proposed access arrangements, and iii) the visual impact of the height and massing of the proposed building, other matters are also to be considered.
- 5.8 The LDF policies seeks to concentrate new employment development in the service centre and the allocated employment sites unless land cannot be identified to meet the needs of existing businesses.
- 5.9 An extract of CP11 states that:
- “In the Thirsk area, most development will be encouraged to locate in the Thirsk Service Centre, but if land cannot be identified in Thirsk, some development will also be supported at Dalton Airfield as will development to meet the needs of existing business.”
- 5.10 The site is not within an allocated site and is not within the service centres. The proposal cannot benefit from the broad LDF policy presumptions to support employment development. However, as noted above CP11 allows an exception for existing businesses. Whilst the application is for a business that is not currently occupying land within Hambleton District it is a business that has a long history within Masham and the policy does not require the business to have been at Dalton Airfield or within the district.
- 5.11 CP11 requires that development must comply with the other Policies of the LDF and in particular should be sustainable in design, in conformity with Policies CP1, CP17, and address the objectives of Policy CP18 in relation to protecting and minimising the loss of natural resources.
- 5.12 Although the previous approval for a steel fabrication production building is extant the consent is limited by condition 19 (as set out in the history at paragraph 2.1 above) to be an annex to the existing production and storage facilities on the south side of the Dalton Airfield Industrial Estate.

### **Heritage**

- 5.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.14 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.
- 5.15 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 and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building. Great

weight and importance is required to be given to the assets conservation, any harm should require clear and convincing justification.

- 5.16 The LVIA sets out the details of the designated heritage assets within the vicinity of the application site. The assessment is considered to be appropriate and helpful in

4.27 Topcliffe Conservation Area, which is located 1.4km to the west of the site, contains a concentration of listed buildings and structures. There is no visual relationship between the conservation area and the site.

4.28 A cluster of listed buildings are also located within Asenby, to the south of Topcliffe. There is no visual relationship between these buildings and the site.

4.29 The Church of St. John the Evangelist is a Grade II\* listed church located on the eastern side of Dalton. As the church is located to the east of the village, visual relationship is restricted by intervening built form within Dalton, as well as local landform.

4.30 Two scheduled monuments lie in proximity to the site, namely Maiden Bower and Cock Lodge scheduled monument to the south-west and a medieval moated site to the south. The scheduled monuments are in private ownership and not accessible to the public, however, due to their elevation in comparison to the relatively flat surrounding landscape, there is potential for a visual relationship with the site. However, any view of the site would be over 1km away with a number of intervening large-scale industrial buildings visible in the foreground.

4.31 Baldersby Park lies to the west of Topcliffe village, approximately 2.5km west of the site. Although not designated, the park contains a number of listed structures and features, as well as Baldersby Park House, a Grade I listed building. There is no visual relationship between these listed structures and the site.

- 5.17 It is considered that the development will have an impact upon the setting of the scheduled monuments to the south west of the site at Maiden Bower and Cock Lodge. The landscape form, the intervening distance and structures are such that the impact of the development including consideration of the height of the building, the form and scale, and the scale of the operations upon the significance of the heritage assets would be harmful and that the harm would be less than substantial. Any impact on the Topcliffe Conservation Area or the setting of the Listed Buildings are considered to not be harmful. Public benefits will result from the development that will support the local, particularly agricultural, economy. The Public Benefit is considered outweigh the less than substantial harm to the scheduled monuments.

### **Access**

- 5.18 The proposal includes the creation of a new access from Dalton Lane, in addition to the use of a track across to the developed area of Dalton Airfield Industrial Estate. The route from the A168 dual-carriageway, which is expected to be the access route for most journeys, utilises the newly completed all-weather access road and bridge. The route continues along the Dalton Lane which as noted is partially within flood zone 3 and much is within flood zone 2. The distance of the highway on Dalton Lane that is shown to be liable to flooding is about 310m from Greystones east to the access to the site. From the site access east to the Cod Beck Blenders entrance is a further 100m is within flood zone 2.

- 5.19 Concerns have been expressed about the number of vehicle movements and the disturbance that may be caused to neighbours through the increased number of heavy vehicle movements along Dalton Lane. It is estimated in the transport assessment that there will be 37 HGV trips per day both arrivals and departures and the vehicular movements from the site are likely to be during the hours 07:00 to 18:00 with occasional later shifts when demand requires this.
- 5.20 Staff trips are likely to be approximately 36 per day from mill employees. The applicant is examining ways in which it could avoid vehicles having to pass through Dalton village to reduce the likely impact of the development on nearby residential properties.
- 5.21 The Highway Authority has no objections to the proposal. Comments have been received from NYCC Highways who recommend conditions in relation to discharge of surface water, access/verge crossing, visibility splays, and control of mud on roads, parking/turning and storage in accordance with Policies CP2 Access and DP3 Site accessibility of the Hambleton Local Development Framework. As noted above the proposal can utilise an existing access through the industrial estate but also a separate application proposes a new access from Dalton Lane. The development could however be implemented using the existing access which runs through the existing industrial site and towards the application site.
- 5.22 In the light of concerns regarding:
- i) the flood risk of the Dalton Lane,
  - ii) the neighbour impacts of additional movements on Dalton Lane,
  - iii) the potential for conflict with stationary traffic on Dalton Lane,
  - iv) the loss of landscape features (established through the requirements of a planning obligation regarding the development of the airfield as an industrial estate and
  - v) the increased visibility of the site due to the proposed removal of trees

the applicant has been asked to consider the potential for the construction of an access road across the land to the west of the application site to Eldmire Lane. An update on this matter will be given to the Committee.

### **Landscape and Visual Impact**

- 5.23 The scale of proposals in terms of height of building, massing and the scale of operations are significant. The building proposed is substantially higher than any other building in the district and about 10m higher than any building on the Dalton Airfield Industrial Estate. The landscape and visual impacts of the proposal were acknowledged by the applicant at an early stage. The application has been accompanied by a landscape and visual impact assessment to assist in consideration of the impact of the proposal.
- 5.24 Other tools to assist in assessment of the impact of the proposal are available including the Hambleton Landscape Character Assessment and Sensitivity Study. This identifies 26 landscape character areas across the district. The site falls within Character Area 21: Topcliffe Floodplain.

The landscape sensitivity assessment of Character Area 21: Topcliffe Floodplain states:

‘This open, flat landscape is sensitive to large scale development, particularly of tall buildings or structures that would be widely visible within the landscape, from large numbers of receptors who pass through the key routes in this landscape.

Development of lower height would be screened by the dispersed trees, and there are few elevated locations with views across the landscape. Airfield landscapes are likely to be a focus for development, though the impact of this should be considered in the same way as development elsewhere in this character area...'

Some detracting elements are the variety of building styles, and infrastructure, including highways, crossing the landscape.

5.25 The LVIA finds that

**Landscape Character**

10.6 The most notable effects on landscape character relate to the character of the immediate site and the immediate landscape beyond its boundaries.

10.7 For reasons stated above, the development proposals would give rise to a Moderate adverse long-term effect upon the landscape character of the site itself. The effect upon the surrounding landscape character would reduce as a result of the containment provided by the retention of existing woodland, however, due to the size and scale of the gravity driven feed mill, there would be adverse effects upon the character of the surrounding landscape.

5.26 In consideration of the effects on Visual Amenity the LVIA finds that

**Effects on Visual Amenity**

10.8 The proposed layout has sought to integrate and minimise harmful visual effects through retention of boundary vegetation, introduction of new planting, sensitive placement of fencing and the use of appropriate building materials and colours.

10.9 As an inevitable consequence of the change in land use from rough grassland to an industrial site and as a result of the size and scale of the gravity driven feed mill, a number of visual receptors would experience Moderate adverse visual effects. However, these effects would be limited to residential properties along Dalton Lane close to the site, scattered farmlands to the south-west, residential properties adjacent to the A168 and a public right of way (10.36/1/1) north of Dalton. Due to the size of the visual effect [of the] gravity driven feed mill, these adverse visual effects would be long-term, however, effects would potentially reduce as existing and proposed planting matures.

10.10 Whilst some adverse visual effects would arise as a result of the proposed development, most views in the local area would be seen in context of the adjacent Dalton airfield industrial estate, located to the south of the site.

5.27 In order to reach the conclusions stated above the following observations are made in the LVIA:

8.6 The proposed development would represent a change to the current land use from a field to a new industrial development. As such the magnitude of change is assessed as high, resulting in a Moderate level of effect to current land use during all phases of the development. Effects would be direct, long term and permanent and are considered by default to be adverse.

8.13 The landscape effects upon vegetation would be direct, long term and permanent. The magnitude of change is assessed as medium during construction, resulting in a moderate adverse level of effect, however, following

new planting at Year 1, this adverse effect would reduce to low and a minor adverse effect.

8.28 For reasons stated above, the development proposals would give rise to a Moderate adverse long-term effect upon the landscape character of the site itself. The effect upon the surrounding landscape character would reduce as a result of the containment provided by the retention of existing woodland, however, due to the size and scale of the gravity driven feed mill, there would be adverse effects upon the character of the surrounding landscape. Over time, these effects would reduce as existing and proposed planting matures.

- 5.28 The landscape impacts are captured on page 38, Table 8.1 of the LVIA and the summary of visual effects is recorded on page 49 at Table 9.1 part of that table is reproduced below.

*Table 9.1 - Summary of visual effects*

Receptor	Sensitivity	Development Phase	Magnitude of change*	Level of Effect*
<b>Residential receptors</b>				
Properties along Dalton Lane (north-east of site)	High	Construction	Medium	Moderate adverse
		Year 1	Medium	Moderate adverse
		Year 15	Medium	Moderate adverse
Properties at Dalton Lane/ Eldmire Lane junction	High	Construction	Low	Minor adverse
		Year 1	Low	Minor adverse
		Year 15	Very Low	Minor adverse

- 5.29 Members of the Planning Committee during the site visit will have had opportunity to view the site including from the vantage point on Dalton Lane to consider the visual effects from the vantage points used in the LVIA.
- 5.30 It is therefore found that the development proposals would give rise to a moderate adverse long-term effect upon the landscape character of the site itself. The effect upon the surrounding landscape character would reduce as a result of the containment provided by the retention of existing woodland, however, due to the size and scale of the gravity driven feed mill, there would be some adverse effect on the character of the surrounding landscape. This would be because of the introduction of a building in an existing open area of countryside. It is noted that the proposed building is significantly higher than any other buildings on the industrial estate. However the design and size of the building is related to the needs of the type of process to be undertaken at the site and the form of the building, design and materials all reflect the function as a modern mill. The appearance of the building follows its function, but it can only be acceptable if appropriate mitigation is provided to reduce the impacts of the development.
- 5.31 Mitigation measures identified in the LVIA as follows:

7.3 The principal aims of the landscape and visual mitigation are shown on Figure 4 –illustrative landscape masterplan included at Appendix 2, and are as follows:

- To retain, maintain and enhance existing woodland tree belts to minimise visual effects and augment with new planting where appropriate, to infill any gaps in the tree belts;

- To provide new native woodland, tree and hedgerow planting to define southern and western boundaries and integrate the development with the surrounding land uses;
- To ensure trees are adequately protected when the new access road is constructed, with any additional trees planted either side of the road to ensure that the perception of a wooded boundary adjacent to Dalton Lane is retained as much as possible;
- To provide additional woodland planting to the north-west corner of the site to enhance visual enclosure from Dalton Lane; and
- To provide long term management of existing and proposed vegetation to ensure visual mitigation remains and provide benefit for local wildlife.

7.4 The gravity driven feed mill would be clad in various shades of grey steel, with lightest shades at the highest points, and darkest at lowest points. The lighter colour at highest part of the building would better integrate with colours of the sky, where the building would be seen above existing woodland tree belts. All building colours would be non-reflective to prevent glare. In addition, the massing of the building would be broken up with various heights introduced within the building, with the aim to minimise heights wherever possible.

7.5 The proposed 2.4m high perimeter fence would be located behind existing woodland tree belts within the site, so it would not become an urbanising feature whilst travelling along Dalton Lane.

- 5.32 The proposed design is considered to of a shape and colouring that would seek to minimise the impact on the landscape and reflect similar materials and colouring used on other premises on the Dalton Airfield Industrial Estate.
- 5.33 The buildings on the site will largely be screened from Dalton Lane by the existing belt of landscaping and this is demonstrated in the submitted supporting information. Notwithstanding the height which is approximately in 34 metres for the production building and lower for the warehouse which is approximately 12.5 metres in height the screening of hedgerows and tree belts is effective in blocking many views.
- 5.34 It would not be possible to completely screen a building of this size and it is considered that the new building will be read with other significantly sized buildings on the Dalton Airfield Industrial Estate. Given the nature of the former use of the industrial estate for an airfield which is dominated by large scale industries and stock storage it is expected that significantly sized buildings would be located here. The assessment of the proposal must acknowledge the scale of the building and the context of Policies DP30 as they relate to protection of local landscape qualities and DP32 General Design. The proposal by taking account of the qualities of the local landscape and they key features including the adjacent landscape belt to the north boundary seek to ensure that many close range landscape and visual impacts are moderated.
- 5.35 Policy CP17 and DP32 both seek to ensure that design of all developments are of the highest quality. The design of the buildings proposed are of a detail and quality appropriate to their setting and purposes and the building offers features on the elevations which offer visual interest from the differencing heights of elements of the building, rather than one large rectangular building, which makes the building more attractive in visual terms.
- 5.36 Mitigation measures are identified in the LVIA and can be made the subject of conditions to reduce the longer terms impacts and aid integration of the development within the locality in accordance with Policy DP30 and DP33 of the Hambleton Local Development Framework.



### **Residential amenity**

- 5.37 The development proposal is in close proximity to Dalton Village, which is about 1km to the east and other residential properties along Eldmire Lane that are within 350m of the site.
- 5.38 The applicant has provided information on the likely access arrangements which include a new access to the North of the site opposite the 'Cod Beck Blenders' vehicular access. The impact on amenity of neighbouring properties from additional traffic generation is proposed to be limited due to the route traffic is to take to and from the site to avoid going through Dalton Village. [Attention is drawn to the on-going discussion regarding the position of the proposed access noted earlier in this report.] This is set out in the submitted transport assessment accompanying the application, and a condition is proposed to ensure that the development is carried out in accordance with the submitted transport assessment. The new access is also the subject of a separate application which is under consideration and is also included in this proposal along with access proposed via Eldmire Lane through the existing industrial estate.
- 5.39 Policy DP1 Protecting amenities requires that all development proposals must have regard to privacy, security, noise and disturbance, pollution, odour and daylight. New development must not unacceptably affect the amenity of residents.
- 5.40 The proposed development is to be sited approximately 500m from the nearest residential property to the west and about 300m to the nearest residential property to the east. There are ongoing assessments of noise and odour controls by the applicants agents following observations from the Environmental Health Service.
- 5.41 Any further views received will be reported. A condition requiring the submission of details to address issues of noise and odour from the resulting development could be attached to an approval subject to the tests for conditions. If suitable conditions can be attached to meet the tests of CP1 and DP1 to protect amenity the scheme could be in accordance with the requirements of the Local Development Framework.

### **Public rights of way**

- 5.42 There are no public rights of way within the application site or directly affected by the proposal.

### **Drainage and flood risk**

- 5.43 The site for the building lies in Flood Zone 1 and the majority of the site is at the least risk of flooding. The flood risk assessment (FRA) confirms that runoff from the site will be managed and that the external ground levels are designed to ensure that surface water exceedance flows are diverted away from any buildings. The FRA advises that a flood evacuation plan should be prepared and this includes posting notices on the site that inform the safest route in an extreme flood event. Due to the siting of the building the FRA finds that there are no other specific flood mitigation measures required from the resulting development. In the event of an extreme flood event the access road to the north would be likely to be impassable. An alternative route across the industrial estate to the south and via the newly completed Dalton Bridge and raised roadway to give access back to the A168 and the village of Topcliffe would allow safe access.
- 5.44 A condition can be imposed to ensure that the mitigation measures set out in the submitted FRA are implemented and to require the surface water drainage/storage

are provided. The proposed new access is intended to be adopted and drainage system to have a separate flow control and excess water storage from the development for the Feed Mill Buildings. The proposed development is considered to accord with Policy DP43 Flooding and Floodplains of the Hambleton Local Development Framework.

### **Odour**

- 5.45 In relation to odour the likely raw materials to be used in the process of generating the feed are vegetable oils, molasses and plant based raw materials. The supporting information advises that the installation has a slight potential for causing odorous emissions primarily through various stages of the process such as receipt and cooling. All potential odorous liquid materials used in the tanks process are stored in appropriate sealed containers, such as bulk storage prior to incorporation into the product. While these tanks are fitted with breathing vents (to facilitate material receipt / discharge) it is understood that the applicants do not believe that the operation of these facilities will result in the emission of offensive odours beyond the site perimeter as the fill pipes and breathers will be internal to the building. During the feed manufacturing process all materials are transferred and/or processed within enclosed conveying systems. It is recognised that low levels of odours can be emitted from certain point source emissions from the process, such as the pellet coolers.
- 5.46 As note in respect of noise impacts there are ongoing assessments regarding odour controls by the applicants agents following observations from the Environmental Health Service. Any further views received will be reported. A condition requiring the submission of details to address issues of odour from the resulting development could be attached to an approval subject to the tests for conditions.

### **Contamination**

- 5.47 The development site is presently used for agricultural purposes. The Environmental Health Scientific Officer advises that a condition to secure mitigation to deal with any unexpected land contamination on the site should be attached to a planning permission.

### **Lighting**

- 5.48 The site is proposed to be illuminated by external lighting to the perimeter of the building as demonstrated on drawing number C7518/E/801 received on the 12th November. The proposal for lighting spread is within the remit of the site and subject to the lux levels being controlled to ensure the spread of lighting is in accordance with the submitted information and does not spread onto the nearby highway or other sites the lighting scheme is considered acceptable in principle and is not considered to adversely affect the amenity of the locality in accordance with Policy DP1 Protecting Amenity of the Hambleton Local Development Framework.

