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AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 29 January 2020

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 6 February 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

To:	Councillors	Councillors
	P Bardon (Chairman)	J Noone (Vice-Chairman)
	M A Barningham	B Phillips
	D B Elders	A Robinson
	Mrs B S Fortune	M G 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 9 January 2020 (P.20 - P.21), 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 10.00 am on Thursday, 9th January, 2020 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor M S Robson

Apologies for absence were received from Councillor A Robinson

P.20 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on Thursday 12 December 2019 (P.18 - P.19), previously circulated, be signed as a correct record.

P.21 **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) 19/02128/FUL - 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 at Land to rear (Easby's Field) of Queen Anne's Drive, Bedale for Broadacres Housing Association

PERMISSION REFUSED as the Committee considered the development unacceptable due to the massing and design leading to over development of the site with resulting loss of trees subject to a Tree Preservation Order harming amenity, ecology and landscape character. The Committee considered the car parking provision to be inadequate and the off-site traffic implications unacceptable along with the loss of four affordable bungalows.

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

(On behalf of the applicant, Fiona Coleman, spoke in support of the application.)

(John Howe spoke on behalf of Bedale Town Council objecting to the application.)

(Simon Mason spoke objecting to the application.)

Note: Councillor M Robson arrived at the meeting at 10.40am during consideration of the above item.

- (2) 19/02102/OUT - Application for outline planning consent for 8 dwellings with all matters reserved at Land West Of Little Burn, Sutton Road, Huby for Mr P Mead

PERMISSION REFUSED

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

Disclosure of Interest

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

- (3) 19/01626/FUL - Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works at OS Field 6717, Eldmire Lane, Dalton for l'Anson Bros Ltd

PERMISSION GRANTED

(The applicant's agent, Nigel Cussen spoke in support of the application.)

(Lawrence Whiteley spoke objecting to the application.)

Note: Councillor M Robson left the meeting at 12.24pm and did not return.

The meeting adjourned at 12.24pm and reconvened at 1.30pm.

- (4) 19/02184/FUL - Construction of warehouse and offices at Plot 1, Conygarth Way, Leeming Bar Business Park, Leeming Bar for Mr Tony Blake (SpeedClad Ltd)

PERMISSION GRANTED

- (5) 19/02514/FUL - Construction of a 1.5 storey detached house at Falloden, Forest Lane, Alne for Mr O Shipley

PERMISSION REFUSED

- (6) 19/00993/FUL - Construction of a detached dormer bungalow and garage as amended by plan received by Hambleton District Council on 13 November 2019 at Arbutus House, Cowling Road, Burrill for Mr M Averis

PERMISSION GRANTED subject to two additional conditions to ensure the hedge height is retained and full details of levels to be provided.

- (7) 19/02067/FUL - 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 for Mr Stewart Williamson

PERMISSION REFUSED

(Simon Jones spoke objecting to the application.)

- (8) 19/01507/FUL - Construction of a new dwellinghouse and attached double garage at Land Adjacent To Greencroft House, Bell Lane, Huby for Mr Thompson

PERMISSION REFUSED

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

- (9) 19/02169/FUL - Development of 3no. three bed terraced houses with garages at Land To The North Of The Forge, Tollerton Road, Huby for Mr Steve Knowles

PERMISSION GRANTED as the Committee considered that the development is acceptable, subject to a planning obligation to deliver and maintain the proposed woodland adjacent to the development.

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

(The applicant's agent, Jim Burns, spoke in support of the application).

- (10) 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 for
Mr Simon Quartermaine

PERMISSION GRANTED subject to any subsequent applications being referred
to Committee along with an additional condition requiring the completion of the
access road through to the north western edge of the site.

(Clive Walley spoke on behalf of Ingleby Arncliffe Parish Council objecting to the
application.)

Note: The meeting adjourned at 3.09pm and reconvened at 3.20pm.

- (11) 19/02064/FUL - Construction of a detached dwellinghouse, garage and new
vehicle access at Plot 3 OS Field 2719, Stokesley Road, Hutton Rudby for
Mr Welford

PERMISSION REFUSED as the Committee considered that the design and
massing of the development is unacceptable, leading to an over-development of
the site. The Committee also considered that the proposed development failed to
meet local housing need.

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

(Allan Mortimer spoke on behalf of Rudby Parish Council objecting to the
application.)

- (12) 19/00912/FUL - Construction of 3 bedroom dormer bungalow at Bluebarn
Cottage, Middleton Road, Hutton Rudby for Mr E McMordie

PERMISSION REFUSED

(Allan Mortimer spoke on behalf of Rudby Parish Council objecting to the
application.)

- (13) 19/01980/FUL - Conversion of barn to create two dwellings at Church Farm
Sandhutton for Mr Bosomworth

PERMISSION GRANTED

(The applicant's agent, Ross Sandbach, spoke in support of the application.)

- (14) 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 and Mrs M Harland

PERMISSION REFUSED

(Jonathan Saddington, spoke in support of the application.)

- (15) 19/02391/FUL - Construction of 2no two semi-detached dwellings at Grey
Cottage, Main Street, Tollerton for Mr Anthony Charlton

PERMISSION GRANTED

(The applicant, Tony Charlton, spoke in support of the application.)

The meeting closed at 4.30 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 6 February 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 9.00am on the day of the meeting.

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

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

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

Mick Jewitt
Deputy Chief Executive

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members sufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 6th February 2020