### **Biodiversity**

- 5.49 A biodiversity report submitted after the submission of the application and reviewed by the Yorkshire Wildlife Trust raises no objections provided that the mitigation measures set out in the accompanying report are satisfied.

### **Planning balance**

- 5.50 The site is found to be in a location that is relatively close to the settlements of Dalton and Topcliffe and accessible to by a road network with capacity to accommodate the

additional traffic. The development would enable the growth of a local business, creating additional jobs in the business and supporting the agricultural economy. The buildings will cause some landscape and visual impacts due to the height and massing the structure and the additional traffic on the highway network has the potential to cause additional noise and pollution to properties near to the site. This impact could be reduced by the creation of an access linking to Eldmire Lane in place of the proposed access to Dalton Lane. The impacts upon the landscape and ecology can be mitigated through the use of an access to Eldmire Lane and so avoiding the removal of trees that provide important screening for short range views of the site.

- 5.51 The proposal is considered to accord with the Development Plan Policies and is therefore recommended for approval subject to conditions in relation to the submitted plans and information, materials, landscaping, lighting plan, and mitigation measures and should be carried out in accordance with the submitted flood risk assessment and ecology assessment.

## **6.0 RECOMMENDATION:**

6.1 That subject to resolution of matters relating to i) the location of the principle vehicular access, ii) any noise attenuation that may be necessary and, iii) any odour attenuation that may be necessary and receipt of any outstanding consultations, notably from the Ministry of Defence Safeguarding, the application be **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) Location Plan 1:5000 PP01, PP03 Proposed Site Plan, PP04 Fence Elevations, PP06 Mill Building Plans, PP07 Mill Building Plans, PP08 Mill Building elevations and/or details received by Hambleton District Council on the 26th July 2019 and the drawing numbers C7518/E/801 Lighting Plan external, Thornley and Lumb Partnership Lighting Impact Report, Beechfield Design Consultancy Ltd Noise Assessment dated 15th July 2019, Transport Assessment Brian G Hall Dated July 2019, Wel Ecological Impact Assessment, received on the 12th November 2019 unless otherwise agreed in writing by the Local Planning Authority.  
[But, as may be required to be amended in the light of amended details of access, noise and odour attenuation.]
3. The materials to be used on the external surfaces of the development hereby approved shall be those as set out in drawing number PP08 Mill Building Elevations Received on the 26th July 2019.
4. The development hereby approved shall be carried out in accordance with the submitted drainage and flood risk information Report by Alan Wood and Partners received on the 26th July 2019 and thereafter be maintained in accordance with the approved details.
5. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted

at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

6. 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.

7. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

8. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

9. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

10. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme previously submitted to and approved by the Local Planning Authority.

11. Implementation of ecology and biodiversity measures and any other conditions that may be required in response to matters relating to i) the location of the principle vehicular access, ii) any noise attenuation that may be necessary and, iii) any odour attenuation that may be necessary and receipt of any outstanding consultations, notably from the Ministry of Defence Safeguarding.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP1, DP1, DP3, NPPF 2019.

3. This condition is imposed for the avoidance of doubt to ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole and in accordance with Policies DP30 and DP32 of the Hambleton Local Development Framework.
4. This condition is imposed for the avoidance of doubt and in accordance with National Planning Policy Framework 2019, and Policies DP6 Utilities and infrastructure and DP43 Flooding and Floodplains of the Hambleton Local Development Framework.
5. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Hambleton Local Development Framework Policy CP16, CP17, DP28 and DP30.
6. This condition is imposed In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with Hambleton Local Development Framework Policy DP1.
7. This condition is imposed for the avoidance of doubt to help integrate the proposed development into the locality and in the interest of the visual amenities of the open countryside in accordance with Policies DP30 and DP33 of the Hambleton Local Development Framework.
8. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
9. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
10. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.

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**Parish: Aiskew**  
**Ward: Bedale**  
**4**

Committee Date : 9 January 2020  
Officer dealing : Aisling O'Driscoll  
Target Date: 9 December 2019  
Date of extension of time (if agreed): 13 January 2020

**19/02184/FUL**

**Construction of warehouse and offices.  
at Plot 1 Conygarth Way Leeming Bar Business Park Leeming Bar  
for SpeedClad Ltd.**

**This application is referred to Planning Committee as Hambleton District Council owns the land to which the application relates.**

## **1.0 SITE CONTEXT AND PROPOSAL**

- 1.1 The site lies on the frontage of the Leeming Bar Business Park on the northern corner of Leases Road and the A1 Service Road and is land within the ownership of Hambleton District Council. The site covers an area of approximately 0.56ha and is currently vacant. Timber post and rail fencing bounds the site to all sides with mature, well established hedgerow along the northern boundary; hedging has also been planted along the eastern boundary. The land is slightly sloping downwards from north to south.
- 1.2 The proposal is to construct a building to include an office area (ground and first floor) for professional, technical and administrative staff and a warehouse area (single level two storey space) to be used to store product.
- 1.3 The building would be sited towards the eastern boundary of the plot, with car parking and a servicing area accessed from the cul-de-sac at the western side of the site. The footprint of the building would be approximately 954m<sup>2</sup> with a maximum ridge height of approximately 10.3m. The building would be finished in Kingspan cladding in pure white (RAL 9010) with Kingspan roof in Basalt Grey (RAL 7012) and aluminium windows in traffic Grey B (RAL 7043). It was discussed with the applicant whether white would be a practical colour and it was subsequently agreed that the materials be subject to later agreement by condition.
- 1.4 The building will allow the business to operate from one location and will employ 37 full time staff and 3 part time staff.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 02/01733/FUL - Layout of land for Classes B1, B2 and B8 uses and additional information received by Hambleton District Council on 24th September 2002 and amended by letter and plans received by Hambleton District Council on 29 October 2002 - Granted
- 2.2 18/01560/FUL - Construction of warehouse and offices as amended by plan received by Hambleton District Council on 15 October 2018 - Granted

## **3.0 RELEVANT PLANNING POLICIES:**

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

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

Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP12 - Priorities for employment development  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP4 - Access for all  
 Development Policies DP8 - Development Limits  
 Development Policies DP16 - Specific measures to assist the economy and employment  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - No response to date
- 4.2 Highways Authority - No objections subject to conditions relating to the discharge of surface water, construction requirements for verge crossings, details of access turning and parking, construction management
- 4.3 Yorkshire Water - Advises on required easements. Also advises that discharge of surface water to the public sewer should be a last resort once all other sustainable drainage methods have been ruled out. Recommends conditions relating to developing separate systems for foul and surface water drainage and submission of details regarding surface water drainage works.
- 4.4 SABIC - the developer must consult SABIC should any work lie within 50m of the Major Accident Hazard Pipeline.
- 4.5 Natural England - No comment
- 4.6 Yorkshire Wildlife Trust - No Objection. Encourages long term maintenance of soft landscaping.
- 4.7 Economic Development - Supports the application as it assists an existing business in consolidation of its operation.
- 4.8 Public Comments - None received.

#### **5.0 ANALYSIS**

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

##### Principle

- 5.2 Paragraph 28 of the NPPF states that in order to promote a strong rural economy local authorities should support the growth and expansion of all types of sustainable businesses and enterprise in rural areas both by the conversion of existing buildings and well-designed new buildings.



- 5.3 The site is part of the Leeming Bar Business Park which is within the defined Development Limits of Leeming Bar, a settlement designated in the context of Policy CP4 as a Service Village.
- 5.4 The site is in a sustainable location within a designated business park with good communication links. There are no objections in principle to the development, which complies with the NPPF and the LDF policies.

#### Design and impact on the surrounding area

- 5.5 The Leeming Bar Development Brief for Phase IV (2005 update 2015) requires a high standard of design specifically for gateway sites such as the application site. 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."
- 5.6 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.
- 5.7 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.8 The proposed building is considered to be good modern design which relates to its prominent corner position within the wider site.
- 5.9 The proposed materials are similar to other buildings elsewhere on the Business Park. A landscaping scheme requiring peripheral tree and shrub planting will, in due course help to soften the impact of the development. It is considered that the high design standards set by policy DP32 are met by the proposed development.

#### Residential Amenity

- 5.10 The nearest residential use to the site is the Pembroke Caravan Park, which lies more than 110m to the south east. Given the warehouse and office uses proposed, it is considered to be unlikely that the activities undertaken at the site would adversely affect the amenity of that site to any greater degree than occurs as a result of industrial estate traffic travelling along Leases Road.
- 5.11 It is considered that the proposed development would not have a greater adverse impact on residential amenity and would be in accordance with Policy DP1. Further, the proposed development is not considered to have an adverse impact on the amenity of the occupiers of any non-residential properties in the vicinity.

#### Highways Safety

- 5.12 The Highway Authority has no objections to the proposed development subject to conditions. It is considered that the proposed development will have no significant detrimental impact on highway safety.

#### Other Matters

- 5.13 The Councils Design and Maintenance team agree that the drainage for the wider site was considered and addressed under the original Phase 4 Development Design. This was based on uncontrolled flows from individual plots into the surface water sewerage system. No restrictions are required for individual plots.

#### Planning Balance

- 5.14 The proposed development is considered to be of a high quality of design and will contribute positively to the economic development of the District, without harm to the character or appearance of the area, residential amenity or highway safety.

### **6.0 RECOMMENDATION:**

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PR101/D and PR102/D received by Hambleton District Council on 14th October 2019a and PR103/D and PR104/D received by Hambleton District Council on 15th October 2019 and PR105/E received by Hambleton District Council on 9th December 2019 unless otherwise approved in writing by the Local Planning Authority

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

4. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site

have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a. The details of the access shall have been approved in writing by the Local Planning Authority.
  - b. The crossing of the highway footway shall be constructed in accordance with the approved details and/or Standard Detail number A2.
  - c. Any gates or barriers shall not be able to swing over the existing or proposed highway.
7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: a. have been constructed in accordance with the submitted drawing (Reference PR105/E Proposed Site Plan) b. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
  - b) on-site materials storage area capable of accommodating all materials required for the operation of the site.
  - c) the approved areas shall be kept available for their intended use at all times that construction works are in operation.
10. Prior to the commencement of development, other than the initial formation of the access, full details of existing and proposed site levels shall be provided to and approved by the Local Planning Authority. Levels to be submitted shall include full garden levels, finished floor levels, eaves and ridge heights. The development shall then be implemented in accordance with the approved levels.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. In accordance with Policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
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 order to protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.

**Parish: Alne**  
**Ward: Easingwold**  
**5**

Committee Date : 9 January 2020  
Officer dealing : Mrs Naomi Waddington  
Target Date: 20 January 2020  
Date of extension of time (if agreed):

**19/02514/FUL**

**Construction of a 1.5 storey detached house.  
at Fallodon Forest Lane Alne North Yorkshire  
for Mr Olly Shipley**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site comprises a triangular shaped plot located at the junction of Forest Lane and Main Street, at the southwestern-extremity of the settlement of Alne Station. The site occupies the front domestic garden of Fallodon, which is a single storey semi-detached dwelling. Alne Station is located approximately 650 metres to the north-east of Alne village 3.3km by road to the north of Tollerton village and 5.4km to the south-west of Easingwold.
- 1.2 The application site extends to approximately 0.09 hectares and is accessed from the existing private driveway and turning area from Forest Lane. The access and turning is also shared with the dwellings Fallodon and Manacor. The site is bounded by a roadside hedge to the north, with residential dwellings including Milnthorpe House and the 5 dwellings formed through the converted listed building at The Maltings to the north of Forest Lane. Substantial tree screening forms the southern boundary with the dwelling Low Hall. The residential dwellings of Fallodon and Manacor, along with farm buildings associated with Park Farm are to the east. The western boundary abuts Main Street, is marked with a fence and trees, and open countryside on the opposite side of the road that runs south towards Alne village.
- 1.3 The application site is located outside of Alne Conservation Area. The Maltings, a Grade II Listed Building, is located approximately 30 metres to the north of the application site.
- 1.4 Full planning permission is sought for the construction of a detached, 1.5 storey dwelling. The dwelling measures approximately 10.8m wide x 12.2m deep, and is 3.3m high to the eaves, and 7.3m to the ridge. An attached garage is located to the south side, approximately 5.9m wide x 8.6m deep. The garage is set back slightly from the front (east) elevation with lower ridge and eaves. The front elevation has a front porch, two dormer windows and two rooflights to the house and one rooflight over the garage. The rear elevation has a full width flat roofed wing projecting approximately 3.5m to the west, with roof lantern, and extensive full height glazing. There are three dormer windows on the rear elevation over the house, and one over the garage. Internally the dwelling has ground floor kitchen/dining/living room, family room, living room, utility and WC. At first floor level are four bedrooms, one with dressing room and ensuite, one further ensuite and one house bathroom. The dwelling is to be constructed of brick under a slate or concrete tiled roof.
- 1.5 The application is submitted with a Planning Statement. Its conclusions include the proposal complies with the Council's 'Interim Policy Guidance'; the proposal is well related to existing development, not extending into open countryside; landscape features will be retained and enhanced; the design achieves a good quality living environment with no significant detrimental impact upon the amenity of neighbours;

safe access can be achieved; there is no detrimental impact to the natural, built or historic environment; the proposal results in social and economic benefits.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 13/01999/FUL Proposed vehicular access. This was to be to the west of the existing vehicular access. APPROVED 15.11.2013, not implemented
- 2.2 18/02070/FUL Construction of a detached, one and a half storey dwelling APPROVED 21.11.2018 The approved scheme was found to be a well-designed dwelling, with ground floor kitchen, lounge, dining room, utility, WC and ensuite bedroom, with a further two first floor bedrooms and bathroom

## **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  
Development Policies DP1 - Protecting amenity  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP28 - Conservation  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Practice Guidance

## **4.0 CONSULTATIONS**

- 4.1 Parish Council - response awaited (consultation period expires 23.12.2019)
- 4.2 Highway Authority - No objection, subject to conditions regarding the construction requirements of the private access, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health - No objections
- 4.4 Yorkshire Water - response awaited (expires 23.12.2019)
- 4.5 Representations - None received to date (Site notice expires 08.01.2020)

## **5.0 ANALYSIS**

- 5.1 The main issues to consider are: (i) the principle of development; (ii) Design/impact on the character and appearance of the village and the rural landscape; (iii) heritage assets; (iv) residential amenity; v) highway safety, vi) drainage issues and (vii) land contamination

## The principle of development

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

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

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

- 5.5 In the settlement hierarchy contained within the IPG, Alne Station is defined as an "Other Settlement". Alne village is approximately 650 metres away by road and is defined as a Secondary Village and therefore is considered a sustainable location for development. There are footpath links between the two settlements and access to bus services. Alne and Alne Station are identified as "Cluster Villages" within the IPG due to their proximity and it is therefore considered the proposal satisfies criterion 1 of the IPG; that proposed development must provide support to local services including services in a village or villages nearby.

Design/impact on the character and appearance of the village and the rural landscape

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and reflect the existing built form and special character of the historic rural villages, in accordance with criteria 2 of the IPG.
- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". The proposal represents one dwelling so is small in scale. The second test of criterion 2 requires the development to reflect the existing built form and character of the village. This is assessed below along with the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG, in relation to its impact on the natural, built and historic environment, and character and appearance of the countryside. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this". "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, respect local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The policy requires development to pay regard to traditional design and forms of construction, to avoid the use of inappropriate details, and to pay particular attention to appropriately designed elements.
- 5.10 The National Planning Policy Framework Planning supports this approach. Paragraph 124 states
- "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."
- Paragraph 130, states that
- "Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,"
- 5.11 With regard to the submitted scheme there are serious reservations in relation to the quality of the design, the size, the impact on the trees, and the relationship with its surroundings. The site occupies a prominent position in the streetscene at the junction of Forest Lane and the Main Street from Alne village. The large flat roofed rear wing, extensive use of dormer windows, substantial areas of glazing with unbalanced fenestration are not considered to represent high quality design, and neither does it reflect the character of this part of the village or the traditionally designed dwellings to the north and south.
- 5.12 In addition the size of the dwelling this significantly wider and deeper than the previously approved dwelling. The submission advises
- 'The proposals would retain existing mature screen planting where possible'



No details are shown on the submitted plans of existing trees and hedges, and the garage is sited very close to the row of tall trees on the southern boundary. No information has been submitted to demonstrate the dwelling can be erected in close proximity to the trees without harm to the trees. Policies CP16 and DP30 seek to resist development having a detrimental impact natural assets and landscape character. The proposal is therefore in conflict with the policies CP16 and DP30.

- 5.13 Having regard to the above it is considered that the proposal fails to meet criterion 2, 3, 4 and 6 of the adopted Interim Policy Guidance (IPG) set out above. The poor quality design and potential harm to the trees is considered to have a detrimental impact on the character and appearance of the village and the rural landscape and fails to accordance with the principles of the NPPF and the requirements of Policies CP16, CP17, DP30 and DP32 of the adopted LDF.

#### Heritage assets

- 5.14 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 Alne Conservation Area.
- 5.15 The application site is located 750 metres to the north east of the Alne Conservation Area. It is considered that given the distance from the site to the Conservation Area, the proposal will not harm the significance of the designated heritage asset.
- 5.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.17 The Maltings, a Grade II Listed Building, stands approximately 30 metres to the north of the application site. There is substantial screening provided by existing buildings and mature landscaping between the site and the Grade II listed building. The most sensitive elevation of 'The Maltings' fronts onto Alne Road and is not viewed in conjunction within the application site.
- 5.18 It is considered that given the distance and intervening road and landscape feature between the site and the Grade II Listed Building, the proposal will not harm the significance of the designated heritage asset.

#### Residential amenity

- 5.19 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.20 The previous approval considered the site capable of accommodating one dwelling without prejudicing residential amenity of Fallodon, Manacor and Low Hall by reason of overbearing, overshadowing or overlooking impacts, and similar considerations apply to the current proposal.
- 5.21 However no information been submitted to demonstrate the proposed parking and turning for the application dwelling, along with the existing dwellings of Fallodon and Manacor which share the access, parking and turning area. In addition the proposed garage is not wide enough to comply with NYCC's design guidance to accommodate two cars, and a garage is not accepted as a being available as a parking space as it

is commonly used for storage. Without this information it is difficult to make a reliable assessment of whether the parking and turning facilities are likely to result in harm to existing levels of amenity afforded to neighbours, or whether the proposal would result in poor levels of amenity for occupants of the proposed dwelling.

#### Highway safety

- 5.22 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.23 Access to the site would be taken from Forest Lane via the existing driveway which leads to a shared parking and turning area for Falloden and Manacor.
- 5.24 The proposed development relates to a sustainable location, benefitting from good accessibility to local services by alternative modes of transport and would have a minimal impact on the highway network.

#### Drainage

- 5.25 Foul drainage from the site would connect to the existing mains sewer, whilst surface water would drain to soakaway(s) as a sustainable drainage system.
- 5.26 The exact details can be secured by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

#### Land contamination

- 5.27 The submitted information states that the site is a domestic garden and does not identify any unacceptable risks from land contamination.

#### Planning Balance

- 5.28 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. The site has an extant consent for a well-designed modest dwelling. The design of the proposed dwelling is out of character with its surroundings of both existing built form and surrounding countryside. In addition no information has been submitted to demonstrate the site can be developed without harm to the adjacent trees, or that that the parking and turning facilities can be provided for all three dwellings using the access without resulting in harm to existing levels of amenity afforded to neighbours, or a poor level of amenity for occupants of the proposed dwelling. Whilst there would be some social and economic advantages through the provision of a new house, the economic gain from the residential development and future occupation would be limited. The harm to the form and character of the village and the countryside is substantial and this harm to the environment is not outweighed by the limited social and economic gains.

## 6.0 RECOMMENDATION:

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

1. The proposed development is contrary to Core Policy CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits.

It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as all new development should respect and enhance the local context and be appropriate to its setting. It is considered that the proposal, by reason of its form and design is out of context and character with the surrounding built form and countryside. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of Hambleton Local Development Framework Policies CP1, CP16, CP17, DP30 and DP32.

2. No information has been submitted to demonstrate the site can be developed without harm to the trees located along the southern boundary contrary to the provisions of Hambleton Local Development Framework Policies CP16 and DP30.

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**Parish: Burrill with Cowling**  
**Ward: Tanfield**  
**6**

Committee Date : 9 January 2020  
Officer dealing : Mrs H Laws  
Target Date: 15 January 2020

**19/00993/FUL**

**Construction of a detached dormer bungalow & garage as amended by plan received by Hambleton District Council on 13 November 2019.**

**At: Arbutus House Cowling Road Burrill North Yorkshire**  
**For: Mr M Averis**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site, which is 0.057ha in size, lies on the southern side of the village street towards the western end of Burrill.
- 1.2 The site is currently part of the garden of Arbutus House, a detached two storey dwelling. The land forms part of the side and rear garden. The site is bounded by mature hedges and close boarded fencing with mature landscaping to all boundaries.
- 1.3 It is proposed to construct a two storey detached dwelling on the plot, with the end gable of the dwelling facing northwards towards the village street. A detached single garage would lie in the south eastern corner of the plot and a turning area at the northern end of the plot adjacent to the existing dwelling. The dwelling would have a steeply pitched roof and a relatively low eaves level to allow the first floor accommodation within the roofspace to be served by side gables and windows in the end gables. The dwelling would be finished in brickwork with stone cills and concrete pantiles with upvc windows and doors.
- 1.4 There is currently a gated vehicular access to the dwelling; it is proposed to create a new access using an existing dropped kerb to the east of the existing access to form a separate entrance and driveway for the proposed dwelling.
- 1.5 An arboricultural impact assessment has been submitted with the application. None of the trees are subject to a TPO. It is proposed to remove a silver birch to allow the development to be implemented; all other trees would be retained. Tree Protection is recommended.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 07/01563/OUT - Outline application for the construction of a dwelling. Permission refused 13/7/2007 for the following reason:

Policies CP2 and CP4 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. Burrill is a small settlement with few local facilities or transport links and the development is, consequently, contrary to these policies.

## **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 DP10 - Form and character of settlements  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP43 - Flooding and floodplains  
 Interim Guidance Note - adopted by Council on 7th April 2015

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - no objections although some concerns about the capacity of the sewage system to accommodate additional properties.
- 4.2 Highway Authority - conditions recommended
- 4.3 Yorkshire Water - As the proposal is for 1 dwelling only and only foul water is to be drained to the public foul sewer in the road, with surface water to soakaway. No observation comments were required.  
 With respect to the concerns raised by the parish council and local residents, this is an operational matter, and separate from planning. If not done so already, they should telephone or write to Yorkshire Water about the sewerage network, so that the area can be investigated further for any possible future action.
- 4.4 Public comments - comments have been received from residents of 4 properties within the village, all of who express concerns regarding the ability of the drainage system to cope with further demands.  
 A comment is also made by the neighbouring resident who is concerned about the impact arising from constructing a dwelling that would be taller than the existing adjacent dwelling and with a featureless brick wall.

#### **5.0 ANALYSIS**

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

##### The principle of development

- 5.2 The site falls outside of Development Limits as Burrill does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more

recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 of the NPPF states:

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

- 5.3 The NPPF identifies special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the settlement hierarchy contained within the IPG, Burrill is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Burrill in which there are no services but it lies approximately 1.5km from the edge of Thornton Watlass, which is defined as a Secondary Village with facilities including a school, a pub and a church. The site also lies within 2km from the edge of Bedale, which is a Service Centre. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proposed development satisfies criterion 1.

#### Character and appearance of the village

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. There has been one other dwelling granted planning permission in the village since the introduction of the IPG (17/02319/FUL) and it is considered that the proposed development is small scale and has no significant impact in terms of cumulative impact.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The following detailed advice within the IPG is considered to be relevant:  
"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."  
"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

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

#### Design

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The proposed dwelling is similar to the adjoining property in respect of scale and design. The dwelling is a two storey property with detailing that includes a steeply pitched roof and relatively narrow gables.
- 5.14 The elevation facing the neighbouring dwelling at Backwood has no openings and is effectively the rear of the property, facing onto the driveway serving the garage. This elevation is in relatively close proximity to the boundary, which is formed by a mature hedgerow. The absence of detailing, other than the gabled entrance porch, would not therefore harm the appearance of the dwelling.
- 5.15 It is considered that the scale, proportions and materials of the proposed dwelling would be appropriate to its setting within the village and in relation to the neighbouring property.
- 5.16 It is considered that the proposed development is in accordance with LDF Policies CP17 and DP32.

#### Effect on residential amenity

- 5.17 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The relationship of the proposed dwelling to Arbutus House and Backwood is such that there would be adequate separation distance to avoid any overlooking or overshadowing that would harm the amenity of existing or proposed residents.
- 5.18 The existing access serves Arbutus House; the new access and driveway would lie parallel. The proposed development would result in an additional household between two existing properties but there is adequate separation to allow the property to be developed without a harmful impact on residential amenity.



- 5.19 The proposed development would not therefore accord with the requirements LDF Policy DP1.

#### Effect on trees

- 5.20 An assessment of the trees has been received, which confirms that all but one of the trees on site can be retained and protected during and following construction. The tree to be removed is a mature silver birch, which is in good condition. There are several remaining trees, which are also in good condition and would retain the mature landscaped character of this part of the village.

#### Surface water flooding

- 5.21 There have been several concerns raised regarding drainage within the village and with regard to surface water flooding. There is a mains sewer and it is proposed to discharge foul drainage into the existing system, with surface water dealt with by soakaway. Yorkshire Water has no objections to make regarding this proposal as it is only for one dwelling and as such would make a marginal difference to the existing system. The current problems of surface water ingress to the foul water sewer is a matter for Yorkshire Water.
- 5.22 The application site is in Flood Zone 1, an area at the lowest risk of flooding. The Environment Agency website suggests there is a risk of surface water flooding in small areas within the village but this would not affect or be affected by the application site.

#### Highway matters

- 5.23 The Highway Authority has no objections to the additional dwelling being served from the village street. It is considered that the proposed development will have no significant harmful impact in terms of road safety.

#### Planning Balance

- 5.24 In assessing this application it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and without harm in terms of residential amenity or highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

### **6.0 RECOMMENDATION:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

4. Unless otherwise approved in writing with the Local Planning Authority the tree protection measures detailed within the Arboricultural Impact Assessment received by Hambleton District Council on 13 November 2019 shall be undertaken in full and thereafter retained.

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

- The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail Number E1 Var (Construction Depths Only).
- Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

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

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of Cowling Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No part of the development shall be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference Number 2019:01/02 Revision B and Standard Detail Number E1 Var (Construction Depths Only) and 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.

8. The garage hereby approved shall be used solely for the housing of motor vehicles and notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Development Order 1988, or subsequent amending Order, no subsequent alteration shall be undertaken.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on

the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

10. Unless otherwise approved in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2019/01/02B; 01/03B; 01/05B; 01/06A; and 01/07C received by Hambleton District Council on 1 May, 2 August and 13 November 2019 unless otherwise approved in writing by the Local Planning Authority.

12. Prior to the commencement of development, other than the initial formation of the access, full details of existing and proposed site levels shall be provided to and approved by the Local Planning Authority. Levels to be submitted shall include full garden levels, finished floor levels, eaves and ridge heights. The development shall then be implemented in accordance with the approved levels.

The reasons are:-

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

4. In order to maintain the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.in accordance with LDF Policies CP2 and DP4.

6. In accordance with policy number and in the interests of road safety in accordance with LDF Policies CP2 and DP4.

7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.

8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
12. In order to protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.

**Parish: Great And Little Broughton**  
**Ward: Stokesley**  
**7**

Committee Date : 9 January 2020  
Officer dealing : Ms Helen Ledger  
Target Date: 27 November 2019  
Date of extension of time (if agreed):

**19/02067/OUT**

**Application for outline planning permission with all matters reserved for the construction of a dwellinghouse.  
at Land To West Of 38 The Holme Great Broughton North Yorkshire  
for Mr Stewart Williamson.**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site currently forms part of the large garden associated with the detached dwelling known as 38 The Holme. The site is laid to grass and adjoins a former agricultural building to the south and a large ornamental pond all within the confines of a large garden.
- 1.2 The site is located on the western fringe of the village of Great Broughton outside the Development Limits of the village. Access to the site is via a shared drive with nos. 38 and 40 The Holme. The site is at a raised level away from adjoining neighbours and the boundaries are hedge-lined and complemented by a range of ornamental trees and shrubs.
- 1.3 Approximately 25m to the east of the application site is the boundary of the Great Broughton Conservation Area, which bisects the site of 38 the Holme. To the north is a large garden associated with the neighbouring dwelling and to the south an open area, agricultural in character, associated with the farm to the south.
- 1.4 The proposal seeks outline planning permission for the construction of one detached dwelling, all matters are reserved. Whilst this application is in outline form with all matters to be considered at the reserved matters stage, the agent has suggested that the site is capable of accommodating one dwelling to allow the owners to downsize to a smaller dwelling from their property at 38 The Holme.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 04/01500/FUL - Alterations to existing agricultural building to include a pitched roof in place of flat roof - Approved 16.09.2004
- 2.2 95/50550/P - Construction of a detached bungalow as amended by plans as received by Hambleton District Council on 19th May 1995 - Refused 20.07.1995.
  1. It is of the opinion of the Local Planning Authority that the proposal is contrary to policy H5 of the Stokesley Area Local Plan and policy H8 of the Hambleton District wide Local Plan (Deposit draft 1994) by reason of the inappropriate form and layout of the proposal within the site and the resulting unsatisfactory standard of residential amenity.
  2. The development of this restricted site which is located outside the main built up form of the village in a prominent position would be an undesirable intrusion into the countryside and, if approved, would create an undesirable precedent to extend the domestic curtilage further outside the village limits by the introduction of extensions and domestic paraphernalia.
- 2.3 The application was also dismissed at appeal,

2.4 94/50484/P - Construction of a detached dwelling-house with domestic garage - Refused 31.03.1994.

1. The development of this restricted site which is located outside the main built up form of the village in a prominent position would be an undesirable intrusion into the countryside and, if approved, would create an undesirable precedent to extend the domestic curtilage further outside the village limits by the introduction of extensions and domestic paraphernalia.

2.5 92/0971/FUL - Construction Of A Detached Dwelling - Refused 04.02.1993.

1. The development of this restricted site which is located outside the main built up form of the village in a prominent position would be an undesirable intrusion into the countryside and, if approved, would create an undesirable precedent to extend the domestic curtilage further outside the village limits by the introduction of extensions and domestic paraphernalia.

2.6 91/1118/OUT - Outline Application For The Construction Of A Dwelling - Refused 01.05.1991.

1. The proposal is contrary to policy H1 of the Stokesley Area Local Plan and Policy H1 of the Stokesley Area Draft Local Plan which seek to restrict development outside settlement limits to that which is deemed essential to the needs of agriculture or forestry or other exceptional circumstances which warrant the grant of planning permission.
2. The proposal represents a form of tandem development which would be objectionable on amenity and other grounds.

### **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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Great and Little Broughton Parish Council - No response received

- 4.2 NYCC Highways - No objections.
- 4.3 Northumbria Water - Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration)
  - Discharge to a surface water body
  - Discharge to a surface water sewer, highway drain, or another drainage system
  - As a last resort, discharge to a combined sewer.
- 4.4 Environmental Health (resident services)- No objections.
- 4.5 Environmental Health (contaminated land) - Having assessed the PALC form which has not identified any risk of contamination the risk to end users is considered to be low. Therefore no objections raised.
- 4.6 Site notice posted and neighbours notified. Two representations received, one objection and one neutral. Comments made summarised below.
- Would like assurance that if permission is granted, the dwelling would not be outside the village boundary, if it is then this would open up the land nearby to development.
  - Concerns raised on the narrow access between the neighbouring house, currently only used by small amount of traffic.
  - Large lorries and construction vehicles would not be able to turn up/down to reach the site. Another access would be needed.
  - Granting consent would be contrary to planning policy, including the Hambleton LDF.
  - The site is outside development limits and does not meet any of the policy exceptions, a retirement home is not affordable housing.
  - The village has a good supply of affordable homes.
  - Neighbours' rights to privacy will be challenged.
  - Great Broughton is located inside the restrained area identified in LDF Spatial Principles 2. This is not a sustainable development in accordance with Spatial Principle 3, as it is outside development limits and does not meet exceptional criteria.
  - Development here will not enhance the character or appearance of the area.
  - It will not protect the high quality environment, a designated conservation area.
  - Must be compatible with RSS - The value of the existing property at 38 The Holme means it is not an affordable home. As a result it is likely to attract either retirement in-migration or commuters to the Tees Valley Area in contravention of the supported SVTA.
  - It is contrary to the Interim policy guidance note points 3, 4 and 6. This property is to be located outside of the village development limits meaning it will have a significant detrimental impact on all properties and garden areas surrounding the proposed development. This property is likely to be 6-8m high.
  - This development will have a significant detrimental impact on the immediate open character nature of surrounding properties and garden areas. Reference is made to the Human rights act, in particular Protocol 1, Article 1 which recognises the right for peaceful enjoyment of all their possessions, which includes the home and other land. Reference also made to Article 8 in the case of Britton vs Secretary of State, where private and family life encompasses not only the home but also the surroundings.
  - It does not conform with all other relevant LDF or SVTA policy objectives such as exceptional circumstances and discouragement of in-migration and ensuring it meets the needs of local people as discussed in section 1 above and 3 below. It clearly does not comply with all 6 criteria as required.

- The proposed housing development will be two stories in height meaning a structure height of 6-8m. This is located directly south of a private, non-overlooked garden area. Allowing the development to take place here will have a detrimental effect on: -
- The openness and character of the surrounding property garden areas.
- Significant rights of privacy.
- Warmth from the winter sun could be lost from vegetable gardens and poly tunnel areas.
- The development will see the introduction of pollution and noise to an area free from this at the moment.

## 5.0 ANALYSIS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact of the development on the character of the surrounding area, including the character and appearance of the village (iii) residential amenity; (iv) highway safety; and (v) drainage.

### Principle

- 5.2 The site falls outside the Development Limits of Great Broughton. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development beyond Development Limits in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7th April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG, Great Broughton is identified as a Service 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 would be located to support local services.

#### Character, appearance and Design

- 5.6 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.7 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.8 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Whilst this application is in outline, these requirements are still considered pertinent to the determination of this application.
- 5.9 Core Policy CP16 states that Development will be supported where it preserves and enhances the District's natural and manmade assets. However, development will not be supported which has a detrimental impact upon the interests of a natural or man-made asset.
- 5.10 Development Policy DP10 states that permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements.
- 5.11 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.12 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale.
- 5.13 The planning statement makes reference to a recent permission granted at Annaclay Farm, 17/02207/OUT. This involved the replacement of a large outbuilding and greenhouse with one dwelling on a slightly smaller footprint, and thus, in that case, this greatly neutralised the potential for harmful impact on form and character. Although approved in outline, it was understood at the time that the scheme would be likely to result in a single storey dwelling.
- 5.14 In the context of this application at 38 The Holme, there are a range of detached dwellings within the immediate locality, the majority of which tend to closely follow the line of the river valley. Although there are, in some locations, dwellings and other development to the rear of the frontage properties on the Holme, these are limited and represent a dispersed pattern; but do not tend to go beyond the confines of the valley sides. The development boundary reflects this layout and has, to a great degree, maintained the settlement within this form. The area has an attractive quality with some historic properties set in large gardens. It is considered that development

on the higher ground beyond the valley sides would create a form that would be out of character with this part of the settlement.