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
Morning session 10.00am		
1	15/01083/DCN06 Mr P Jones Brompton Page. 13	Application for the discharge of condition 43 (Bridge details) for previously approved application 15/01083/HYB For: Taylor Wimpey At: North Northallerton (Link Road and Bridge, Northallerton) RECOMMENDATION: DISCHARGE
2	19/01854/REM Ms A O'Driscoll Brompton Page. 17	Application for approval of all reserved matters considering access, appearance, landscaping, layout and scale to previously approved application 15/01083/HYB and associated with the construction of 226 residential dwellings on Persimmon and Taylor Wimpey phase 2 and an environmental statement was included as part of the outline application For: Taylor Wimpey North Yorkshire At: Phase 2 (Taylor Wimpey), Darlington Road, Northallerton RECOMMENDATION: GRANT
3	19/01530/REM Ms A O'Driscoll Brompton Page. 39	Application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with the construction of 246 residential dwellings on Persimmon Homes' second phase For: Persimmon Homes At: Phase 2 (Persimmon Homes), Darlington Road, Northallerton RECOMMENDATION: GRANT
Afternoon session 1.30pm		
4	19/01840/FUL Mr T Wood Whenby Page. 63	Proposed conversion of an existing agricultural building to one residential dwelling For: Marshall Properties Projects Ltd At: Wellfield Farm, Whenby RECOMMENDATION: REFUSE
5	19/02068/OUT Ms A O'Driscoll Skutterskelfe Page. 69	Application for outline planning permission with access and scale to be considered (all other matters reserved) for a residential scheme of five dwellings For Twentydales Limited At OS Field 3100, Stokesley Road, Hutton Rudby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
6	19/02207/MRC Mr M Danforth Shipton Page. 79	Application for the removal or variation of condition 4 to approved application 05/02150/FUL For: Miss E Ellis At Field View Bungalow, Main Street, Shipton by Beningbrough RECOMMENDATION: GRANT
7	19/02287/OUT Ms H Ledger Seamer Page. 83	Outline planning application with all matters reserved for the creation of five residential development plots For: Mr & Mrs Cook At: Springwell Nurseries, Stainton Road, Seamer RECOMMENDATION: REFUSE
8	19/01924/FUL Mrs H Laws Pickhill with Roxby Page. 89	Conversion and extension of existing bungalow to form 2no. 3-Bed dormer bungalows For: Mrs A Cunningham At: Broadlea, Street Lane, Pickhill RECOMMENDATION: REFUSE
9	19/01064/FUL Mr Mark Danforth Kirkby Page. 95	Change of use of existing vacant building to A1 use and associated parking For: Mr Matthew Evershed (Acad Trading Ltd) At: Unit 14 Terry Dicken Industrial Estate Station Road Stokesley RECOMMENDATION: REFUSE
10	19/02302/FUL Mr Nathan Puckering Great And Little Broughton Page. 99	Construction of new 3 bed dwelling house, alterations to existing driveway and landscaping. For: Mr Mark Noble At: Broughton Grange Farm, High Street, Great Broughton RECOMMENDATION: REFUSE
11	19/02298/FUL Mr Nathan Puckering Easby Page. 109	Internal alterations to subdivide existing dwelling to create two dwellings and retrospective change of use of agricultural land to form domestic gardens. For: Mr & Mrs Cutler At: Pilly Hall Farm, Easby RECOMMENDATION: GRANTED
12	19/02706/OUT Mrs H Laws Carthorpe Page. 115	Outline application for the construction of 3 dwellings (all matters reserved) For: Mr & Mrs Trehitt At: Land to the south of Hall Garth, Carthorpe RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
13	19/02630/FUL Mrs N Waddington Carlton Miniott Page. 121	New dwelling and extension of domestic curtilage For: Mr B Mellor At: Carlton House, Sandhutton Lane, Carlton Miniott RECOMMENDATION: GRANT
14	19/00052/FUL Ms A O'Driscoll Burrill With Cowling Page. 133	Demolition of existing agricultural building and construction of three residential dwellings. For: Strutt & Parker At Burrill Manor Farm, Cowling Road, Burrill RECOMMENDATION: GRANT
15	19/02395/FUL Mr. M. Pearson Bagby Page. 143	Application for construction of two 3 bedroomed bungalows with detached garages For: Mr Kendall - Kendall Homes Ltd At: West View, Bagby Lane, Bagby RECOMMENDATION: GRANT

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Parish: Brompton

Committee date: 06 February 2020

Ward: Northallerton North & Brompton

Officer dealing: Mr P Jones

1

Target date: 12 February 2020

15/01083/DCN06

Application for the discharge of condition 43 (Bridge details) for previously approved application 15/01083/HYB

At Link Road, Northallerton

For Taylor Wimpey

This application is referred to Planning Committee as the application site is part of the North Northallerton Development Area and is of significant public interest.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application is for the discharge of a condition attached to the hybrid application, for North Northallerton. This condition sought the submission of the design details for the proposed Link Road Bridge.
- 1.2 The application site is currently agricultural land allocated as part of the North Northallerton development area. The site is located between the current phase 1 development for Taylor Wimpey and Persimmon, between Darlington Road to the west and Stokesley Road to the East.
- 1.3 The proposed bridge will connect the east and west elements of the Link Road over the Middlesbrough Branch Railway.
- 1.4 The application proposes a ramp access onto the bridge from the east and west, and a three span bridge over the Railway and Beck supported by two sets of vertical piers.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01083/HYB - Hybrid planning application for:

1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 148 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and
2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access)
3. The proposal is a major development which is accompanied by an Environmental Statement.

Approved 05.12.2016 subject to condition 43, which states:

Prior to the commencement of any work to the bridge or its embankments detailed design and construction details for the bridge and embankments, including all structures through the embankment, must be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority and Network Rail. The construction of the bridge and embankments must be in accordance with the approved details or such amendments as may be approved in writing by the Local Planning Authority.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Brompton Parish Council – no comments received.
- 4.2 Northallerton Town Council - no comments received.
- 4.3 Highway Authority – no comments received.
- 4.4 Internal Drainage Board – Nothing to add owing to the requirements of other conditions.
- 4.5 Environment Agency – Not a condition added by the EA.
- 4.6 Yorkshire Water – no comments received.
- 4.7 Public comments – None received.

5.0 ANALYSIS

- 5.1 The principles behind this development have been considered previously and agreed within the Hybrid application for the development of North Northallerton. This application is only to consider the detail of the specific impacts of the proposed bridge design.
- 5.2 The main issues to consider are: (i) The design of the development; (ii) Highways Matters; (iii) Drainage matters and; (iv) Residential amenity.

Design

- 5.3 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.”

- 5.4 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.
- 5.5 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.6 The proposed bridge is of a utilitarian design similar to that found throughout the highway network. Through the course of the development of the design a number of parties have been directly involved, in particular the County Council Bridges Team and Network Rail.
- 5.7 There are a number of competing priorities involved in the design process, which result in a variety of constraints on the design of the bridge, owing to the technical requirements of the County Council and Network Rail. A number of iterations of bridge design have been gone through culminating in the design now presented.
- 5.8 In this case the bridge design submitted was considered to best meet those technical requirements whilst seeking to design a bridge with a simple aesthetic suitable for this location.
- 5.9 From a Planning Perspective the balance is between the aesthetic appearance of the bridge and the technical requirements of other Agencies. The current three span proposal is considered to offer a more elegant and aesthetically pleasing solution than the original, single span bridge suggested at the time of the Hybrid approval.
- 5.10 It is considered, that in the relatively urban context of the proposed development, and in consideration of the technical requirements of other agencies, the design is able to meet the requirements of Local Development Framework Policy.

Highway and Rail Safety

- 5.11 The Highway Authority has been consulted consistently through the development of the design presented here for consideration and has endorsed the design approach used. The Highway Authority has recommended that the design is appropriate and as such that the condition can be discharged, their formal response is awaited at the time of writing.
- 5.12 Network Rail has similarly been deeply involved in the development of the proposals presented here and have previously endorsed the design through their approvals process. Again it is noted that their written response is yet to be received.

Drainage

- 5.13 A major consideration in this application is the potential for the development to impact on both the water course itself and the surface water management regime approved for the North Northallerton Development Area. Development Policy DP43 seeks to ensure that new development is appropriately designed in order that it does not result in any significant impact in terms of flooding.