- 5.15 Criterion 3 of the IPG states that development must not have a detrimental impact on the natural, built and historic environment. The site is part of a large domestic garden and although close to the conservation area it is an elevated site so unlikely to create a negative impact on this historic environment or its setting. Likewise it will not have an impact on other aspects of the built environment. The garden setting does not contain any significant habitats. However, the extent of the garden contributes to the wider countryside setting of the village. However, on balance it is considered that the proposal is in compliance with criterion 3.
- 5.16 Criterion 4 of the IPG states that development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.17 The proposal involves the development of garden on ground higher than the main part of the village, which is largely open in character with no other buildings adjacent, except for a small agricultural shed and the buildings associated with Annaclay farm to the south. Views from the public sphere are limited to the track, a public right of way, to the south of the site which serves Annaclay farm.
- 5.18 In terms of character, the site is considered to relate to the open countryside surrounding the settlement, rather than forming part of the settlement and as such is considered part of the wider countryside. It is considered that the proposed development would have a detrimental impact upon the open character and appearance of the surrounding countryside.
- 5.19 It is therefore considered that the proposal would be harmful to the form and character of this part of the village and would introduce an incongruous form of development. The development whilst small in scale fails to meet the requirements of criteria 2 and 4 of the IPG and therefore is also contrary to policy DP10, through the loss of this green area on the edge of the village.
- 5.20 Approximately 25 metres to the east of the application site is the boundary of the Great Broughton Conservation Area. The Conservation Area is largely characterised by residential properties along with the stream and associated trees and landscaping close to the application site. It is considered that due to the distance from the Conservation Area boundary the proposed development will have no harmful impact on the setting of the Conservation Area in this instance.
- 5.21 As this application is submitted in outline it is not possible to assess whether the dwelling proposed meets the requirements of high quality design set out in CP17 and DP32, but it is considered possible that a dwelling could be designed to comply with these requirements.

#### Residential amenity

- 5.22 It is considered that, subject to a suitably designed house, the plot is capable of accommodating a single dwelling without prejudice to residential amenity, by being overbearing in presence, causing loss of light or loss of privacy. As such the proposed development is considered to be in compliance with Development Policy DP1.

#### Highway safety

- 5.23 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.24 Access to the site is via the existing ford from the high street or from The Holme, a road that currently serves a number of dwellings along the valley sides. This proposal would create a third dwelling from a single track road currently shared by two dwellings and has been judged acceptable by the Highway Authority, who have raised no objection to the proposal subject to conditions.
- 5.25 The Public Right of Way that runs to the north of the site would not be adversely affected by the proposed development.
- 5.26 It is therefore considered the site can be accessed safely for the purposes of the development of one dwelling and as such the proposed development accords with the requirements of Development Policy DP4.

#### Planning balance

- 5.27 The Interim Policy Guidance note criteria are required to be met in full. As set out above it is found that this proposal would fail criterion 2 in that this would represent a break from the established built form and character of the village. It is further considered that the proposals are harmful to the character of the countryside surrounding the village and as such fail to meet the requirements of criterion 4. The proposed development is considered to fail to accord with the requirements of Core Policy CP4, CP16 and CP17 and Development Policy DP10 and DP32.

### **6.0 RECOMMENDATION:**

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

The reasons are:-

1. The proposed development is contrary to Development Policy CP4 as the proposed new dwelling is outside the Development Limits of Great Broughton and fails to comply with the requirements of the Council's Interim Policy Guidance.
2. The proposed development is contrary to adopted development plan policies CP16, CP17 and DP10 and DP32 as the proposals do not respect and enhance their local context. The proposal fails to respect the local form and character of the settlement and is considered to have a harmful impact on the character and form of the settlement. The proposed development is also considered to have a harmful impact on the character of the landscape surrounding the village. On this basis the proposed development is also contrary to the Council's Interim Policy Guidance Note. The proposal is contrary to the NPPF paragraph 127 bullet points a), b) and c), as it will not add to the overall quality of the area, create an appropriate layout and be sympathetic to local character and the surrounding built environment.

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**Parish: Huby**  
**Ward: Huby**  
**8**

Committee Date : 9 January 2020  
Officer dealing : Mrs Naomi Waddington  
Target Date: 30 September 2019  
Date of extension of time (if agreed): 19 December 2019

**19/01507/FUL**

**Construction of a new dwellinghouse and attached double garage**  
**At: Land adjacent to Greencroft House, Bell Lane, Huby North Yorkshire**  
**For: Mr Thompson**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located to the south of Huby village at the junction of Bell Lane and Sutton Road, where on the south side there is a long unmade access track leading further south to Tall Oaks Farm, Roans House, and the properties at The Barn and within the Hollin Hill Farm site. The northern end of the access track is bound by wide grass verges to each side. The application site is located on the western grass verge adjacent to the track, immediately south of the dwelling Meadow View which fronts the highway.
- 1.2 The site is bound by a tall leylandii hedge to the north and part west boundary with Meadow View. The remainder of the western boundary is marked by a more indigenous hedge which includes a mature Oak tree protected by a Tree Preservation Order. To the west of the site is agricultural land. The south and east boundaries are open to the verge and track respectively. Further east beyond the grass verge is a detached dwelling Green Croft. The site is green and open, its character relates to the surrounding countryside.
- 1.3 Full planning permission is sought for the erection of a detached dwelling and garage. The proposed dwelling is two storeys high with accommodation in the roofspace, and an attached double garage. The dwelling is approximately 10m wide x 8.8m deep, 5.2m high to the eaves and 9.7 to the ridge. The garage is approximately 5m wide and 6.4m deep, 2.4m to the eaves and 3.8m to the ridge. Proposed materials include Heritage Blend bricks and pantile roof, with Upvc windows, aluminium bi-fold doors to the rear elevation and composite doors to the front and side elevations. A gravel driveway, parking and turning area is proposed providing a front drive to link the site to the unmade access track.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 74/1240/OUT Construction of not more than three dwellings Refused 26.09.1974
- 2.2 78/1724/OUT Construction of 2 detached dwellings Refused 31.08.1978

## **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  
 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 DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 – Landscaping  
 Interim Policy Guidance Note - adopted by Council on 7th April 2015  
 National Planning Policy Framework

## **4.0 CONSULTATIONS**

### **4.1 Huby Parish Council – Objection summarised as follows:-**

- size of dwelling too large for plot
- no agricultural occupancy need
- impact on already inadequate sewage and storm water infrastructure
- footpath to village too narrow
- site lies outside development limits

### **4.2 NYCC Highway Authority - Comment the proposed site is served by an existing private road which also has a Public Right of Way along it. The application site is, technically, incomplete as no connection to the public highway is shown in red as part of the application site. The proposed development does not extend the existing street, but obviously will add a certain amount of extra traffic using it. The street access onto the public highway lies on the outside of the bend along Bell Lane, but within the existing 30mph local speed limit. This access can achieve visibility splays in the order of 2.4 metres x 90 metres in each direction and forward visibility of 90 metres is available for any vehicle turning right into the street from Bell Lane. These splays generally align with recommended visibility standards in this locality and consequently no highway authority objections are raised in principle. However, the chances of meeting other vehicles on the street at or near to the junction with Bell Lane could increase, especially during the construction phase, which in turn could have an impact on vehicles entering and exiting off the public highway, and therefore it is recommended that the access off the street be extended along the site frontage to provide also for a passing place of overall width 5.0 metres by overall length 12 metres, plus tapers, and the crossing overall be constructed in bound macadam to a suitable standard to cater for vehicular activity expected.**

Five conditions are recommended in relation to construction requirements for the access verge crossing; provision of parking prior to occupation; garage retention, precautions to prevent mud on the highway and onsite parking, storage and construction traffic during development

- 4.3 Yorkshire Water – recommend conditions in relation to separate systems of drainage, and submission of details of surface water drainage works**
- 4.4 Street Naming & Numbering - require an application**
- 4.5 NYCC Public Right of Way - recommend Informative**

- 4.6 Environment Agency - No response received
- 4.7 Environmental Health (Contaminated Land) - recommend condition requiring an assessment of risks and remediation scheme
- 4.8 Kyle & Upper Ouse IDB - No response received
- 4.9 The Ramblers Association - No response received
- 4.10 7 Representations of objection have been received summarised as follows:-
- Site is Non-Preferred land in Easingwold sub area plan
  - Crammed and cramped, positioned at an angle
  - Highway safety at junction
  - Safety concerns regarding the 2 way movement of vehicles on the narrow access track
  - Hindering movement of farm vehicles on the narrow sub-standard access track
  - Poor quality of design
  - Lack of space for children to play
  - Out of character
  - Fails to respect openness, character and landscaper quality
  - Impact upon TPO'd Oak tree on proposal plot
  - Impact on services water supply/drainage
  - Poor amenity to future occupiers caused by heavy agricultural machinery passing
  - Not village infill
  - Change to rural public right of way
  - The site is a Wildlife corridor
  - Overshadowing of windows
  - Loss of privacy

## **5.0 ANALYSIS**

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

### The principle of development

- 5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration. The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development outside of Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies

should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

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

#### Character and appearance of the village and the rural landscape

- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies. Paragraph 170 of the NPPF requires decisions to, amongst other considerations, to recognise the intrinsic character and beauty of the countryside.
- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the main built up part of the village. The following detailed advice within the IPG is considered to be relevant:

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



character and identify.” “Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contributes to the character and appearance of the area.” “Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.”

- 5.8 The application site is outside of the main part of the village, does not have a road frontage, and forms part of a grassland gap surrounding an access track between existing dwellings. The proposed dwelling is to be sited facing the private access track. Its siting is not characteristic and is further exacerbated owing to the location of the development on the edge of the village, a site which is considered to have more in association with the open countryside surrounding the village, than the built up area of the village. The existing built form in this location is sporadic and located between the more comprehensive built forms of Huby village to the north and the established ribbon of development further east on Skates Lane. The proposal is considered to result in the incremental erosion of the open character of the countryside, having a detrimental impact on the openness of the surrounding rural landscape and would lead to the coalescence of the built form of Huby and Skate Lane. The current gap in the streetscene provides glimpses to open countryside which will be lost by the siting of the dwelling.
- 5.9 It is considered that the proposed residential development of this site would have a detrimental impact on the openness of the surrounding rural landscape. The development is also considered to be harmful to the character and form of the village. The development fails to accord with the requirements of the Interim Policy Guidance and is contrary to LDF Policies CP16, CP17, DP30, and DP32.

#### Design

- 5.10 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework Planning supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The Design & Access Statement advises Huby comprises a mix of dwelling types, styles and age, and that the proposed dwelling reflects the design of the immediate locality, is of appropriate scale in the landscape to harmonise with existing adjacent built form, is of a traditional built form, and uses materials local to the area. It advises scale and massing is sympathetic, and the dwelling is positioned in a recessed position, in line with those to each side, and does not adversely affect neighbours.
- 5.14 The architectural styles in the locality are mixed, particularly outside of the Development Limits where more modern development, through the redevelopment of old dwellings and barn conversions prevail. However, the height and design of the proposed dwelling do not pay adequate account to the local character. The proposed

dwelling is three storeys high with accommodation in the roofspace. The height, and associated mass, appears out of character with surrounding properties, which are of more traditional two storey proportions. In addition the four rooflights on the front elevation is excessive, the fenestration to the rear elevation is unbalanced with excessively large dormer windows above but not aligned to smaller windows at first floor level. The chimney is external to the gable and excessively large not characterful of the area where chimney is internal to the gable wall, and the double garage is smaller in width than that recommended by the North Yorkshire County Council's highway guide to accommodate parked cars.

- 5.15 The existing high boundary vegetation to the north and west would be unaffected by the development retaining a level of screening between the adjoining gardens. In contrast, there is no landscaping proposed to the south and east facing boundary lines of the gardens which would have otherwise provided screening of the private garden space from the access track.
- 5.16 The design of the proposed dwelling fails to accord with the requirements of LDF Policies CP17 and DP32 and is consequently contrary to the Interim Policy Guidance.

#### Residential amenity

- 5.17 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. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.18 The proposed dwelling is located adjacent to Meadow View which has ground floor and first floor clear glazed windows in its south side gable facing the application site. There is a drawing discrepancy whether the floor plan shows a small window to the north west side elevation of the proposed dwelling, serving an ensuite bathroom, which is not shown on the elevation. In order to prevent overlooking between windows, the ensuite window can be either obscure glazed and non-opening, or resited to the rear elevation of the dwelling.
- 5.19 The proposed single storey garage is closest to the joint boundary with Meadow View, with the proposed two storey element of the proposed dwelling located further away. A tall hedge is located along the joint boundary. There is a separation distance of approximately 6.5m from the proposed garage and the south facing ground floor windows of Meadow View, and given this ground floor window of Meadow View faces a tall hedge, the proposal is not considered to have a significant overbearing or overshadowing impact upon the ground floor of Meadow View. There is a separation distance of approximately 12m from the proposed two storey section of the proposed dwelling and the neighbours' first floor windows. This 'side elevation to side elevation' is off set in terms of position and orientation and the distance is not considered to result in material overbearing or overshadowing impacts. There may be some overshadowing of Meadow Views front garden caused by the 9.7 roof height and orientation of the proposed dwelling that is to the south of Meadow View, however the rear garden of Meadow View will be unaffected, and therefore this is not considered to be sufficiently harmful to warrant refusal on these grounds.
- 5.20 Regard must also be had to the level of residential amenity likely to be afforded for future occupants of the proposed dwelling, and policy DP32 (xv) requires well designed private open space to be incorporated for all buildings. The first floor clear glazed windows of Meadow View will have a direct clear view of the rear garden of the proposed dwelling, resulting in a lack of privacy and poor level of residential amenity for its occupants. The proposal fails to comply with policy DP32 and DP1.

### Effect on trees and biodiversity

- 5.21 Policy CP16 seeks to preserve natural assets, policy DP30 seeks to protect the character and appearance of the countryside, and DP31 seeks to protect natural resources including biodiversity and nature conservation. Paragraph 170 of The National Planning Policy Framework states “planning policies and decisions should contribute to and enhance the natural and local environment by... (d) minimising impacts on and providing net gains for biodiversity”. Paragraph 175 of the requires developments to avoid significant harm to biodiversity.
- 5.22 There is a mature Oak tree protected by a Tree Preservation Order located in the southern corner of the site. There is concern that the development of the site would harm to the protected tree. The submitted Ecological Impact Assessment report sets out the necessary measures to mitigate the potential negative effects of the development on biodiversity, and to secure gains to local diversity. However the long term future of the tree would be placed under pressure by future occupiers of the dwelling as the tree would so greatly dominate the garden space and cause extensive shading over the rear garden and the dwelling.

### Highway matters

- 5.23 Policy DP4 requires development proposals to be safe and ensure high standards of access for all. The submitted Design and Access Statement states the house will have no impact upon highway safety. The Highway Authority require a passing place, 5m wide by 12m long plus tapers, to be created along the site frontage in front of the proposed site to make the single lane track safe for two way traffic. This is likely to require a reduction in size and reorientation of the proposed dwelling. It is understood the applicants’ agent is trying to find out who owns land on the opposite side of the track.

### Planning Balance

- 5.24 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. Albeit that there would be some social and economic advantages through the provision of a new house, the economic gain from the residential development and future occupation would be limited. The harm to the form and character of the village and the countryside is substantial and this harm to the environment is not outweighed by the limited social and economic gains. In addition no information has been submitted to demonstrate the site can be developed without harm to the protected tree, the absence of the provision of a passing place is likely to result in harm to highway safety, and future occupants of the proposed dwelling are likely to experience a poor level of residential amenity. There are no other material considerations that would outweigh the adopted LDF policies and refusal of the application is recommended.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:
1. The proposed development is contrary to Core Policy CP4 of the Hambleton Local Development Framework and does not meet any of the exceptional circumstances for development outside Development Limits. It also fails to comply with the requirements of the Council's Interim Policy Guidance Note as the location does not respect the built form of Huby by proposing development where it is considered not to be organic growth of the village,

not providing a natural infill to existing development and not a natural extension to the built form.

2. All new development should respect and enhance the local context and be appropriate to its setting. It is considered that the proposal, by reasons of its site location and development form and design, is out of context and character with the surroundings. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of Hambleton Local Development Framework Policies CP17 and DP32.
3. The proposed development is contrary to Policies CP16 and DP30 of the Hambleton Local Development Framework, which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the domestic character of the residential development, it would fail to respect the character and appearance of this rural countryside setting and the built form of Huby and would therefore have a detrimental effect on the immediate environment.
4. In the absence of the provision of a passing place the proposal is likely to result in congestion at the junction of Bell Lane, having an impact on vehicles entering and exiting the lane off the public highway in manner prejudicial to vehicle and pedestrian safety. The proposal would therefore be contrary to the provisions of Hambleton Local Development Framework Policy DP4.
5. The occupants of the proposed dwelling would be likely to receive an unsatisfactory level of privacy and residential amenity by reason of the relationship of the dwelling and its rear garden with the clear glazed windows of the adjacent dwelling Meadow View, resulting in direct overlooking of the proposed rear garden. The proposal would therefore be contrary to the provisions of Hambleton Local Development Framework Policy DP32, and the provisions of the National Planning Policy Framework.
6. No information has been submitted to demonstrate the site can be developed without harm to the mature oak tree which is protected tree by virtue of a Tree Preservation Order, contrary to the provisions of Hambleton Local Development Framework Policies CP16, DP30 and DP31.

**Parish: Huby**  
**Ward: Huby**  
**9**

Committee Date: 9 January 2020  
Officer dealing: Mr Mark Danforth  
Target Date: 19 December 2019  
Date of extension of time (if agreed): 13 January 2020

**19/02169/FUL**

**Development of 3 three bed terraced houses with garages.  
at Land To The North Of The Forge Tollerton Road Huby North Yorkshire  
for Mr Steve Knowles.**

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

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application is located on the western edge of the village to Huby to the north of Tollerton Road.
- 1.2 The access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber farm fencing, creating an area of 0.46 hectares.
- 1.3 The application seeks planning permission for the construction of three dwellings with landscaping, access arrangements and associated infrastructure.
- 1.4 The proposal seeks consent for 3 terraced 3-bedroom dwellings with their own front and rear garden space; a garage block to serve all three dwelling situated to the north-western corner with one space per unit.
- 1.5 One entrance is proposed with turning areas to the front and rear providing parking and turning space to enable vehicles to exit the site in a forward gear.
- 1.6 The proposal has been submitted with a Design and Access statement.
- 1.7 During the course of the application the site area has been reduced and the number of dwellings reduced from 4 to 3 by omitting the largest western-most detached dwelling.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 18/01367/FUL Construction of five dwellings with landscaping, access arrangements and associated infrastructure on an area of land that includes but is larger than the current application site, refused 10 September 2018 and the subsequent appeal dismissed 18 March 2019
- 2.2 17/00585/FUL - Construction of eight house with garages and highway access on land to the east of the current application site approved 12<sup>th</sup> January 2018, the dwellings have been constructed.

## **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  
Development Policies DP1 - Protecting amenity  
Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP13-Achieving and maintaining the right mix of housing  
 Development Policies DP3 - Site accessibility  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP17 - Promoting high quality design  
 Development Policies DP33 - Landscaping

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – no comments received; council clerk advised parish was not quorate
- 4.2 Highways - no objection, subject to conditions regarding the discharge of surface water, construction of private access and verge crossings, visibility splays, approval of details for site works in the highway, completion of works in the highway (before occupation) provision of approved turning and parking areas, a construction management plan and the amendment of the traffic order to extend the 30mph speed.
- 4.3 Contaminated Land Officer –no objections
- 4.4 Environmental Health - no objection
- 4.5 Yorkshire Water - no observation comments are required.
- 4.6 2 letters of objection-commenting as follows;

The road is extremely dangerous

The development is an extension to the previous 8, would it have received permission if it were for 12 units doubt it. This is not therefore small scale it is outside development limit by 15m.

The new housing alters the character of the village to its detriment.

The previous additions were miss-sold as much smaller and a larger quantity of affordable houses, this is not what was built! Yet more new houses will drive existing home owners out of this village and take 2 more pupils away from Huby School when numbers are already low.

- 4.7 Letter neither supporting nor objecting-"A Drainage Strategy Report was also undertaken for the previous application submitted on the site, dated June 2018. The report concludes that the development site can be drained successfully". Having read the previous application, the drainage report refers to surface water being directed to a retention basin, or pond, which was located on land which does not belong to the developer. I cannot see any alternative location for this basin, or pond on the new application and therefore I am concerned that the development will add further surface water to the land to the north and west of the development, which is already very wet.

#### **5.0 ANALYSIS**

- 5.1 The main issues to consider are:
  - o The principle of development
  - o Impact upon the character of the area - including the village and countryside
  - o The mix and type of housing
  - o Design
  - o Highway safety

- o Ecology
- o Residential amenity
- o Land contamination
- o Drainage

- 5.2 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration.

### **The principle of development**

- 5.2 The site falls outside of Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements, subject to limited exceptions. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan.
- 5.3 However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 Huby is a Service Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.5 The National Planning Policy Framework (NPPF) states, in paragraph 78, "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."
- 5.6 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Huby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development.

## **Impact upon the character of the area - including the village and countryside**

- 5.8 With regard to the IPG, the development of 5 dwellings is identified, with the supporting text, as what will normally be the limit to what may be small in scale. The proposal is for a linear development form and the main character of the village is linear development, with dwellings on the west side of the settlement mainly being one plot deep. This extension to the eight recently built is viewed as extending that linear form of development.
- 5.9 It is acknowledged consent has been given for 8 dwellings adjacent to this site and these dwellings are complete. The IPG states small scale development adjacent to the main built form of a settlement will be supported and as a guide small scale is normally considered to comprise up to 5 dwellings. The previous consent for 8 dwellings together with this proposal would result in an additional 11 dwellings in this part of the village.
- 5.10 The detached 4<sup>th</sup> unit has now been omitted from the scheme as noted. This has resulted in the proposal not now going beyond the western extent of residential properties on the opposite side of the highway. There is a clear gap of 68 metres between the development site and Oakland's to the west. This was a concern of the inspector when dismissing the 5 dwellings previously applied for. The omission of the 4<sup>th</sup> large 4 bed unit will reduce the impact on the countryside when approaching the village; the proposed development albeit extending further into the countryside will be less harmful than the refused scheme and the original re-submission. However there will still remain a detrimental impact on the form of the surrounding countryside and the open rural character.
- 5.11 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. The inclusion of further trees and a strong hedge line will enhance the existing tree line on the edge of Huby and mitigate the negative impacts of the new buildings this accords with LDF Policy DP33. Criteria (iv) of DP32 advises the provision of footpath links and cycle parking in line with DP3 site accessibility, the scheme proposes the extension of the footway and meets the requirements of the policy in this respect.
- 5.13 Whilst the proposal offers a woodland planting buffer, that in time will form a natural end to the village approach the scheme is a substantial addition in to the open countryside on the edge of the village, a new edge following the development approved in January 2019 as noted above.
- 5.14 Development of this site which extends the village on the northern side of Tollerton Road would have an impact on the open character and appearance of the entrance to the village. Despite the reduced scheme and the provision of further planting the scheme the proposal would not comply with the criteria of the IPG as the proposal has a significant impact upon the landscape. The site relates to the countryside beyond and not the village, the extent of building on the north side of Tollerton Road that would result extend the village by 11 dwellings is not a gradual or incremental



growth that is small in scale and is therefore contrary to CP4, CP9 and DP30 and the thrust of the Interim Policy Guidance.

### **The mix and type of housing**

- 5.15 The Size, Type and Tenure of New Homes SPD builds, on the Development Policies Policy DP13 (Achieving and Maintaining the Right Mix of Housing) has been published to encourage a change in house types and sizes and increase tenure choice, enabling all residents to have access to a decent home which they can afford, and which suits their need.
- 5.16 The SPD details that the Council wishes to improve the new housing offer by enabling the provision of:
- more smaller homes;
  - homes to meet the needs of older people;
  - some shared housing
  - specialist housing;
  - self-build;
  - a wider tenure choice
- 5.17 The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs. The proposal comprises three 3-bedroom terraced units
- 5.18 It is considered that the proposal complies with Policy DP13 due to three bedroom dwellings being of a scale that would be potentially more affordable. This is considered to overcome the housing mix reason for refusal and one which the Planning Inspector upheld in dismissing the appeal for the 5 dwelling scheme on this site.

### **Design**

- 5.19 In terms of the design of the dwellings, the village of Huby contains a variety of dwelling types and design. The proposal would add to the eclectic mix of designs along the frontage. Plot 8 (18/00550/MRC) adjacent was latterly turned 180 degrees, from the original approved scheme 17/00585/FUL for eight units. This units design was amended to a dormer bungalow, the orientation west to the countryside rather than south to the street frontage, reads as an end to the village, as if to make a statement that beyond the dwelling is countryside.
- 5.20 The properties are a terrace of three of a good standard of design, they contain a mix of features including bay windows, chimneys, front gables, porch canopies, detached garages, which provide a variety of features within the development and overall the design of the dwellings themselves is considered acceptable. The materials proposed are brick, with clay pantile, UPVC and timber painted framed windows and doors.

### **Highway safety**

- 5.21 A Highways Statement accompanied the previous application; the agents have expressed the view that given that this is a smaller scheme there would be less impact on highway safety.
- 5.22 The 30mph limit for Huby begins part way in to the site, it is therefore proposed that the 30mph zone is extended westward beyond the site. In addition, the Huby village

sign should also be relocated westward to a position before the site as an additional 'gateway' feature to help promote slower speeds when passing the site.

- 5.23 A footway along the front of the site is included in the proposals to ensure safe pedestrian and cycling access across the site and in to the village.
- 5.24 The Local Highway Authority has raised no objections subject to conditions which would be attached should the application be recommended for approval. It is considered the development is acceptable in highway safety terms.

### **Affordable housing**

- 5.25 The site is not required to provide affordable housing as the proposal is below the threshold for either a commuted sum or on-site provision. The site is in separate ownership to the adjoining one, there is no evidence that there has been subdivision or other deliberate actions to avoid liability for the provision of affordable housing.

### **Ecology**

- 5.26 The Ecological Impact Assessment from the previous proposal is also being used for this application although the previous report is over a year old it is considered that the results would be unlikely to have changed and is suitable for the purposes of this application.
- 5.27 The previous report advised 'It was found that the development will result in the loss of semi-improved grassland. However, hedgerow boundaries are not species rich. No records are evident of great crested newts (GCN) within 2km. Four ponds exist within 500m of the proposed development. Pond 1 and 2 are separated from site by a main road. Ponds 3 and 4 were assessed with Habitat Suitability Index (HIS), both classified as 'below average' suitability'.
- 5.28 Bat and bird boxes are recommended to be installed on site to provide suitable new bat roosting and bird nesting opportunities. The gapping up of hedgerows was recommended with native hedgerow species. The current fence boundaries will be planted up with native species, which will increase bird nesting and foraging potential for bats.
- 5.29 Officers consider that all ecology considerations were considered acceptable under the previous application and therefore, the same would apply for this application.

### **Land contamination**

- 5.30 The developer has submitted a Phase 1 investigation assessment and the Contaminated Land officer has no objections to the scheme.

### **Drainage**

- 5.31 Reference to drainage has advised the site is in Flood Zone 1 and is not considered to be at risk of fluvial flooding. Foul water flows will be connected to the public foul sewer in Tollerton Road. Yorkshire Water has not made any comment in regards to this. Surface water from the development will be disposed of by either an infiltration system or to the watercourse, at restricted flow. This could be conditioned if minded to approve.

### **Planning balance**

- 5.32 The development would give provide three modestly sized new dwellings in a location that is considered to have access to services would give rise to social gain by the provision of new homes and, would have a small economic benefit through the construction and subsequent spend of residents. However the proposal would result in a cumulative growth of the village that would erode the countryside and this harm is not outweighed by the benefits. The proposal is therefore contrary to the LDF and NPPF policies as set out in this report.

**RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reasons:-
1. The proposed residential development is located outside Development Limits. The proposed scheme would extend the built form of the village into the open countryside, causing a physical and visual intrusion into the openness of the area. The proposal is considered to be detrimental to the surrounding open rural character of the countryside. The proposed residential development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP4, DP9 and DP30 together with Council's Interim Policy Guidance (IPG).

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**Parish: Ingleby Arncliffe**  
**Ward: Osmotherly & Swainby**  
**10**

**Committee date: 09 January 2020**  
**Officer dealing: Mr Peter Jones**  
**Target date: 18 September 2019**

**19/01448/OUT**

**Outline application (some matters reserved) for the demolition of existing school and construction of four dwellings and access as amended by email received by Hambleton District Council on the 26 November 2019.**

**At Ingleby Arncliffe Church Of England VC Primary School, Ingleby Arncliffe, North Yorkshire, DL6 3NA**

**For Mr Simon Quartermaine**

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

## **1.0 BACKGROUND**

- 1.1 This application was deferred at the October 2019 Planning Committee to allow further discussions to allow the issue of locally identified housing need to be addressed by the applicant.
- 1.2 The first part of this report sets out an updated position from the applicant along with an explanation of the wider housing opportunities on this site and beyond, provided by the Council's Rural Housing Enabler. The remainder of the report, except for paragraph 5.7 which comprises the commentary from the Rural Housing Enabler, remains the same as previously reported.
- 1.3 The applicant has provided a further statement with regard to the proposals. This statement is summarised below:
  - The application is an outline application with all matters reserved except access, included only to serve the land to the rear to facilitate an affordable housing scheme.
  - Advise that the NPPF (2019) supports the development in its overarching presumption in favour of sustainable development, in its advice on rural housing and making effective use of land.
  - The principle of residential use of this land is accepted.
  - Consider that the use of previously developed land within the development limits of Ingleby Arncliffe for new housing, which would support local services, is acceptable.
  - This is an outline application for a modest infill site within the village which seeks approval for the residential use of the site for 4 dwellings and provides the opportunity for access to serve land to the rear for an exception site for affordable housing.
  - The application enables an affordable housing scheme to be brought forward by a preferred housing provider (on the neighbouring site to the rear) by establishing the residential use of the site and the provision of a road to an adoptable standard to serve the development for affordable housing.
  - Under normal circumstances the site would be advertised by appointed agents, as a development opportunity and sold at open market value. Whilst that would enable a housing provider to make a bid they would be in competition with other parties who may be able to offer more or complete more quickly.
  - Mindful of the Parish's objectives the Diocese and their agent have had discussions limited to Beyond Housing, on a comprehensive development of the school and its playing fields site and understand that this has reached a general agreement.

- The only way the development can proceed is by the Diocese obtaining planning permission for its site thus fixing the use of the land for a fair valuation and providing the Diocese with a fall-back should the proposal with Beyond Housing not proceed. (The scheme would still protect the opportunity for development of the land to the rear for affordable housing which could be undertaken by any housing provider)
  - At this stage should the application be refused then the real possibility exists that the Diocese would have to accept that a comprehensive development would not be possible and sell the site as it exists on the open market. This could then prevent any possibility of development for affordable housing occurring on the school field to the south, since the only access to this land is via the school. It might also prevent any housing development dependant on who buys the Diocese land and for what purpose.
  - We would be pleased to have the word “detached” removed from the description.
- 1.4 Whilst the development of the land to the rear does not form part of the current application, it is clear that the limited numbers proposed and design of the access have been laid out in such a way as to facilitate the development of the site beyond.
- 1.5 The current application effectively forms a fall-back position for the diocese should the wider development of the site not take place.
- 1.6 The Council’s Rural Housing Enabler has provided confirmation that matters are progressing with the proposals for an affordable housing driven development including this parcel of land along with a parcel beyond.
- 1.7 In conclusion, this proposal represents an opportunity to facilitate the development of affordable housing through the delivery of a wider parcel of land accessed through this site. At the time of the earlier consideration of this application limited information was available with regard to the delivery of the wider site, which has now progressed considerably. As such it is considered that the limited number of units proposed on this site is acceptable and the recommendation remains as set out in Section 7 of the Report, recommending the approval of the scheme.

## **2.0 SITE, CONTEXT AND PROPOSAL**

- 2.1 The application site is a former school located to the north side of the road through the main built form of Ingleby Arncliffe. Ingleby Arncliffe is predominantly residential in character with buildings of various architectural forms, with extensive use of brick, stone and render. The form of the village on this side of the street is generally linear although there are examples of more in-depth development.
- 2.2 The school was constructed in 1972 and operated until its closure in December 2017. The site has remained unoccupied since its closure. The existing building consists of a reasonably sized single storey structure separated from the main highway by a surfaced play area.
- 2.3 There are 9 trees to the front of the site which are covered by a Tree Preservation order.
- 2.4 This application seeks outline consent, considering access, for the demolition of the school building and the construction of four residential dwellings. All other matters are reserved for future consideration. An indicative layout shows 3 dwellings to the south and one to the north of a newly formed access driveway running through the site. Public open space is shown to the south and north sides of the site.

- 2.5 A new 5.5m access is proposed in the location of the current vehicular access. This road will have a 1.5m footway on one side.
- 2.6 The planning statement submitted in support of the application outlines that the “scheme brings forward a solution to redevelop the existing school building with the least effect on protected trees”. Despite this, the development proposed the removal of 1 protected sycamore tree.

### **3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 3.1 75/1535/FUL - Erection of timber storage shed – Granted
- 3.2 97/50740/P - Extension to existing school – Granted
- 3.3 02/00560/FUL - Classroom extension to existing school as amended by plan as received by Hambleton District Council on 9th May 2002 – Granted
- 3.4 07/01362/FUL - Change of use of land from agricultural to play area – Granted
- 3.5 08/02176/FUL - Revised application for a change of use of land from agricultural to public open space – Granted
- 3.6 09/01592/FUL - Alterations and extension to existing school and formation of a new play area – Granted

### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 – Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
National Planning Policy Framework

### **5.0 CONSULTATIONS**

- 5.1 Ingleby Arncliffe Parish Council – Object to the proposed development for the following reasons;
- Development does not reflect local need;
  - An increase in large houses within the village;
  - Prejudices housing sites availability;
  - Makes affordable and mixed use housing delivery more unlikely;

- Jeopardises progress with the Neighbourhood Plan;
- Application overstates impact of the Village Garden to provide new housing;
- Application is not consistent with the National Planning Policy Framework or the principle of sustainable development; and
- Development would conflict with the street-scene in Ingleby Arncliffe.

5.2 Public Comments – 16 Comments in objection to the proposed development citing;

- Impact upon residential amenity;
- Impact upon the Public Right of Way;
- Impact upon trees;
- Lack of affordable housing provision;
- Highways impacts and lack of turning head;
- Impact regarding general design and form and character of the village;
- Environmental impact of the development including the reuse of construction materials and the lack of sustainability of Ingleby Arncliffe in general;
- Noncompliance with housing requirements within the village; and
- Impact upon progress with the Neighbourhood Plan;

5.3 Highways Authority – No Objections subject to conditions

5.4 Public Rights of Way – See informative

5.5 Environmental Health Officer – No objections

5.6 Northumbrian Water – No comments

5.7 Rural Housing Enabler - I have been working with the community and Neighbourhood Plan group for the past 8 years to identify housing need from the local community, identify possible sites and work in partnership with a Registered Provider (Beyond Housing). The Housing Need Surveys have consistently identified the need for smaller sized properties with some bungalows for older members of the community to improve their quality of life with highly efficient properties on one level.

We have held a number of community consultation events over this period, with the most recent on Thursday 21st November (70 members of the community attended), at this event Beyond Housing presented the latest set of layouts to the community and housing staff offered advice and guidance on how these would be allocated when developed.

The next step is to pull the comments together and make any relevant changes prior to submission of a planning application in the New Year.

## 6.0 ANALYSIS

6.1 The main issues to consider are; (i) the principle of development in this location; (ii) the impact upon the built form and character of the area; (iii) the impact of the proposal upon residential amenity; (iv) drainage; (v) size type and tenure; (vi) highway safety; and (vii) other matters.

The principle of the development

6.2 LDF policies CP1 and CP2 set a general presumption in favour of housing development within Development Limits. Policy DP8 states that permission for development within Development Limits will be granted provided that it is consistent with other policies within the Local Development Framework



- 6.3 The site is located within the Development Limits for Ingleby Arncliffe with the northern most part of the site sharing a boundary with the Development Limits.
- 6.4 On this basis, it is considered that the principle of residential development in this location is acceptable subject to compliance with other relevant Local Development Framework Policies.
- 6.5 The loss of the school must be considered in terms of the provision of local services which are protected by Development Policy DP5, which states:

*“..Proposals that will lead to the loss of community facilities will only be permitted if: i. there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or ii. retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or iii. an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.”*

- 6.6 It is understood that alternative school facilities have been provided and that there is no demonstrable need for the school in this location. It is also understood that alternative community uses for the building have been explored, but that the building was found to not be financially viable for re-use owing, in part, to its poor condition.
- 6.7 In summary it is considered that the location is acceptable in principle for the development of housing and the loss of the community use is acceptable in this instance.