- 5.14 The Internal Drainage Board has been consulted on this application and they are satisfied that the proposed bridge design does not adversely impact on the drainage regime as dealt with under other conditions attached to the hybrid permission.
- 5.15 It is concluded that the proposed development will not impact on the surface water drainage solutions for North Northallerton or on flooding above or below the site. It is considered that the proposed development is in compliance with relevant Local Development Framework policy on flooding and drainage.

Residential Amenity

- 5.16 The proposed bridge is set at a significant level above the height of the railway in order to achieve a satisfactory clearance. However, the closest house in the proposed development is more than 50m from the bridge. It is considered that the proposed bridge design is acceptable in terms of its impact on residential amenity.

Conclusion

- 5.17 It is concluded that the submitted design accords with the requirements of the Hybrid application. It is further concluded that the proposed design is acceptable in terms of the character and appearance of the area and that the development will have no significant detrimental impact on road or rail safety. It is recommended that the Condition can be discharged, on the basis of the submitted details.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations, condition 43 attached to 15/01083/HYB is **DISCHARGED**.

Parish: Brompton
Ward: Northallerton North & Brompton
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Committee Date : 06 February 2020
Officer dealing : Aisling O'Driscoll
Target Date: 6 December 2019
Date of extension of time (if agreed): 10 February 2020

19/01854/REM

Application for approval of all reserved matters considering access, appearance, landscaping, layout and scale to previously approved application 15/01083/HYB and associated with the construction of 226 residential dwellings on Persimmon and Taylor Wimpey phase 2 and an environmental statement was included as part of the outline application.

at Phase 2 (Taylor Wimpey) Darlington Road Northallerton North Yorkshire for Taylor Wimpey North Yorkshire.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The wider North Northallerton Development Area is located approximately 1km north of Northallerton town centre. It measures approximately 52.8 hectares and is bounded by the A167 Darlington Road to the west and A684 Stokesley Road to the east. To the north lies open countryside with the settlement of Brompton beyond that. To the south lies the Thurston Road Business Park. The wider site is bisected by the Northallerton to Middlesbrough train line running approximately north/south through the site.
- 1.2 More specifically the site that is the subject of this application, the Taylor Wimpey Phase 2 Area, is approximately 6.8 hectares in size. It is made up of an irregular shaped parcel of former agricultural land which is bounded by a beck on its eastern edge. To the west lies the partially constructed Phase 1 site. Outline permission was secured for the current application site under the hybrid application 15/01083/HYB, granted consent in 2016.
- 1.3 This application seeks approval for the reserved matters regarding access, appearance, landscaping, layout and scale in relation to the construction of 226 residential dwellings as part of the wider North Northallerton Development Area. Outline permission for this was granted for a mixed use development made up of a total of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking. Furthermore, under the same hybrid application full planning permission was granted for 291 dwellings and associated earth works and infrastructure, including roundabouts and a road bridge crossing the railway line and associated link road from East to West.
- 1.4 This scheme proposes a mix of two, three and four bedroom dwellings including bungalows.
- 1.5 It should be noted that the Hybrid approval included extensive conditions and a detailed S106 agreement which deals with a variety of matters directly relevant to this site, including matters relating to; drainage, levels, landscaping, delivery of the school and open space and matters relating to the delivery of the Link Road and affordable housing, amongst other matters. As such matters other than the layout, unit design and size are not dealt with in this report.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01083/HYB – mixed use development of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking – all matters reserved except for access. – Permitted 5th December 2016
- 2.2 18/02299/FUL – full planning application for the construction of a Pre-Delivery Inspection Workshop for the preparation of vehicles (sui generis), storage of vehicles (B8), access car parking, landscaping and associated work. – Permitted 25th March 2019
- 2.3 18/02720/FUL – application for the construction of 72 dwellings – Pending
- 2.4 19/01110/FUL – Construction of new healthcare building providing office and assessment spaces for multi-disciplinary, community based mental health teams. – Granted

3.0 RELEVANT PLANNING POLICIES:

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

Allocations Document Policy NM5D - North Northallerton Area, North Northallerton - East of Darlington Road, Northallerton - adopted 21 December 2010

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP9 - Affordable housing

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Core Strategy Policy CP20 - Design and the reduction of crime

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP15 - Promoting and maintaining affordable housing

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 DP34 - Sustainable energy

Development Policies DP37 - Open space, sport and recreation

Development Policies DP39 - Recreational links

Development Policies DP43 - Flooding and floodplains

Development Policies DP37 - Open space, sport and recreation

Core Strategy Policy CP9 - Affordable housing

4.0 CONSULTATIONS

- 4.1 Brompton Parish Council – no objections
- 4.2 Environment Agency – include an informative informing applicant which activities require an Environmental Permit
- 4.3 Environmental Health Residential Services – no potential impact on amenity and likelihood of the development to cause a nuisance; therefore no objection
- 4.4 Environmental Health – considered the acoustic report submitted and the details on the mechanical ventilation systems proposed and approval of the information therein
- 4.5 Historic England – no comments
- 4.6 Highways – No objections
- 4.7 LLFA – no objections but remind the applicant that the conditions for the outline application are still applicable
- 4.8 MOD Safeguarding – they have no concerns regarding aerodrome height, nor any safeguarding objections, subject to confirmation that the attenuation ponds will be predominately dry and only hold water in a 1 in 100 year storm event
- 4.9 Natural England – no comments
- 4.10 Northallerton Town Council – no observations
- 4.11 NYCC Rights of Way – no works should be undertaken that alter or obstruct a public right of way
- 4.12 Network Rail – due to the distance from the railway we have no further comments to make, however, we would draw the council's attention to our attached comments regarding trespass on the railway and Vaseys Level Crossing as it is assumed that access from the Taylor Wimpey phase of the development (subject of this application) to the proposed public open space adjacent to the railway will be possible - All received 24.10.2019
- 4.13 Third Party Representations – One observation was received from a neighbouring business raising the following issues:
 - Concern that the noise impact assessment submitted by the applicant is not robust
 - Concern that the mitigation measures proposed are insufficient to adequately protect occupants from nearby noise generating uses
 - Would prefer to see sealed non-opening windows
 - Does not take into account 24 hours working at Allerton Steel

5.0 OBSERVATIONS

- 5.1 The main planning considerations are considered to be: i) Principle of Development; ii) Affordable housing; iii) Size, Type and Tenure; iv) Design and Amenity; v) Highways safety and vi) Landscaping.