#### Built form and character

- 6.8 The built form of the development to the north side of the highway is generally linear in character although there are examples of in-depth development. These are in the form of a coach yard and the existing school (the application site). It is noted that the proposed development will not extend beyond the built form of the existing school.
- 6.9 It is noted that the exceptions to development form are mainly not residential. However, the application does not propose new development of a greenfield site, rather it proposes the re-use of previously developed land.
- 6.10 It is considered that the proposed development can be accommodated without resulting in a harmful impact upon the built form and character of Ingleby Arncliffe.

#### Residential amenity

- 6.11 Policy DP1 requires that all development adequately protects amenity. It is considered that the plot is capable of accommodating 4 dwellings without prejudicing residential amenity by being overbearing in presence, causing loss of light or loss of privacy.
- 6.12 The issue of residential amenity would be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwellings whilst protecting the amenity of existing occupants in the area.

#### Drainage

- 6.13 There is no evidence to suggest that the proposed development cannot be accommodated by existing drainage infrastructure in the area. It is also noted that Northumbrian Water does not object to the proposed development.

It is considered that surface and foul water can be dealt with within this application through the application of an appropriate condition.

#### Size, type and tenure

- 6.14 Comments are noted from the Parish Council and the public with regards to how the proposed development does not reflect current housing need within the settlement. Comments have also been received with regards to the indicative house types and sizes.
- 6.15 However, this matter would be for future consideration and a condition is recommended to ensure compliance with the relevant Supplementary Planning Document.

#### Highway safety

- 6.16 The proposed development largely makes use of an existing access off the main highway.
- 6.17 The Highways Authority has considered the proposed development and confirmed that they have no objections subject to conditions. On this basis, it is considered that the proposed development will not result in a harmful impact upon highway safety.

#### Trees

- 6.18 The tree coverage to the front of the existing site forms a generally soft visual appearance upon entry to the site.
- 6.19 The proposed development proposes the removal of 1 Sycamore Tree to the front of the site which is subject to a Tree Preservation Order. This is in order to facilitate the provision of the access. All other protected trees on site will be retained and largely incorporated within the proposed public open space.
- 6.20 It is considered that the removal of the tree would not result in a harmful impact upon the visual amenity of the area. Furthermore, the retention of the remaining protected trees on site to form part of the public open space is welcomed.

#### Other matters

- 6.21 Comments received regarding the impact of the proposal upon the delivery of the Emerging Neighbourhood Plan for Ingleby Arncliffe and the allocated sites within it are noted. However, at this time, the details of the Neighbourhood Plan cannot be afforded weight.

#### Planning Balance

- 6.22 The proposed development would introduce 4 dwellings to a parcel of previously developed land within the defined development limits. Furthermore, there is no evidence to suggest that the development would have a harmful impact upon highways safety, drainage, residential amenity or the built form and character of the settlement; the details of which would be reserved for future consideration.

## **7.0 RECOMMENDATION**

- 7.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. 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 of buildings overall.
  3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
    - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority.
      - a. The removal of the existing signs and lines associated with the school site within Ingleby Arncliffe.
    - (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
  4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
  5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  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 highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 3:
    - a. The removal of the existing signs and lines associated with the school site within Ingleby Arncliffe.
  7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. vehicular accesses
  - b. vehicular parking
  - c. vehicular turning arrangements
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 7: 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.
  9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal
  10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
    - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
    - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
    - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
  11. This decision grants permission for no more than 4 dwellings. The size of each dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.
  12. The details plans required by condition 2 shall indicate no more than four dwellings.
  13. Prior to the commencement of work on site a scheme for the protection of retained trees shall be submitted in writing to and approved by the Local Planning Authority. The approved measures shall be installed on site, prior to the commencement of all other site works and be retained throughout the course of the development of the site.

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 ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.

5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
6. In the interests of the safety and convenience of highway users.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure SPD.
12. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
13. In order to ensure that the TPO trees are protected through the course of the development.

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**Parish: Rudby**  
**Ward: Hutton Rudby**  
**11**

Committee Date: 9<sup>th</sup> January 2020  
Officer dealing: Mr M. Pearson  
Target Date: 21 November 2019

**19/02064/FUL**

**For: Construction of a detached dwellinghouse, garage and new vehicle access**  
**At: Plot 3 OS Field 2719. Stokesley Road, Hutton Rudby**  
**For: Mr Welford**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is located approximately 140 metres north east of the junction of Middleton Road and Stokesley Road at the northern edge of the village of Hutton Rudby. Outline planning permission (ref 18/01602/OUT) was granted in October 2018 for the construction of five dwellings on the site. This application agreed access and layout.
- 1.2 The application site has a varied context with agricultural land to the north and east, whilst to the south and west are a variety of modern dwellings. The built form is varied with examples of bungalows and two storey houses constructed in a variety of brick types together with the use of render that results in a diverse character and appearance.
- 1.3 The site is identified as Plot 3 and the proposal involves the construction of a 4 bedroom, two storey detached house with a detached garage and store located to the front adjacent to the eastern boundary. The house, garage and store would be constructed in brick and would utilise slate as the roof material. The house has been designed in a traditional manner with a symmetrical approach to the elevation design to the principal façade facing Stokesley Road. The boundary to the plot would comprise a variety of hedging and timber post and rail fencing. The access point on Stokesley Road is located in the same position as the approved layout plan in the outline permission.
- 1.4 The original application was submitted as a reserved matters submission but given a deviation from the layout approved as part of the outline application noted above, the submission was amended to full application to allow for a 4 bedroom property with detached garage to the front that varies in size from the approved layout. In addition, during the course of the application the scheme drawings were amended to reduce the size of the proposed development following concerns raised by the LPA.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 88/0969/OUT - Outline application for residential development; Refused 1 February 1989.
- 2.2 89/1333/OUT - Outline application for residential development; Refused 4 October 1989.
- 2.3 17/01351/OUT - Outline application with all matters reserved for five dwellings; Refused 16 October 2017
- 2.4 18/01602/OUT - Application for outline planning permission with details of access and layout (all other matters reserved) for the construction of five dwellinghouses; Approved 25 October 2018.

### **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 DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 – Promoting and maintaining affordable housing
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Rudby Parish Council - Comments as follows:

- a. The development of plot 3 should be consistent with the approval given under 18/01602/OUT i.e. a 3 bed house with a single garage.
- b. If HDC approve the application on plot 3 then development of plot 1 should be limited to a 3 bed house.

4.2 North Yorkshire Highway Authority - no objection subject to conditions.

4.3 Northumbria Water - No objection.

4.4 SABIC Pipeline - No objection.

4.5 HDC Land contamination - recommends conditions.

4.6 Environmental Health - no objection

4.7 Site Notice - Expired 23rd October 2019. 8 objections received noting the following summarised concerns:

- Not in accordance with the approved layout which noted a 3 bedroom property.
- Providing a 4 bedroom plot ignores the need for smaller and affordable homes within the village.



- Larger building than depicted at the outline stage that is harmful to the character and setting of the village.
- The L-shaped design creates overlooking to the adjacent plots 2 and 4.

## **5.0 ANALYSIS**

- 5.1 The main issues are considered to be; i) the principle of development in this location; ii) scale, design, layout; iii) residential amenity; iv) highways matters; v) landscaping ; and vi) heritage matters

### Principle

- 5.2 The grant of outline planning permission for five units across the wider site has established the principle of development in this location on the basis of the requirements of the Council's Interim Policy Guidance Note. The Guidance sets out a number of requirements in terms of character and design which are further discussed below.
- 5.3 At the time of the determination of the outline permission on the site a number of issues were addressed including the general impacts on character & visual amenity, highways safety, trees & ecology, land contamination, drainage & flood risk. Given that these issues were assessed and deemed acceptable by the Planning Authority previously it is not considered necessary to repeat the assessment of these matters for the purposes of this report.
- 5.4 It is important to note that some conditions were attached to the outline permission in order to enable the Planning Authority to control technical details. Where deemed necessary these conditions are repeated within the recommendation contained in Section 6 of this report.

### Size and Design

- 5.5 DP13 seeks to ensure that an appropriate mix of size of dwellings are approved in order to meet locally identified need. It is noted that the application has attracted a number of public comments regarding the scale of the development and its failure in those terms to meet the requirements of the outline planning permission. Whilst material to the consideration of this application, this application is separate and seeks full planning permission and as such must be considered on its individual merits.
- 5.6 Given the Local Planning Authority needs to determine a full planning application the assessment of size of the dwelling is based on the individual needs of the applicant rather than the more widely identified needs in the Sub-Area or Hambleton as a whole. On this basis the LPA considers the provision of a 4 bedroom dwelling to be acceptable.
- 5.7 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."

- 5.8 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.
- 5.9 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.10 In terms of the layout, the proposal for plot 3 broadly follows the approved layout from the outline permission. The proposed house sits in roughly the same position indicated on the approved layout. However, the application proposes a larger built footprint together with a detached garage that sits to the front of property, hence the need for this full application. In terms of this change from the approved layout, the LPA considers that the larger footprint and thus massing of the proposed dwelling is not harmful to character of the wider development or that of the village.
- 5.11 The traditional design approach is considered appropriate within the varied context of the immediate vicinity of the application site. The use of brick and slate as the principal materials are also considered appropriate. The siting of the garage does not raise any significant issues relating to visual impact of the development or in terms of the appearance of the streetscape.
- 5.12 It is considered that the design and form of the proposed development is acceptable in this instance and will have no significant harmful impact on the character or appearance of the village. It is considered that the development meets the requirements of Development Policy DP32 and the design requirements of the Interim Policy Guidance.

#### Residential Amenity

- 5.13 Development Policy DP1 seeks to ensure the protection of the amenity of neighbouring occupiers, in this case, in particular in terms of overlooking, privacy, daylighting and overshadowing.
- 5.14 Amenity concerns have been raised regarding the proximity of the adjacent Plot 4 (which has recently been approved with the inclusion of an integral garage adjacent to the western boundary of Plot 4). It is noted that a significant rear outshoot element of the proposal has been removed from the proposals owing to concerns raised by the case officer with regard to neighbour overlooking. It is considered that the revised proposal does not raise any overlooking concerns to the adjacent plots. The relationship of the proposed development to the neighbouring plots will not otherwise lead to significant loss of amenity in terms of overshadowing or daylighting.

#### Highways

- 5.15 With regard to highways, the access point is situated in the position as per the approved layout associated with the outline consent. It is noted that highways were satisfied with the outline application and therefore recommended that similar

highways conditions be attached to this application should it be approved. With regard to the required footpath across the wider site, it is considered that the LPA can attach a suitably worded condition in a similar manner to the approved outline consent. This would effectively require a footpath to be provided from Plot 3 to connect to the existing footpath to the west of the application site on the north side of Stokesley Road.

#### Landscaping

- 5.16 With regard to landscaping some details have been provided on the layout drawing submitted with the application. This indicates that the driveway would lead to the house and garage whilst the rear garden would comprise a patio and grassed area. This approach is acceptable in principle and can be controlled through the imposition of a suitably worded condition for this specific plot. It is also noted that a timber post and rail fence is proposed together with hedging to define the curtilage of the plot. This is also considered to be an acceptable approach.

#### Heritage matters

- 5.17 Development Policy DP28 and DP29 seek to protect the historic heritage and archaeology of the District. It has recently been brought to the attention of the LPA that there are two WWII pillboxes in the vicinity of the site. One is situated within the north-west corner of the field enclosure where this application is located and is circa 130 metres to the north-east of the application site. The other pillbox is located on the south side of Stokesley Road and is circa 350 metres to the south of the application site. Given their age, rarity, representativeness, group value, historic association and archaeological interest they are considered to be non-designated heritage assets.
- 5.18 With regard to the impact of the proposal upon significance it is noted there will be no direct impact upon the non-designated heritage asset but the proposed development does fall within their wider setting. There is little information on the specific design and function of these pillboxes but it is understood that the pill boxes may have been designed to view the approach road into the village from the east - Stokesley Road.
- 5.19 It is considered that the proposed development does not impact significantly upon the setting of the pill box to the south. With regard to the pill box to the north it is noted that the proposed development forms part of wider approved development site that would obscure some views towards Stokesley Road from the pill box. However, the application site and the wider approved site would retain a substantial field of view from the pillbox to Stokesley Road and thus in accordance with paragraph 197 of the National Planning Policy Framework the proposal is not considered to cause any harm to the significance of this non-designated heritage asset. The proposed development is considered to accord with the requirements of Development Policy DP28 and DP29.

#### Planning Balance

- 5.20 It is therefore considered this proposal for a full application to develop plot 3 that forms part of a wider site of 5 dwellings is acceptable in principle because it is, for the

most part, in accordance with the approved outline consent. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of design and scale, amenity, character & visual amenity, highways safety, trees & ecology, land contamination, drainage & flood-risk, landscaping, heritage and is otherwise in accordance with local and national policy requirements.

## **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 1844-19- 101B, 102C, 103B, 104C, 105C, 106C, 107B 108B received by Hambleton District Council on 2nd December 2019 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of each access formed. The eye height will be 1.0 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. Prior to any above ground works on site, details of (i) the provision of a footway on the site frontage linking Plot 3 to the existing footway on Stokesley Road; and (ii) a programme for the completion of the proposed work have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The development shall not be brought into use until this has been constructed in accordance with the details approved.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

7. Private Access/Verge Crossings: Construction Requirements Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E 50. (ii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no 1844-19-102  
Rev C. Once created these parking areas shall be maintained clear of an obstruction and retained for their intended purpose at all times.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.

10. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

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

12. Prior to the commencement of development, other than the initial formation of the access, full details of existing and proposed site levels shall be provided to and approved by the Local Planning Authority. Levels to be submitted shall include full garden levels, finished floor levels, eaves and ridge heights. The development shall then be implemented in accordance with the approved levels.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
4. In the interest of highway safety.
5. In the interest of pedestrian and highway safety.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
8. 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 ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks.
12. In order to protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.

**Parish:**

**Ward:**

**12**

**Committee date:** 09 January 2020

**Officer dealing:** Aisling O'Driscoll

**Target date:** 6 September 2019

**19/00912/FUL**

**Construction of 3 bedroom dormer bungalow  
At Bluebarn Cottage, Middleton Road, Hutton Rudby  
For: Mr Eric McMordie**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site comprises a corner plot on the northern side of Blue Barn Lane. The land currently forms part of the garden of an existing detached dormer bungalow, Blue Barn Cottage, which is to the west of the application site. Blue Barn Lane slopes gently up to the east resulting in Blue Barn Cottage being slightly elevated over the application site and the application site similarly elevated over Middleton Road, a public highway.
- 1.2 The site is currently laid to grass with mature hedging to the eastern boundary and post and rail fencing to the south boundary. Vehicle access is to the east of the site, this access currently serves the existing property and leads to a detached garage. This garage and access was the subject of application 12/00716/FUL which was allowed on appeal. To the north of the application site is the penultimate dwelling in the settlement.
- 1.3 This is a revised application (previously withdrawn) seeking permission to construct a three bedroom dormer bungalow. The proposed dwelling would be detached sited parallel to the sites front boundary. The existing access and garage forms part of the proposed new unit.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 16/01586/FUL - Extension and alterations, including the installation of dormer windows, to form two storey dwelling house – Appeal Allowed
- 2.2 16/01812/NMC - Proposed non material amendment (to amend the proposed West and South elevations from hipped roofs to half hipped roofs) to previously approved application ref: 15/00706/FUL - Alterations to roof with dormer windows, and garden room extension as per amended plans received by Hambleton District Council on 18 August 2015 and 14th September 2015. – Granted
- 2.3 16/01954/MRC - Removal of condition 2 for application reference number: 15/00706/FUL - Alterations to roof with dormer windows, and garden room extension as per amended plans received by Hambleton District Council on 18 August 2015 and 14th September 2015.
- 2.4 18/01897/FUL - Proposed construction of 3 bedroom dormer bungalow - Withdrawn

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

**4.0 CONSULTATIONS**

- 4.1 Parish Council – The Council recommend refusal. The orientation of the proposed dwelling does not fit with the existing building. No clear defined parking areas for the existing house. No provision for garage for the existing house. Trees, which are not shown on the plan, should not be disturbed.
- 4.2 Highways – No objections but recommends conditions relating to parking provision, surface water drainage and construction management measures.
- 4.3 Street Naming and Numbering – An application would be required.
- 4.4 Northumbrian Water – Northumbrian Water actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration)
  - Discharge to a surface water body
  - Discharge to a surface water sewer, highway drain, or another drainage system
  - As a last resort, discharge to a combined sewer
- 4.5 Natural England – No comments.
- 4.6 SABIC – No Comments.
- 4.7 Public comments – At the time of writing, there have been 7 objections to the proposal. In summary, the grounds of objection are:
- Over-development of site.
  - Out of character with the existing properties and surrounding area.
  - The proposal is too large for the site.
  - The angle is inappropriate to its aspect from the road.
  - Prominent position, proposal would dominate the area



- Loss of privacy to neighbouring dwelling
- Close to boundary and screening hedge could be removed
- Proposed house crosses the existing building line.
- Garage and access for Bluebarn Cottage not considered
- Plans do not show the relationship with neighbouring property accurately
- Height of proposed dwelling will be overbearing
- Loss of outlook.
- Potential impact on power and telephone lines.
- The existing hedge that provides screening could be removed later.

## **5.0 OBSERVATIONS**

- 5.1 The main considerations with respect to this proposal are: i) the principle of housing development in this location; ii) the impact on the form and character of the area; iii) design issues; iv) impact on residential amenity; v) road safety and; vi) drainage.

### Principle

- 5.2 Paragraph 78 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.
- 5.3 Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.
- 5.4 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.

- 5.5 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.6 Hutton Rudby is detailed in the hierarchy as a Service Village and is therefore considered a sustainable settlement. Rudby is categorised as an “Other Settlement”. “Other Settlements” may also meet the sustainability requirements particularly when considered as a cluster with other villages. In this case Rudby and Hutton Rudby are sufficiently close together to be considered as a sustainable cluster.
- 5.7 It is therefore considered that, in principle, the proposed development meets the first criterion of the IPG and is in a sustainable location.

The impact on the Form and Character of the area

- 5.8 Criterion 2 of the IPG states that the development must be small in scale, reflecting the existing built form and character of the village. The application site is a prominent corner plot. Development in this area is generally set well back from the public highway. The immediate area is heavily landscaped with mature trees and planting lining the west side of Middleton Road. The junction with Blue Barn Lane is characterised by sweeping bends and general feeling of spaciousness. This character is also reflected at the junction between Middleton Road and Rudby Bank.
- 5.9 The proposed dwelling would be located slightly forward of the building line on Blue Barn Lane. This is mitigated somewhat by the positioning of the neighbouring property to the north. The proposed dwelling is to be sited almost parallel to the road but at an angle to the neighbouring properties and north and west site boundaries.
- 5.10 It is considered that due to the siting and orientation the proposed dwelling, the development would not reflect the existing built form and character of the village. The addition of a separate dwelling in this plot would have a detrimental impact on the spaciousness and character of the area. The application does not, therefore, meet the requirements of criterion 2 of the IPG. The proposal is also contrary to Policy DP10 which states that “permission for development will only be granted where it respects (by protecting or enhancing) the intrinsic qualities of open areas that have particular importance in contributing to the identity or character of settlements”.
- 5.11 With regard to the remaining criteria it is considered that, given the existing domestic use of the application site, the proposal would not have a significant impact on the natural, built and historic environment.
- 5.12 Whilst the application site is located outside of development limits it is not an isolated position in the countryside and is read in the context of surrounding development. It is therefore considered that the proposal would meet the requirements of criteria 4 and 5.
- 5.13 It is considered that the development by virtue of its contrived development form, location on the site and impact on the character of the area in terms of a loss of

openness, fails to accord with the requirements of the Council's Interim Policy Guidance note and Development Policy DP10 and DP32.

### 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 supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.17 The proposed dwelling is a 3 bedroom dormer bungalow comprising kitchen, utility room, lounge, snug, cloakroom and one en-suite bedroom at ground floor. The second floor accommodates 2 en-suite bedrooms.
- 5.18 The proposed dwelling would be slightly smaller in height than Blue Barn cottage and constructed in brick with tiled roof and UPVC fenestration. The area features a wide mix of materials including brick and concrete tile.
- 5.19 It is considered that the proposed dormer windows are of a poor design and dominate the appearance of the roof form to the front and rear elevations of the building. It is acknowledged that similar dormer windows feature on Blue Barn Cottage. However, the dormer window on the rear elevation of the proposed dwelling is approximately 4 metres in width and will be clearly visible from Blue Barn Lane. The dormer is boxy in form and detracts from the character and appearance of the rest of the building. It is considered therefore that in this regard the proposal does not represent good design as outlined in Policy DP32 which states that "the design of all developments must be of the highest quality" and that development should "incorporate high quality building design and detailing".

### Residential Amenity

- 5.20 The proposed site layout shows a distance of 16.5 metres between the proposed dwelling and the neighbouring property to the north. This plan, however, does not show the existing conservatory which is located on the southern elevation of the neighbouring property and close to the site boundary. The distance to the boundary is therefore considered more relevant in this case. The smallest distance between the proposed development's first floor windows and the northern boundary is approximately 14 metres with less than 21m between the proposed first floor windows and the conservatory attached to the property to the north. Given the proximity of the neighbouring conservatory to the boundary, it is considered that the proposed development would have an unacceptable detrimental impact on neighbouring amenity in terms of overlooking. This is

contrary to Policy DP1 which states that developments must “not unacceptably affect the amenity of residents or occupants”.

- 5.21 The layout plan shows separation distances of 13, 36 and 39 meters between the proposed development and other neighbouring dwellings in the vicinity. The windows on the west elevation are a secondary kitchen window and a utility room window. Given these uses the separation distances to the east, west and south boundaries are considered acceptable.
- 5.22 In conclusion the proposed development will result in an unacceptable loss of amenity to the occupiers of the property to the north owing to the proximity of the first floor windows to the neighbouring conservatory.

#### Highways

- 5.23 North Yorkshire County Council Highways Officer was consulted on the application. The Highways officer commented that no parking provision had been shown for the original dwelling, Blue Barn Cottage. The highways Officer recommended that should the application be approved a condition should be included to ensure the adequate provision for access turning and parking at Blue Barn Cottage. In addition conditions relating to surface water drainage and construction management measures are recommended. Subject to these conditions covering development on land within the control of the applicant, it is considered that there are no significant impacts on highway safety.

#### Drainage

- 5.24 Northumbrian Water has been consulted and has not commented. The site is within Flood Zone 1 subject to the lowest risk of flooding. The site is otherwise within the village and it is considered drainage details could be adequately controlled by use of a planning condition should the application be approved.

#### Planning Balance

- 5.25 It is considered that whilst the proposed development is located in a sustainable location, the development will result in an unacceptable loss of visual amenity owing to the loss of an area of open space. The layout of the proposed development is considered contrived to ‘fit’ into this corner plot formed by Blue Barn Lane and Middleton Road. The development is considered to result in a significant loss of amenity to the occupiers of the dwelling to the north of the site. Whilst there are considered to be benefits resulting from the development from the provision of a house, which would support local services to a minor degree along with short term economic benefits through the construction phase, these benefits are not considered sufficient to off-set the harm resulting from the development.

## **6.0 RECOMMENDATION**

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

1. The proposed development is considered to result in a contrived development form which will have a harmful impact on the character and appearance of the settlement. The proposed development will result in a loss of an open space that contributes positively to the character and visual amenity of the area. The proposed

development is considered to fail to meet the requirements of the Council's Interim Policy Guidance along with Development Policies DP10 and DP32.

2. The proposed design is considered to fail to accord with the high standards of design set out within Development Policy DP32. The proposed roof form is dominated by the proposed dormer windows, which detract from the development form as a whole. In particular the large rear box dormer dominates the roof form resulting in a poor quality of development. Owing to the orientation of the property and its relationship to the road, the rear box dormer will be a prominent feature of the proposal.

3. Owing to the proximity of the proposed first floor windows to the rear of the property, to the conservatory attached to the property to the north of the site, the proposed development will result in a significant loss of amenity owing to the loss of privacy caused by the proposed development.

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**Parish: Sandhutton**  
**Ward: Thirsk**  
**13**

Committee Date : 9 January 2020  
Officer dealing : Ann Scott  
Target Date: 13 November 2019  
Date of extension of time (if agreed):

**19/01980/FUL**

**Conversion of barn to create two dwellings.  
at Church Farm Sandhutton North Yorkshire YO7 4RW  
for Mr Bosomworth.**

## **1.0 SITE CONTEXT AND PROPOSAL**

- 1.1 The application proposes the conversion of an existing brick barn to create two dwellings at Church Farm, Sandhutton. The site is situated on the north side of Sandhutton Lane, between existing residential properties and opposite the church in the village. The site lies within the Sandhutton Conservation Area. The barn was last used for agricultural purposes.
- 1.2 The two units both have bedrooms at ground floor level, the eastern unit 1 is shown to have 4 bedrooms (2 at ground floor and 2 at first floor), the western unit 2 is a single storey unit of 3 bedrooms. No extensions are proposed to the building and gardens for both units are to be formed within the footprint of the part of the barn which is to be removed, boundary walling is to be retained to form garden walls.
- 1.3 The application site is well screened from the main road through the village; glimpses can be seen from the public highway through the current access that is to be used for the proposed development. The site is also behind the existing dwelling known as Church House. Sandhutton is a secondary village as defined in the 2014 updated settlement hierarchy of Core Strategy CP4.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 19/00237/MBN Notification for prior approval for a proposed change of use of agricultural building to 3 dwellinghouses (Class C3) and for associated operational development as amended by details received 6th June 2019 Approved July 2019. This barn is outside the Conservation Area and lies to the north of the barn the subject of this current application, but shares the same proposed access.

## **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  
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 DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council - Parish Council are happy to support this application, although would like it noting there are infrastructure /sewerage problems that still remain within the village.
- 4.2 Highways - No objections subject to a condition in relation to the improvement of the existing access.
- 4.3 Yorkshire Water - No response received.
- 4.4 Environmental Health - No objections
- 4.5 The application was advertised by a site notice and direct notification. No responses have been received.

#### **5.0 ANALYSIS**

##### **Policy framework**

- 5.1 Section 70 of the Town and Country Planning Act 1990 requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise and in accordance with the provisions of Sections 91 and 92.
- 5.2 Section 38 of the National Planning Policy Framework relates to decision making and Local Planning Authorities should approach decisions in a positive and creative way, using the planning tools available and work with applications to secure development that will improve the economic, social and environmental conditions of the area, and seek to approve applications for sustainable development where possible. Policy CP1 of the Hambleton Core Strategy relates to sustainable development and seeks to ensure that the use and development of land will be assessed against the community's housing, economic and social requirements, protection of the natural and built environment and adverse traffic impact.
- 5.3 The village of Sandhutton does not have any Development Limits as defined within the Core Strategy. Policy DP9 states that development will only be granted for sites beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.



- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.6 As Sandhutton has been designated a Secondary Village in the Settlement Hierarchy 2014 it is therefore considered to be a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must be located where it will support local services including services in a village or villages nearby.
- 5.7 The development for two units is considered small in scale and by reusing an existing building will respect the built form and character of the settlement and thereby meets criterion 2. Similarly through the avoidance of change to the built form it minimises the potential impact on the natural, built and historic environment. This is considered further as the site is within the Sandhutton Conservation Area and there are Listed Buildings in the vicinity.
- 5.8 The conversion of the building within a location that includes residential properties (both existing and approved) ensures that the proposal would not result in a significant change to the character of the settlement, its surroundings or the countryside beyond. The proposal will not lead to the coalescence of settlements. The proposal meets criterion 4 of the IPG.
- 5.9 The adequacy of the infrastructure within the village to meet the additional loads are a matter raised by the Parish Council and will be addressed later in this report.

### **Heritage**

- 5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.11 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 Sandhutton Conservation Area.
- 5.12 The barn to be converted lies within the Sandhutton Conservation Area, other parts of the site to be used for parking fall outside but have the potential to impact upon the setting of the Conservation Area. St Leonards Church lies opposite the site but is hidden from views of the application site by the dwelling Church House facing the church itself which is a grade II listed building. The design of the conversion is in keeping with the existing character and appearance of the former agricultural building and the proposed materials are considered to be sympathetic to the character and

appearance of the Conservation Area, the locality and do not adversely affect the setting of the listed church. The setting of the Listed church is considered not to be affected by the development.

- 5.13 On assessment of the application it is considered that it would lead to no harm to the heritage asset, as such the provisions of the NPPF regarding the need for public benefits to outweigh harm are not engaged. The proposal is in accordance with DP28 of the Hambleton Local Development Framework; which seeks to ensure that the conservation of historic heritage. The proposal therefore accords with the criterion 3 of the IPG in respect of the built heritage.

#### **Residential amenity**

- 5.14 The proposed design of the dwellings in terms of residential amenity is not considered to give rise to any undue sense of overlooking or overshadowing to adjacent dwellings and the dwellings appear to meet the minimum standards in the Nationally Described Space Standards. The proposal is therefore considered to be in accordance with Policies DP1 regarding the protection of amenity to neighbours and of future occupiers. The proposal for ground floor bedrooms in both units and the constraint of working within the footprint of the existing dwelling is considered to be adequate to meet the tests of CP8 and DP13 of the Hambleton Local Development Framework in respect of the size and type of new dwellings.

#### **Drainage/flood risk**

- 5.15 Policy DP6 Utilities and infrastructure relates to new development must be capable of being accommodated by existing or planned services whether supplied by utility providers or the development itself, and must not have a harmful impact on existing systems, worsening the services enjoyed by the existing community. The site is situated in flood zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Map, and the site is not at risk of surface water flooding.
- 5.16 The drainage for the site is proposed to discharge both surface water and foul to the main sewer. There are no details regarding the current arrangements of disposal of surface water within the site. As the land being covered by a building is to be reduced, an increase in area of permeable land through the creation of garden space will occur, so there is no realistic prospect of the proposal worsening conditions relating to surface water drainage. The Parish Council have raised comments in regard to the existing systems within the village being a problem in terms of sewage disposal. Yorkshire Water have a duty to provide a connection for the disposal of foul water for domestic properties, there is no reason to conclude that the domestic flows from two dwellings would result in a significant increase on the load of a main sewer. It is considered that a condition would be appropriate to ensure that details of the method of and disposal of foul and surface water are submitted and approved in accordance with Policies CP1 and DP6 of the Hambleton Local Development Framework.

#### **Visual impact and cumulative impact**

- 5.17 It is noted that the gables of the barn are visible behind greenery, from the village street. The building is not prominent and the degree of change resulting from the proposal is small. The application creates domestic curtilage by the provision of outdoor amenity space and low boundary brick built walls and five associated parking spaces to the east of the barn. It is considered that all these works would not cause visual intrusion. Taking this together with the conversion of the barn to the north of the application site to 3 dwellings, the subject of proposal under 19/00237/MBN,

there is considered to still be no significant cumulative impact when viewed from the village street. There are no other public vantage points of the site.

### **Ecology**

- 5.18 A bat, breeding bird and barn owl scoping survey and subsequent emergence survey has been carried out. This notes that bats have been found to use the building for a day roost, low numbers were found and the activity is not suggesting maternity roosts are present. A European Protected Species Licence will be required. The applicant's ecology consultant report notes that a further emergence survey will be required to inform a licence application. Mitigation is proposed by the applicant's consultant, installing bat boxes and undertaking works outside of the bird nesting season. It is considered that this approach is in accordance with Policies DP31.

### **Affordable housing**

- 5.19 The total number of new dwellings that would be formed by the current proposals and the previous proposal for three dwelling under the Prior Notification procedures is 5, the threshold for the provision of affordable housing is 6 or more dwellings. There is no requirement for affordable housing arising from this proposal as it remains below the threshold.

### **Planning balance**

- 5.20 The scheme will result in two new dwellings that will provide some social and economic benefit, it is considered that no harm will be caused to the significance of heritage assets and any impact on ecology can be properly mitigated by the use of planning conditions. Similarly matters of drainage and highway safety can be managed by the use of planning conditions. There are no other material planning considerations put forward which would outweigh the application being determined in accordance with the policies of the Development Plan.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application be **GRANTED**

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S432 PL- 003, 006 and 007 received by Hambleton District Council on 18<sup>th</sup> September 2019 unless otherwise approved in writing by the Local Planning Authority.

3. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

5. No dwelling shall be occupied until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements that the existing access shall be improved by reconstructing in accordance with Standard Detail number E50.

6. The parking spaces hereby approved on drawing S432 PL 03 shall be provided prior to the occupation of a dwelling.

7. The development hereby approved shall be carried out in accordance with the mitigation measures put forward in the Ecology Assessment dated September 2019 from MAB Environment and Ecology Limited and thereafter those measures shall be retained.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, DP1, DP28, DP32.

3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

4. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

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

6. This condition is imposed in the interests of highway safety and residential amenity in accordance with Policy DP1 of the Hambleton Local Development Framework.

7. This condition is imposed for the avoidance of doubt and in accordance with Policy DP31 of the Hambleton Local Development Framework.

**Parish: South Otterington**

**Ward: Morton-on-Swale**

**14**

**Committee date: 09 January 2020**

**Officer dealing: Ann Scott**

**Target date: 11 January 2020**

**19/02006/OUT**

**Application for Outline Planning Permission with all matters reserved for the construction of 5no dwellings**

**At Land South West Of Mill Farm, Station Road, South Otterington**

**For Mr & Mrs M Harland**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application proposes outline planning permission for the construction of 5 dwellings on land at Station Road South Otterington. All other matters are reserved for a later application.
- 1.2 The site is situated on land to the North side of Station Road between existing residential properties to the south and west and an existing farm to the east. The land is presently used for agricultural purposes for grade 3, good to moderate agricultural land. Submitted with the application is a flood risk assessment, site plan and indicative block plan showing one pair of semi-detached dwellings and three detached dwellings with access onto Station Road. The site is situated in flood zone one.
- 1.3 The landscape falls gently away to the north toward a local watercourse. The area is mainly agricultural in character on the edge of the village. A small linear housing development is located to the south of the site, on the opposite side of Station Road and an extensive range of buildings located to the east of the site, at The Mill.
- 1.4 The site is situated outside the development limits for the settlement of South Otterington, a Secondary Village as defined in the settlement hierarchy.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 75/0690/OUT - Outline erection of three dwellings - refused.
- 2.2 75/0693/OUT - Outline erection of three detached dwellings – refused

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP5 - The scale of new housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP28 - Conservation  
 Development Policies DP29 - Archaeology  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains  
 National Planning Practice Guidance  
 National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Parish Council -The Maunby, South Otterington and Newby Wiske Parish Council wish to make the following observation.

That Station Road at this location is very narrow. There is only a footpath opposite the former Council Houses, but not on the same side of the road as those existing houses. The proposal involves another four driveways emerging onto the highway in a short stretch of road opposite the existing houses.

- 4.2 Highways – No objection subject to conditions.
- 4.3 Environmental Health- This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance, there is no history of complaints and therefore we consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.4 Yorkshire Water - no reply received.
- 4.5 Drainage Board- The developments red line boundary is at a distance greater than 9m from any IDB strategic main water Carrier, therefore not contravening bylaw 23. The development proposes to dispose of surface water via soakaway.
- 4.6 North Yorkshire County Council Archaeology Team - The proposed development site contains known earthworks recorded on the Historic Environment Record after being noted by two separate members of staff since 2003. There is an area of ridge and furrow and along the southern side of this is an area of possible building platforms, which fall within the application site. The earthworks can also be seen on Google Earth Street View. There is potential for the earthworks to be the remains of buildings of possible medieval or post medieval date.  
 Recommend that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the proposal upon their significance. In the first instance, I would advise that this evaluation should comprise an earthwork survey, to be followed by trial trenching, as appropriate.
- 4.7 EHO Contamination - Given the [former agricultural/industrial/commercial land use and the associated potential sources of contamination] [proposed vulnerable end use], the applicant is required to submit a Phase 1 Preliminary Risk Assessment. Ideally this information should be submitted prior to determination, however, if you are minded to approve the application then I would recommend a condition in order

to secure the investigation and, where necessary, remediation of any contamination on the site.