Principle of Development

- 5.2 The application site forms part of a large strategic site allocated for mixed development within the Allocations DPD – Policy NM5, as adopted by Full Council on 21 December 2010. The DPD states that proposal NM5 forms a strategic area for development providing significant housing and employment development and also providing recreation, leisure and community facilities and strategic infrastructure.
- 5.3 Allocation NM5 is divided into 7 sub areas, known as NM5A to NM5G. The site, subject of this application, forms part of the NM5D sub area which was allocated for mixed housing and employment development. In 2015 the Hybrid planning permission granted outline consent for 900 dwellings across the wider site. An additional piece of land to the north of the allocation was also included in the Hybrid application and granted outline consent.
- 5.4 The additional land was included in recognition of the substantial financial burden which the provision and timing of the provision, of strategic infrastructure, including centrally located land for the school and development of the Link Road and bridge, would impose. The site represents the largest allocation in the Council's Local Development Framework and is highlighted as a priority in the North Yorkshire Housing Strategy and Local Investment Plan.
- 5.5 The principle of the development of this wider site for housing, mixed uses and a link road has therefore been long established having been the subject of an independent examination in public by a Secretary of State appointed Planning Inspector. The examination agreed that the North Northallerton Development Area was the preferred option for further development of the town and found the Local Development Framework documents sound.
- 5.6 It is necessary to highlight that due to the passing of intervening legislation since the adoption of the LDF, such as the Community Infrastructure Levy Regulations, a number of the development contribution requirements contained within Policy NM5 will have altered or no longer be relevant.
- 5.7 In addition, it is necessary to highlight that in December 2013 the Council agreed to remove the phasing within Development Policy DP11 for the LDF's allocated housing sites through to 2026 (and thus also to the phasing suggested in Allocations Policy NM5) so as to help bring sites forward more quickly to boost housing supply. In this regard, the phasing identified within those policies is no longer applicable.
- 5.8 Finally, it is important to identify that following the adoption of the Allocations DPD a Masterplan Framework and Design Guidance document was prepared for the NM5 Allocation area by Taylor Young consultants, which provided conceptual design detail and expanded on the aspirations for the development of the entire site. The Masterplan was adopted by the Council in May 2011 and is a material consideration in the determination of this application.
- 5.9 In conclusion the principles of this development are well rehearsed and the framework for development set out in the approval of the Hybrid application, including the accompanying conditions and S106 agreement.

Affordable Housing

- 5.10 The matter of the affordable housing quotient for the development is a matter dealt with through the S106 agreement. However, it is considered necessary to provide an up-date on viability and affordable housing at this stage.
- 5.11 Local Plan Policy CP9 states that housing development of 15 or more dwellings (or sites of 0.5 ha or more) in service centres must make provision for affordable housing. It clarifies that the LDF seeks to achieve 40% affordable housing in Northallerton, although it also acknowledges that the actual provision on individual sites will be determined through negotiations, taking into account viability and the economics of provision. This is consistent with Paragraph 62 of the NPPF which

states that where local planning authorities have identified that affordable housing is needed, planning policies should specify the type of affordable housing required, and expect it to be met on-site. However, Paragraph 57 allows for the submission and consideration of a further viability assessment by an applicant seeking permission which can take into account any changes in circumstances since the plan was brought into force.

- 5.12 Policy DP13 provides further advice on the provision of housing and states that housing proposals must provide for a mix of dwellings, in terms of size, type and tenure, which meets the needs of all sections of the local community, promotes sustainable communities and social cohesion; while Policy DP15 provides specifics on the key definitions and principles on which the provision of affordable housing will be achieved. These policies are further supplemented by the Council's Affordable Housing Supplementary Planning Document (adopted April 2015).
- 5.13 The Hybrid application allowed for a detailed assessment of viability at the time of its determination. This resulted in a 13.4% affordable housing contribution across the totality of the site. Given the sensitivity of sales values and the difficulties of delivering a large strategic site of this nature, a caveat was built into the affordable housing element of the Section 106 agreement to allow for a review of the affordable housing quotient through the course of the development. This caveat allowed for the affordable housing quotient to go down as well as up in order to ensure that the development remained viable and the crucial infrastructure elements of the project including the school and the Link Road would be delivered.
- 5.14 The developer has approached the Council with regard to phase 1 of the development, which as stated above was to deliver 13.4% affordable housing, with an initial request to roll the affordable housing quotient for phase 1 into phase 2 owing to viability issues with the phase 1 development. The Council requested a viability appraisal in order to justify this. This initial request occurred over a year ago and Officers agreed to the principle of this roll over of affordable housing from phase 1 to phase 2 subject to the submission of viability information.
- 5.15 Since that time a number of other matters have impacted on viability including a reduction in the overall number of dwellings owing to a reduction in the developable area assumed at the time of the original viability assessment and a significant increase in building costs. The developer has now submitted a full and up-to-date viability assessment from the phase 1 development, effectively informing the initial phase 2 development. There remains a requirement for a full assessment of viability as set out in the S106 agreement. This allows for an interim appraisal no earlier than the practical completion of the 500th dwelling along with a final appraisal effectively following completion of the last unit.
- 5.16 The viability appraisal has been vetted on behalf of the Council by Keppie Massie who has undertaken a detailed assessment of the viability of the development. The conclusion from this is that whilst there remains a certain amount of uncertainty about the later stages of development, which would then be assessed through the further appraisal under the S106 agreement, there is consensus that the Phase 1 development is not able to provide any affordable housing. A summary of the Keppie Massie findings is set out in Appendix 1 attached to this report.

Size, Type and Tenure

- 5.17 The Hambleton Strategic Housing Market Assessment was published in October 2016 and updates the evidence of housing need in the district. The Assessment, conducted by GL Hearn, found that the majority of dwellings required need to be two and three bedroom homes with the need for larger four bedroom homes falling due to the existing level of provision. Alongside this, the Strategic Housing Land Availability Assessment was updated in September 2019. This assessment indicates that the North Northallerton development will contribute significantly to the completions rate over the coming years.

- 5.18 This in turn feeds into the Council's Housing Land Supply figure which currently exceeds 9 years. Having a healthy Housing Land Supply is of great importance to the future development of the district. Paragraph 11 (including footnote 7) of the NPPF asserts that the policies of the local plan which are most important for determining the application should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In such cases applications for housing must be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF or where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In short, local policies would be set-aside and control over the location of development significantly reduced. Indeed the Officers report relating to the Hybrid Permission indicated that at the time of consideration the Council could not demonstrate a 5 year supply of deliverable housing. This had resulted in a number of developments across the district being allowed at appeal.
- 5.19 Since then measures have been taken, such as the removal of phasing, to ensure that this position is not re-visited. As such the Council has been able to insist on better quality applications for the right type of housing in the right locations. The current proposal demonstrates this as there is a marked improvement in the quality of dwellings proposed. For example the dwellings now all meet or exceed the Nationally Described Space Standards securing a high level of amenity for future occupiers.
- 5.20 The proposal comprises a mix of two, three and four bedroom properties, including detached, semi-detached and terraced houses and bungalows. A target mix is included in the Council's Supplementary Planning Document on size, type and tenure of new homes. However recent research carried out by GL Hearn, outlined above, provides more up to date insight into the future requirements of the district. The need for 2 and 3 bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). The proposed mix as shown in the table below is closer to the recent evidence than the target in the Size, Type and Tenure SPD. A large number of four bedroom properties are also proposed, however, it is accepted that these units help to achieve the financial viability of the development. The development will also provide a number of bungalows which the Strategic Housing Market Assessment has also identified as in demand across the district.

Type	Target Percentage SPD	No. of Units	Proposal
One Bedroom	10%	0	0
Two Bedroom	35%	63	27.8%
Three Bedroom	25%	111	49.10%
Four Bedroom	10-15%	52	23%
Bungalow	10%	11	4.8%

Table showing proposed mix of dwelling types

- 5.21 In response to growing concern over the size of new homes and after the publishing of the Nationally Described Space Standards, the Council included these standards in the Size Type and Tenure SPD as a guide for the provision of new homes. The SPD therefore supports the use of the Nationally Described Space Standards as a benchmark against which the amenity value of a proposed unit can be assessed. The Emerging Local Plan also enshrines the Nationally Described Space Standards in Policy HG2 – Delivering the Right Type of Homes. The table below shows a breakdown of the house types proposed and their sizes, in relation to the Nationally Described Spaces Standards.

House Type	Size type	Nationally Described Space Standard	Gross Internal Area	No of Units
Amersham	3B4P	84	90	14
Ashenford	2B3P	70	70.1	56
Benford	3B4P	84	84	52
Coltham	4B7P	115	115.3	25
Colton	3B5P3S	99	105.4	24
Huxford	4B5P	97	109	14
Kingdale	3B4P	84	95.35	17
Kirby (bungalow)	3B4PSS	74	89.3	4
Manford	4B6P	106	127.07	13
Stokesley (bungalow)	2B3PSS	61	69.9	7

Table showing comparison of proposed internal floor areas against the Nationally Described Space Standard

Design and Amenity

- 5.22 Paragraph 124 of the NPPF indicates that 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.
- 5.23 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.24 Planning Policies CP16 – Protecting and Enhancing Natural and Man Made Assets, CP17 – Promoting High Quality Design, DP30 – Protecting the Character and Appearance of the Countryside, DP32 – General Design and DP33 – Landscaping are relevant. In summary all of these policies require in some way that proposals

enhance and respect their surroundings, promote a public realm which is rich in identity, attractive and safe, and create opportunities for connected layouts.

- 5.25 The current proposal is for Reserved Matters approval for 226 dwellings achieving a density of 35.5 dwellings per hectare. Policy NM5D indicates a target density of approximately 35 dwellings per hectare. The layout of the scheme has been designed generally in accordance with the Illustrative Masterplan 0000-0019 Rev A which was produced by Spawforths and was the subject of condition 4 of the Hybrid permission.
- 5.26 The site is to be accessed from Darlington Road via the roundabout completed as part of Phase I or alternatively from Stokesley Road following completion of the proposed Link Road and bridge over the railway line, which will join the existing, completed sections of the new Link Road. From there, access is gained through the Phase I development or otherwise to the west of the school site. Further access could be gained from the eastern side of the school through the Phase II Persimmons site, albeit a more complicated route. The site also features a public footpath which runs from the northern end of the site, down the length of the western side of the site and terminating within the Phase I development.
- 5.27 All units are to be constructed in brick with either double roman red roof tiles or flat anthracite roof tiles. All units include details such as front canopies and staggered frontages which create depth and interest in the street-scene. In addition the layout also features staggered building lines avoiding regimental uniform frontages.
- 5.28 The dwellings are to be constructed in street fronting blocks with, in the majority, rear amenity spaces backing onto each other. The site has been laid out so that in most cases dwellings do not face each other directly i.e. front elevation facing front elevation. The dwellings are mainly oriented side to front. In general the separation distance between rear elevations is between 20 and 27 meters and 14.5 and 24 meters between front elevations.
- 5.29 The Designing out Crime Officer remarked that in general the design of this phase of the development is appropriate and causes no significant concerns in relation to Designing Out Crime. The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.
- 5.30 Both the Highways Officer and the Designing out Crime Officer commented that there was no provision for secure cycle storage. The Highways Officer noted, however, that this should only be provided for plots that do not feature a garage. Policy DP3 indicates that all proposals for new development must include provision for sustainable forms of transport to access the site which includes safe provision for cycle parking. In response the applicant has included secure cycle storage in the form of wall mounted cycle racks to be installed to the rear of the properties that do not feature a garage.
- 5.31 The development includes details of two types of boundary treatments to be included within the site. The boundary treatment layout plan shows that all of the rear gardens are to be enclosed by 1.8m close board fencing. Whilst at first glance this would appear to result in a stark and enclosed street scene, when viewed alongside the landscaping plan it can be seen that the impact of the uniform fencing is, in many areas, offset by shrub planting between the fencing and the footpath. Timber kick rail fencing is proposed to separate the residential areas from the public open space areas on the edge of the site.
- 5.32 A Geo-environmental Appraisal was submitted in support of the Hybrid application. This assessment found no significant contamination encountered on the site and therefore no remediation was required. It is considered, however, that a condition is

appropriate to ensure that if any contamination is found during the construction phase that it is dealt with and mitigated against in an appropriate manner.

- 5.33 The application site lies adjacent to commercial and industrial premises on Thurston Road, and the impact of noise and the potential for noise complaints was a principal issue on the Hybrid application attracting concern from both the public and existing nearby businesses. Furthermore, given the construction of a strategic link road around the town and the proximity of many of the new dwellings and the school to that link road, there is potential for the noise from the road to also become a noise nuisance for occupiers of adjacent sensitive buildings.
- 5.34 Policy CP1 – Sustainable Development, of the Local Plan seeks protection of health, economic and social well-being, amenity and safety of the population, while Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. Furthermore, Policy DP44 states that noise sensitive development will not be permitted in areas where potential for harmful noise levels is known to exist. In addition to this Policy CP21 states that Development and service provision must seek to ensure that communities and the environment are not adversely affected by the actions of natural or other forces. Proposals must take particular account of the need to mitigate development from the consequences of pollution, noise or hazardous activities.
- 5.35 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.36 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.37 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.
- 5.38 Whilst the Hybrid application was considered under slightly different policy conditions (NPPF 2012 and Planning Practice Guidance) the principles in relation to the assessment of noise are similar. The Hybrid report quotes the guidance of the time which indicated that the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development’s building envelope.
- 5.39 Current guidance states Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.

- 5.40 In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.
- 5.41 The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).
- 5.42 The report relating to the Hybrid permission indicates that similar concerns and issues were raised on that application as this. The following is an extract from the Hybrid report:

As noise is a complex technical issue the information prepared by the applicants' acoustic consultants (PDA) and criticised by Allerton Steel's acoustic consultants (Dragonfly) has been reviewed by Council's Environmental Health Team, who are experienced specialists in this area. There has been some dispute between the two consultants regarding the correct standard of noise assessment for the proposed development with PDA having only assessed BS8233: 2014 – 'Guidance on Sound Insulation and Noise Reduction for Buildings' and Dragonfly insisting that BS4142: 2014 – 'Methods for Rating and Assessing Industrial and Commercial Sound' should also be considered to determine the level of noise generated by Allerton Steel above background noise levels. However, PDA consider that, as Allerton Steel already exists and their noise is already part of the context for the site, its noise already forms part of the background noise levels.