4.8 Third party representations – 7 Objections have been received summarised below:

- Detrimental impact on highway safety from an increase in traffic
- Loss of residential amenity and quality of life from increased development in the village
- Increased burden on village infrastructure
- Flood risk, site has flooded in the past
- No provision for affordable housing in the proposal
- Loss of privacy
- Proposed development is not in keeping with the character of the village.

## 5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) design and the impact on the character and appearance of the village and surrounding countryside; (iii) highway safety; iv) surface water flooding and; (iv) the effect on residential amenity

### Principle of Development

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

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

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

5.4 The guidance states that small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.

4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform to all other relevant LDF policies.
- Development in open countryside

- 5.5 In the settlement hierarchy contained within the IPG, South Otterington is defined as a "secondary settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth".
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including (where necessary) services in a village nearby. The site lies within the village of South Otterington, which as a Secondary village is considered to be a sustainable location. It is considered that the proposed development satisfies criterion 1.

#### Design, Character and Appearance

- 5.7 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."
- 5.8 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.
- 5.9 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.10 Additionally Policy DP10 relates to the form and character of settlements and seeks to ensure that development will only be permitted where it protects or enhances the intrinsic qualities of open areas that have particular importance in contributing to the identity and character of settlements. This includes green wedges of townscape importance between and extending into settlements.
- 5.11 Policy DP30 seeks to ensure that new development protects the character and appearance of the countryside, and the open-ness, intrinsic character and quality of the landscape must be respected.
- 5.12 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.13 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. There have been 19 new dwellings approved in South Otterington including 9 at Walker's garage and 9 at Porch House (pending issue of decision for S106 agreement) and 1 further dwelling at Crosby Lodge on the south side of the village. Whilst this number of new units is potentially significant in the context of a small village such as South Otterington, this



site is not seen in the context of earlier approvals. It is considered that the proposed development will not have a significant impact on the character of the village in terms of cumulative impact.

- 5.14 It is important to consider the likely impact of the proposed development with particular regard to criteria 2 and 4 of the IPG. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.15 The village exhibits varying development forms, including mainly linear forms along the main road, in-depth modern estate form to the west of the main road and other smaller areas of in-depth development. To the east of the village, Station Road extends out into open countryside past The Mill. There is a short block of houses on the land to the south of the site. On the north side of station road there is no significant development other than The Mill and a single dwelling immediately to the west of the application site.
- 5.16 The dwellings opposite the site are situated within Development Limits. The proposal encroaches into open countryside and forms an open area of land to the North of the village. This side of the village is largely undeveloped other than for the dwelling close to the junction with Station Road and the A167. .
- 5.17 The introduction of additional residential development in this location would erode the gap between the farm and the junction with the A167 on this part of Station Road. The site presently contributes to the rural character of the locality and provides an important visual gap to the North of the settlement which would be eroded by development in this location, contrary to Policy DP10, DP30 and the requirements of the Interim Policy Guidance.

#### Highway Safety

- 5.18 Policy CP2 (access) and DP3 (site accessibility) are relevant to this proposal. The proposed access to the dwellings is by introduction of separate vehicular access for three of the five units with a shared access for the fourth and fifth unit. There are no objections in principle to this from the Highway Authority subject to appropriate conditions in relation to the provision of crossing points/access over the footway. The proposal is not considered to adversely affect highway safety.

#### Flooding and Drainage

- 5.19 Policy DP6 (Utilities and infrastructure) and Policy DP43 (Flooding and floodplains) relate to this development. The site is located in Flood Zone 1 which is an area at the lowest risk of flooding. The site is proposed to be drained by means of soakaways. It is intended that the disposal of foul water would be into the existing sewage network, although if this is not possible a package treatment plant would be used. The submitted Flood Risk Assessment concludes that the proposed drainage will not increase the risk of flooding elsewhere in the locality and that full details of drainage will be submitted with any further application.

#### Residential Amenity

- 5.20 Policy DP1 Protecting amenity seeks to ensure that new development must adequately protect amenity particularly with regard to privacy, security, noise and disturbance. New development must make provision for the basic amenity needs of occupants and must not unacceptably reduce the amount of amenity space about buildings or unacceptably affect the amenity of residents or occupants. The proposal is presently in outline only and further consideration of the amenity impacts of the proposal would need to be considered when more details are available. Third party comments have been received raising concerns about the impact of additional traffic generation in terms of noise disturbance. Given the location of the proposed development and its relationship to neighbouring properties it is considered that a layout and design could be achieved that would protect residential amenity and accord with the requirements of Development Policy DP1.

#### Archaeology

- 5.21 Policy DP29 of the Hambleton Development Plan relates to archaeology and seeks to ensure that the preservation of archaeological remains and their settings will be supported taking account of the significance of the remains. Comments have been received from the County Archaeology Department who advise that the site is in an area characterised by ridge and furrow and the possible remains of medieval buildings, as such, should the application be approved a condition should be imposed in relation to the provision of an archaeological assessment to include an earthwork survey, to be followed by trial trenching, as appropriate.

#### Land Contamination

- 5.22 The Environmental Health Officer recommends a condition in relation to contamination to ensure that the site is not adversely affected by ground contamination due to the agricultural nature of the site and its location to nearby uses for agriculture. Again, should the application be approved, a condition is recommended to secure an appropriate investigation along with any necessary remediation.

#### Planning Balance

- 5.23 The proposed development is situated in open countryside and lies outside the Development Limits of South Otterington. The question here comes down to the balance between the benefit of the development of new housing in this location which would help to support the provision of local services and provide new housing, against the detrimental impact on the landscape and village character. On balance it is considered that the development would have a harmful impact on the open countryside adjacent to the village which is not considered to be sufficiently offset by the benefits of the proposals to warrant a recommendation for approval.

### **6.0 RECOMMENDATION**

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

1. The proposed development is in Open Countryside outside Development Limits, with no clear justification for the development in terms of the exceptions set out in Core Policy CP4.
2. The proposed development is considered to have a harmful impact on the landscape character of the countryside surrounding the village contrary to

the requirements of the Interim Policy Guidance and to Core Policy CP17 and Development Policy DP30 and DP32.

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**Parish:** Tollerton  
**Ward:** Easingwold  
**15**

**Committee date:** 09 January 2020  
**Officer dealing:** Mark Danforth  
**Target date:** 09 January 2020  
**Date of extension of time agreed**

**19/02391/FUL**

### **Construction of 2 two semi-detached dwellings**

**At: Greys Cottage, Main Street Tollerton North Yorkshire**

**For: Mr Anthony Charlton.**

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

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site lies to the rear of Greys Cottage between The Laurels and Westfield. The land is currently used as garden to Grey's Cottage.
- 1.2 The site fronts South Back Lane. The boundary is formed by a paling fence and a vertical boarded timber gate. On the adjoining site to the west is a barn parallel with South Back Lane.
- 1.3 Opposite the site on the south side of the road, 4 single storey bungalows have been approved by members at outline stage.
- 1.4 This application is for the construction of two 3-bed properties. Access would be from South Back Lane via the existing gate. The layout shows a pair of semi-detached dwellings lying centrally to the plot and perpendicular to South Back Lane. Parking and turning space is shown to each end of the two storey brick and clay tile building.
- 1.5 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The development boundary runs along to the rear of the dwellings incorporating some of the rear gardens of the Main Street properties. This site lies outside development limits.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 17/02170/FUL- Construction of two dwellings withdrawn November 2019.
- 2.2 19/00936/FUL To the east is the rear garden of The Laurels this has recently gained approval for a pair of semi-detached properties at the rear of their garden.
- 2.3 13/00803/FUL followed by 18/01909/MRC To the west is Westfield is a barn conversion to residential use, this was allowed on appeal in 2013 and following variation of a condition, approved by this Council, is currently under construction.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

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

Core Strategy Policy CP21 – Safe response to natural and other forces  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP3 - Site accessibility  
 Development Policies DP8 - Development Limits  
 Development Policies DP9 – Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP28 - Conservation  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Interim Policy Guidance on housing in small settlements  
 National Planning Policy Framework - published February 2019

#### **4.0 CONSULTATIONS**

- 4.1 Tollerton Parish Council wishes to see the above application refused for the following reasons; the planning application shows an existing access this is not an existing vehicular access, if planning permission is granted the access is onto what effectively is a single track lane which cannot cope with any further volume of vehicles. The lane is heavily used by pedestrians from the village to access other areas of the village and increase vehicular traffic in this area could potentially be dangerous therefore Tollerton Parish Council wishes to see the application refused.

- 4.2 NYCC Highways – The site is located at the south western end of South Back Lane close to where the road widens and becomes Ings View. Whilst some of the traffic generated by the proposed development will use Ings View and the main street, there will be drivers travelling to and from the site who will use South Back Lane as it is more convenient particularly to and from the south. South Back Lane is narrow, has substandard alignment and restricted visibility at its junction with Newton Road.

South Back Lane is generally between 2.8 and 3.0 metres in width and there are no formal places for users to pass. It is used by pedestrians and cyclists as well as drivers of motor vehicles and there is insufficient width even for a car and cyclist to pass safely within the carriageway. Passing takes place by using the highway verges and/or private driveways/parking areas and there is evidence of damage where verges and carriageway edges have been overrun as a result. The first approximately 60 metre long section of the lane from Newton Road has poor alignment and restricted forward visibility as well as insufficient width. Due to the road's alignment and the proximity of buildings to the carriageway in this section there is no means to pass if a driver of a motor vehicle meets another travelling in the opposite direction and it will be necessary for one to reverse to a point where passing can occur. There is also limited space here for a pedestrian or cyclist to find refuge if a motor vehicle approaches. It should also be noted that visibility at the junction with Newton Road is slightly substandard in a north westerly direction. Having said this, the Highways Authority does not believe that these issues amount to a large enough risk to warrant a recommendation for refusal.

Consequently the Local Highway Authority recommends that conditions are attached to any permission granted.

- 4.3 Environmental Health - There is concern that nearby residential properties will be impacted by noise from the construction activities on site. Should planning permission be granted it is recommended that an hour's of work condition be applied.
- 4.4 Yorkshire Water - have no objections subject to conditions comments were also made regarding surface water disposal.

4.5 Public comments – none received

## **5.0 ANALYSIS**

5.1 The key determining issues are (i) the principle of development; (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) residential amenity; (iv) the likely highway impact; (v) contamination; (vi) ecology and wildlife; and (vii) flooding and drainage.

### **Principle**

5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met.

5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.

5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted the site is close to other properties within the settlement and close to local facilities including the village shop and public house. As such the proposed dwellings would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. The principle of residential development, in this case two 3 bed-cottages, can receive officer support subject to details.

### **The character and appearance of the Tollerton Conservation Area**

5.5 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.

5.6 The site is situated within the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration. The pattern of development to Main Street and to a lesser degree the formal private gardens to respective sites contribute to the significance of the Conservation Area. That said, much of South Back Lane and the rear gardens are largely screened from the public domain by the landscape features on this side of the village off Back Lane.

5.7 The position and relationship of the neighbouring barn and other buildings along South Back Lane are noted. The submitted details, offers a simple design with chimneys to either end. The proposal would lie perpendicular to South Back Lane, parallel with 'The Laurels' approved development that was considered to preserve the character of South Back Lane and that of the Conservation Area. The approach taken in this proposal is typical of Back Lane with numerous other examples of this. The resultant layout has been negotiated through the planning process with the agent, which is very different to the previous schemes that have been withdrawn. The

proposal has sought to demonstrate that the site is large enough to accommodate two dwellings with ample garden space.

- 5.8 The proposed quality design will enhance and preserve the character and appearance of South Back Lane in line with the Development Plan policies. The layout maintains the open views from Main Street to South Back Lane in line with conservation objectives. On the basis of the layout there is no objection to this application on heritage grounds.
- 5.9 Consideration is also required by the Interim Policy Guidance and the underlying LDF policy to the cumulative impact of the proposed development. As noted elsewhere in this report approvals have been given for development on adjoining land to the east, south and west, approvals that would result in the construction of ## dwellings on three sites. The undeveloped state of the site has not become more important because of the approvals and potential for development on the adjoining land. There is no features of special importance on the site that would be effected by the proposal. The cumulative impact on the character of South Back Lane is a matter for consideration in this case. However it is considered that given the lack of any special characteristics of this site and the maintenance of views from South Back Lane towards the Main Street ensures that the legibility of the character of the Conservation Area is adequately maintained. The proposal is therefore found to not be in conflict with IPG criterion 2.

### **Residential amenity**

- 5.10 Having regard to the length of the existing garden and the plot depth, the introduction of two new dwellings is achievable without causing significant harm to the amenities of existing and the proposed properties. The positioning of the proposed dwellings with low ridge heights similar to the dwellings yet to be erected to the east, reduces the overall massing of the development.
- 5.11 Main elevations are to both east and west sides with first floor openings to the rear being smaller in scale to those at the front. There are high hedges between the adjoining sites that ensures minimal overlooking of neighbouring gardens from ground floor windows therefore a minimal loss of amenity towards 'The Laurels'. The separation distance between "The Laurels" development and the boundary with Grey's Cottage is about 15.5m, the distance from the boundary to the proposed dwelling on Grey's Cottage site is about 8.3m, as such the total separation distance between the principle windows of the two sets of dwellings is about 23.8m and is considered sufficient to safeguard the amenity of all properties. The barn conversion at Westfield has some gable windows serving the kitchen and a bedroom but these are off-set from the front of the proposal site at a significant angle. Residential amenity would therefore be protected post construction. A condition to control the height of the building is appropriate to avoid the property dominating the scene or harming the amenity of others.

### **Design**

- 5.12 The overall design is such that it represents similar characteristics to other properties off South Back Lane. The design statement asserts that the properties would be erected from a timber frame then clad in bricks. Incorporating photo-voltaic panels and battery storage, heating will be sourced from electricity only. Windows will be of timber construction.

### **Size of dwelling**

- 5.13 The provision of two x 3 bed properties is in line with Council's Housing Economic Development Needs Assessment (HEDNA) which continues to record the need for



smaller house types. The smaller dwellings will fulfil a social role as advised within para 8 of the NPPF - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. There will also be environmental improvements to the area by making the best use of available land within the built environs of this sustainable village.

### **Highway issues**

- 5.14 As noted above the Highway Authority does not support the development proposals but identifies that they would not wish to propose refusal for the scheme. It is considered that due to the proximity of the site to the estate road at Ings View the vehicular access is of acceptable details. Subject to conditions regarding the formation of the access and provision of parking space the scheme is considered to be acceptable in accordance with the LDF policies.

### **Contamination**

- 5.15 The buildings and immediate area has been used for personal/domestic use for a significant period of years. Council's Environmental Officers have advised that they do not expect any contamination of the buildings land or structures as they stand at present. A visual inspection shows no contamination in the buildings or surrounding gardens.

### **Ecology and wildlife**

- 5.16 The site includes a Willow tree set into the site this is subject to a tree removal notice. A new Willow will be planted in its place. Otherwise the site itself forms a typical residential garden that has been maintained as such. There are no significant concerns relating to wildlife that would prevent planning permission being granted.

### **Flooding and drainage**

- 5.17 The Environment Agency data has indicated there are no associated flooding issues with this development site.
- 5.18 Foul drainage will be connected to the existing foul drain. The applicant has advised that the connection point will be off 'Ings View'. Yorkshire Water have advised they promote the surface water disposal hierarchy, and surface water disposal should be achieved via infiltration or watercourse. Conditions can be attached to any approval to address surface water discharge and foul connection requirements.

### **Planning balance**

The proposed development by reason of its siting; proportionate and subservient built form; traditional design and detailing and relationship relative to neighbouring land users is such that the scheme is considered to represent an acceptable form of development which sits comfortably with the site and respects the character and appearance of Tollerton Conservation Area. Any perceived sense of harm arising from this development is not considered to be so significant to cause unreasonable harm to amenity. The development would give rise to modest economic gains through the investment in construction work and ongoing spend of residents and social gain through the provision of two new dwellings that are of a type that will help to meet local needs. Overall the scheme is considered to be a sustainable form of development.

## **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. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
    - a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E50.
    - b. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
    - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
  4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 30m measured along both channel lines of the major road South Back Lane from a point measured 2m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. An explanation of the terms used above is available from the Highway Authority.
  5. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
    - a. parking capable of accommodating staff and sub-contractors vehicles clear of the public highway
    - b. materials storage area capable of accommodating materials required for the operation of the site.
    - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
  6. No development shall take place until wheel washing facilities have been provided. The development shall be undertaken using wheel washing facilities to prevent mud being deposited on the highway.
  7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings 10926/P/01, 02A, 03, 04A, 05A, 06A, 07 received by

Hambleton District Council on 8 November 2019 unless otherwise agreed in writing by the Local Planning Authority.

- 8 The hedges to both east and west boundaries shall be retained at a height no lower than two metres for the lifetime of the development.
- 9 Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no extension or other alterations to the building hereby permitted shall be carried out without express permission on an application made under Part III of the Town and Country Planning Act 1990.
10. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
- 11 The working hours 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.
- 12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 13 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

The reasons for the above conditions are:-

- 1 To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and DP32.
- 3 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 4 In the interests of road safety.
- 5 To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 6 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 7 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 DP10.
- 8 To safeguard the amenities of occupiers of adjoining residential property in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
- 9 The Local Planning Authority would wish to retain control over the alteration and/or extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
- 10 To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
- 11 In the interest of neighbour amenity.
- 12 In the interest of satisfactory and sustainable drainage.
- 13 To ensure that no surface water discharges take place until proper provision has been made for its disposal.