Clause 8.5 of BS4142: 2014 provides legitimacy to PDA's argument, for it states that "where a new noise sensitive receptor is introduced and there is extant industrial and/or commercial sound, it ought to be recognised that the industrial and/or commercial sound forms a component of the existing environment. In such circumstances other guidance in addition to or alternative to this standard can also inform the appropriateness of both introducing a new noise sensitive receptor and the extent of required noise mitigation." This approach was confirmed as acceptable by Environmental Health prior to the submission of the application.

The EHO has advised that the noise levels reported by PDA (which includes noise from Allerton Steel and the proposed Road) at the dwellings adjacent to the link road are between 56 dB(A) to 64 dB(A), while Dragonfly's report identifies the overall noise impact of between 60 dB(A) and 64 dB(A). The EHO has also advised that noise exposure predictions submitted by both consultants for the Phase 1 residential scheme identifies traffic noise as the dominant noise source during day and night time measurements, regardless of any noise from Allerton Steel.

Thus, while the noise predictions far exceed those recommended by BS8233: 2014, they confirm that Allerton Steel would not be the underlying cause, which in some regards demonstrates that the two developments can safely co-exist. Notwithstanding that, there is a requirement for the developer to reduce the internal noise levels of those properties affected. The Noise

Contour Maps included within the PDA report are a suitable indicator of where the impact would be felt.

PDA, Dragonfly and the EHO all conclude that dwellings on the north side of the link road could be suitably designed and/or orientated to comply with BS8233: 2014. Measures can include all, or some of the following:

- a) Revised position / orientation of the buildings in relation to the noise source(s);*
- b) Provision of acoustic barriers;*
- c) Increasing the sound insulation of the building; and /or*
- d) Planning of the interior layout of the building.*

The EHO considers that the internal noise levels could be achieved with the use of c) and d) alone but the noise levels in the gardens, as identified in PDA's own report, will be above those recommended and, without acoustic barriers, may be unachievable. However, it is noted that the rear gardens to houses will benefit from shielding from the dwellings themselves and fencing, which will bring the noise down to 55 dB LAeq 16 hours and below in the majority of cases.

- 5.44 The current proposal is to mitigate noise through acoustic glazing and the provision of mechanical ventilation. The details of both have been reviewed by the Council's Environmental Health Officer who has raised no objections to the proposal.
- 5.45 Comments have been received from Allerton Steel and their agent which indicate that they were again surprised that that BS4142: 2014 – 'Methods for Rating and Assessing Industrial and Commercial Sound' had not been referenced in the current PDA noise assessment. In addition to this they would argue that the windows of the relevant properties should be "non-opening" to ensure that the mitigation measures secured by the noise insulating glazing are maximised. It is considered, however, that due to the intermittent noise generated by Allerton Steel it would be unreasonable to insist on non-opening windows. In addition the guidance outlined at 5.35 above indicates that statutory nuisance can be avoided when the development is used as designed by keeping the windows closed. It is considered therefore that the proposed mitigation is acceptable without non-opening windows.
- 5.46 Allerton Steel also argue that the original application had been reliant on the assumption that intervening development would be sited on land to the north of Allerton Steel providing further noise mitigation between Allerton Steel and the proposed dwellings. This has not occurred because a separate application for full planning permission (not subject to the conditions of the Hybrid permission) was submitted and approved for an NHS building. It is not reasonable to insist that a development provide mitigation for an existing issue that is not exacerbated or impacted by the proposed development. Any mitigation must relate solely to the protection of the proposed development. In addition to this the PDA noise assessment and results are based on a worst case scenario of no development occurring between Allerton Steel and the proposed dwellings. It is therefore immaterial whether the NHS building provides a noise barrier or not.
- 5.47 In addition to the above the outline permission contains a condition (number 36) which requires that, regardless of phase, internal noise levels outlined in the condition not be exceeded. If the internal noise levels are exceeded then additional noise attenuation measures must be implemented. It is considered that the proposed mitigation, subject to final ventilation details, is acceptable and will achieve the required internal noise levels. Additional safeguarding is also provided by condition 36 as outlined above.

Highways Safety

5.48 North Yorkshire County Council Highways Officers were consulted on the application and made the following comments on the submission.

- The internal road layout should be designed to restrain speeds to 20mph and therefore it is suggested some additional traffic calming measures are provided on the relatively straight sections of carriageway that exceed 80m in length between junctions or bends.
- It is noted that the shared surfaces areas of carriageway have not made provision for any visitor parking bays, where possible visitor bays contiguous with the highway should be provided.
- For those dwellings where a garage is not included, a secure facility to lock bicycles should be provided.
- 4. Insufficient distance has been provided from the access to plots 1-3 and the junction with the link road, making manoeuvres into the access difficult and limiting the visibility at the access.
- The junction spacing adjacent to plot 30 and the next junction should be increased to a minimum of 30m

5.49 In response to this the applicant submitted a revised layout to address these comments. The Highways Officer subsequently requested the provision of an additional raised table at plots 7 and 8 and details of secure cycle storage. In response the applicant updated the layout again to include the raised table and also provided details of a wall mounted secure cycle storage rack. The Highways Officer has now agreed that his comments have been adequately addressed and there are no Highways Objections to the scheme.

Landscaping

5.50 LDF Policy DP33 states that landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and:

- i) creates a visually pleasant, sustainable and biodiversity-rich environment;
- ii) provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged;
- iii) protects and enhances key landscape features;
- iv) creates new features and areas of open space that reflect local landscape character;
- v. contributes to character, appearance and sense of place;
- vi) promotes a public realm which is rich in identity, attractive and safe.

5.51 In consideration of the Hybrid application it was found that the proposed development would create a change in the land-use and landscape character of the development site. The nature of this change would, however, be similar in scale and complimentary in character to that existing elsewhere within the local area and the mitigation measures incorporated into the design would help to assimilate the development into the wider landscape and townscape context. Condition 8 of the Hybrid permission indicates that any reserved matters applications should be accompanied by individual planting plans for each phase or sub-phase along with a landscape masterplan for the entire site encompassing all areas identified on the "Open Space and Landscape Framework" Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev A submitted with the Hybrid application. The condition also lists a number of other criteria which should be addressed at reserved matters stage including mitigation measures as detailed in the Landscape and Visual Impact Assessment (submitted with the Hybrid application), ecological enhancement measures, landscaping for watercourses, detailed scheme for the northern boundary, detailed

scheme for the “Meander at Hawthorn” area (Public Open space to the east of the development but west of the railway), planting plan for the phase and an implementation and management plan.

- 5.52 Part (a) of condition 8 relates to the mitigation measures recommended in the Landscape and Visual Impact Assessment that was submitted with the Hybrid application. Of relevance to this Phase are mitigation measures relating to View Zone 2 (Northallerton Road), View Zone 3 (South Brompton and Sports Club), View Zone 5 (Darlington Road) and View Zone 6 (The Footpath Network). The recommended mitigation measures are detailed in the table below.

View Zone	Mitigation measures recommended by LVIA
2 Northallerton Road	<ul style="list-style-type: none"> • Hedgerows/trees on the eastern edges • Internal planting within the body of the proposed development • Planting of the link road embankments
3 South Brompton and Sports Club	<ul style="list-style-type: none"> • Hedgerows/trees on the eastern and north eastern edges • Internal planting within the body of the proposed development
5 Darlington Road	<ul style="list-style-type: none"> • to enhance the proposed development particularly within the park and local centre, making it clear that this is the entrance to a vibrant burgeoning town
6 The Footpath Network	<ul style="list-style-type: none"> • native hedgerows and randomly located trees

- 5.53 Condition 8 suggests that these mitigation measures should form part of the reserved matters landscape proposals. The submitted landscaping scheme shows the retention of existing hedgerows and ground vegetation around the full boundary of the site. In addition these area are to be either seeded or laid with turf and amenity seed mix. The foothpath which borders the site is to be laid with rolled gravel and timber edging. Detailed landscaping plans show internal planting within the site. This includes small pockets of open space with randomly located trees, tree planting within plots and bulb planting.
- 5.54 The ecological enhancements required by condition 30 refer to those outlined in Chapter 8: (Biodiversity) of the Environmental Survey undertaken as part of the Hybrid application. These include:
- Semi natural meadow areas
 - Dense native woodland planting along the embankments of new access, which will run from east to west in the centre of the development
 - Large native trees including oak (*Quercus robur*), hornbeam (*Carpinus betulus*), lime (*Tilia* sp.) and beech (*Fagus sylvatica*).
 - Retained hedgerows will be planted / gapped up to include a range of species such as holly (*Ilex aquifolium*), hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), oak (*Quercus* sp.), field maple (*Acer campestre*) and hazel (*Corylus avellana*).
 - SUDs ponds will be created, which could be profiled to maximise wildlife gains and either left to acquire floral species naturally, or planted up with suitable native species.
- 5.55 It is accepted that not every phase of the wider development can meet the above requirements. Much of the above is met within the large open space area to the east of this site which is incorporated within the Persimmons Phase II application which is also being considered at the present time.

- 5.56 It should be noted that at the Hybrid stage it was acknowledged that dense tree planting along the highway would be likely to attract an objection on highways safety grounds. This area of development has only a small stretch of the Link Road within the development area. The area immediately adjacent to the Link Road is to be seeded. Tree and bulb planting has been located on the access road off the Link Road.
- 5.57 The submitted landscaping scheme shows a large amount of retained hedgerow. The Landscape Management and Maintenance Plan indicates that when necessary native hedges will be “gapped up” through the replacement of failed plants with new specimens of the same species. The plan also specifies the timing and method for planting.
- 5.58 It is considered that the landscaping scheme for the phase meets the requirements of condition 8 of the Hybrid permission. In addition it is considered that the proposed scheme will adequately assimilate the development into the wider area and soften the built form within the site.

Planning Balance

- 5.59 The proposed development will contribute to the delivery of an appropriate mix of market housing in the District and in particular the Northallerton Sub Area. The development will also contribute to the delivery of a significant infrastructure project for the District in the Link Road and bridge, connecting the east and west of the town. The development will also assist in the delivery of a new school associated with the North Northallerton project and the provision of land for the development of the Sports Village.
- 5.60 In the context of the hybrid approval and the allocation policy, it is considered that the proposed development otherwise meets the requirements of relevant Council Policy and is considered to be acceptable in this instance.
- 5.61 The design and layout of the proposed development is considered to be acceptable and the development is considered broadly to accord with the requirements of the outline planning permission. As such the proposed development is recommended for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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) numbered and received by Hambleton District Council on:

Location Plan 20333-LP received 06.09.2019

Boundary Treatment Layout Plan 20333:01 Rev A received 15.01.2020

Planning Layout 20333:00 Rev R received 14.01.2020

Amersham SP Elevations PD30/7/PL2 A received 09.01.2020

Amersham SP Floorplans PD30/7/PL1 B received 09.01.2020

Ashenford Elevations NA20/7/PL2 A received 30.08.2019

Ashenford Floorplans NA20/7/PL1 A received 30.08.2019

Benford Elevations NA30/7/PL2 A received 30.08.2019

Benford Floorplans NA30/7/PL1 A received 30.08.2019

Coltham Floorplans ND40/7/PL1 A received 09.01.2020

Coltham Elevations ND40/7/PL2 A received 30.08.2019
 Colton Elevations NB32/7/PL2 A received 30.08.2019
 Colton Floorplans NB32/7/PL1 A received 30.08.2019
 Huxford Elevations NA42/7/PL2 A received 09.01.2020
 Huxford Floorplans NA42/7/PL1 C received 09.01.2020
 Kingdale Elevations NT31/7/PL2 A received 09.01.2020
 Kingdale Floorplans NT31/7/PL1 A received 09.01.2020
 Kirkby Elevations Z031/6/PL2 received 30.08.2019
 Kirkby Floorplans Z031/6/PL1 A received 09.01.2020
 Manford Elevations NA44/7/PL2 A received 30.08.2019
 Manford Floorplans NA44/7/PL1 A received 30.08.2019
 Stokesley Elevations Z021/6/PL2 received 30.08.2019
 Stokesley Floorplans Z021/6/PL1 received 30.08.2019
 Single Garage SG:30:T received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-01 B received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-02 B received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-03 B received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-04 B received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-05 B received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-06 B received 30.08.2019
 Detailed Soft Landscape Proposals for Plots JBA 19/-054-07 B received 30.08.2019

3. Prior to commencement of any work above ground level a scheme shall be submitted to and approved by the Local Planning Authority for the proposed cycleway connection to the Link Road. The link shall then be established, in accordance with the approved details before the occupation of the 150th dwelling on this phase of the development.

4. Prior to occupation of the dwellings, hereby approved, the secure cycle storage solution as detailed on Specification Sheet Westerham Bike Track Version 1 03-08-2012 received by Hambleton District Council on 28.01.2020 shall be installed on all properties which do not have access to a garage.

5. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

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) DP31, DP32.
3. In the interest of highway safety.
4. To promote sustainable forms of transport in accordance with Policy DP3.
5. 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.

Appendix 1.

SUMMARY OF KEPPIE MASSIE RESPONSE ON VIABILITY

I refer to the most recent appraisal sent across by the consortium under of an email dated 8 January. The appraisal is based on a scheme of 730 dwellings with no affordable, and assumes an area of land will be sold to Broadacres for the sum of £3.5m. In reviewing the appraisal I have not sought to verify this purchase price for the site and have assumed that the Council is content with the price being paid.

Outcome of Appraisal (Dated 8 January 2020)

The new appraisal generates a net residual land value of £21,403,576 which based on the gross site area (125.85 acres) equates to £170,071 per acre.

The minimum land value per acre is £210,000 which would apply to the gross site area give a minimum land value requirement of £26,428,500. This means that the scheme makes a loss of £5,024,924.

Sales Revenues

The original March 2019 appraisal assumes a GDV per sq.ft for the market housing of £226 per sq.ft.

The January 2020 appraisal is based on a reduced GDV for the market housing of £221.44 per sq.ft.

The S106 Agreement contains a definition of actual sales as all payments received or receivable by the owners on disposals of each and every dwelling. Net sales are then defined with reference to the following formula:

A-(B+C+D)

Where

- A = Actual Sales
- B = Sales Incentives
- C = Part Exchange Incentives
- D = CIL Contribution

The agreement contains a definition of sales incentives as a fixed sum of 5% of the actual sales. This suggests a requirement to apply 5% to all sales irrespective of the actual level of incentive that is agreed for the particular dwelling.

Based on the further information provided by the consortium I have been able to verify the sales information provided save for that in relation to TW plot 1 were neither Land Registry nor TW have provided details of the sales price of the dwelling. Excluding this from the analysis the table below contains details of the actual sales prices and sales incentives.

Based on actual sales data					
	Total Land Registry/Sold Prices	Total Incentives	Total Net Prices	Net Price per Sq.ft	Incentives % sale price
Taylor Wimpey	£19,640,471	£469,778	£19,170,693	£231.75	2.39%
Persimmon	£14,789,200	£343,880	£14,445,320	£222.25	2.33%
Total	£34,429,671	£813,658	£33,616,013	£227.57	2.36%

This shows that the level incentives agreed to date is in fact only 2.36% overall, not 5% as provided for the agreement. Based on the actual information regarding incentives then the net sales rate that should be in the appraisal for the market housing is £227.57 per sq.ft, rather than £221.44 per sq.ft.

I have then re-calculated the net price per sq.ft with 5% incentives included (as per the S106 agreement) and the table below contains details.

Assuming 5% deduction for incentives					
	Total Land Registry/Sold Prices	Total Incentives	Total Net Prices	Net Price per Sq.ft	Incentives % sale price
Taylor Wimpey	£19,640,471	£982,024	£18,658,447	£225.55	5.00%
Persimmon	£14,789,200	£739,460	£14,049,740	£216.16	5.00%
Total	£34,429,671	£1,721,484	£32,708,187	£221.42	5.00%

Based on a 5% incentive rate the net sales price would be £221.42 per sq.ft which corresponds with the figure contained in the current appraisal at £221.44 per sq.ft.

The definition of actual sales in the agreement refers to all payments received. It is matter for your solicitors to clarify but taken literally this could mean that the price paid for optional extras could be included in the definition.

I have only been provided with details of optional extras by TW however they increase the total GDV for the TW dwellings to £20,481,738. With 5% then deducted for incentives (as per the S106) the net sales price would be £19,457,652 or £235.21 psf. This effectively adds £10 per sq.ft to the TW net sales price and if this was replicated for Persimmon and carried through to the overall total then the net sales price would be circa £231 per sq.ft.

We have considered the impact of this later in this note.

Build Costs

You will recall that the S106 Agreement provides for the base build cost of £85 per sq.ft to be increased with reference to the BCIS tender price index (TPI).

The current financial appraisal includes a build cost rate of £99.71 per sq.ft reflecting the increase in TPI over the period since the date completion of the S106 Agreement in December 2016 to Q1 2019. You will see from the attached TPI figures that the Q4 2016 figure was 283 based on a sample of 25. When we previously looked at this in October 2019 the TPI figure for Q1 2019 was 332, hence the difference between 283 and 332 equates to a 17.31% uplift. The build cost figure in the original appraisal was £85 per sq.ft and applying a 17.31% uplift gave the figure of £99.71 per sq.ft.

The TPI index is fluid until all schemes that form the sample are complete and data submitted. I have attached latest January 2020 data which illustrates this. You will see that the Q1 2019 figure has now reduced to 328 which equates to an uplift in build costs of 15.9% rather than 17.31% previously. As a result there is now a reduced build cost figure of £98.52 per sq.ft. The Q4 2019 and the Q1 2020 figures are obviously less reliable as much data is still to be submitted, however the TPI index and respective build cost figures based on the level of increase are forecast as follows:

Q4 2019 – 330	£99.11 per sq.ft (16.6% increase)
Q1 2020 – 331	£99.42 per sq.ft (16.96% increase)

In all cases the build costs are less than the figure of £99.71 per sq.ft being used in the January 2020 version of the appraisal. This change in indices highlights the problem of using the TPI index. It may take a number of years for the particular index figure to be confirmed and hence in relation to this exercise it may be some time before the final figure is known. This could be higher or lower than that currently identified in the index, with a consequent impact on build costs. Obviously given the size and square footage of this scheme then even a small change in build cost can have a significant impact on total build costs and the level of affordable housing that can be supported.

For consistency with the earlier appraisals I have adopted a build cost based on the Q1 2019 TPI figure at 328, giving a build cost of £98.52 per sq.ft however I have also considered the position with a build cost of £99.42 per sq.ft based on the Q1 2020 TPI figure.

Technical Abnormals

The original financial appraisal for the development included an amount of £29,422,335 for the technical abnormalities. This was based on the RLB cost report (attached) which actually included an amount of £29,148,735 for abnormalities. I am not sure the reason for the difference between the two figures as I don't have the breakdown of figures that were used in the original appraisal. I understand however that these technical abnormalities were checked and verified by the QS for the DVS save for a proportion of the costs relating to abnormal foundations on the western side of the scheme which were verified by Mouchel.

The January 2020 appraisal contains a revised sum for technical abnormalities of £29,773,137. This is as per the RLB cost report with an additional amount of £624,402 which is the extra over cost of providing a concrete attenuation tank. A quote has been provided for the cost of the attenuation tank in the sum of £718,902. Item 3.05.q of the RLB cost report details a retention basin at £94,500. I understand that this basin now needs to be increased to an attenuation tank costing £718,902. The difference between these two figures is £624,402 which is the extra over cost.

Our QS has made the point that he can't provide advice about the need for and the volume of the new attenuation tank, but he is satisfied that based on the requirements, size of tank assumed etc that the costs appear to be reasonable. Hence on the basis of the additional cost of this new tank only, the revised technical abnormalities cost of £29,773,137 is reasonable.

We have not been instructed to undertake a review of any of the other abnormal costs contained in the RLB report to confirm whether they remain reasonable, and have simply been asked to carry these forward into the current appraisal. Notwithstanding this I have noted that the RLB cost report related to the original scheme of 900 units. The most recent appraisals are for 839 dwellings or 730 dwellings in the January 2020 appraisal (assuming some land is sold to Broadacres). Many of the costs in the RLB report relate to offsite road works and onsite strategic works and the requirements in relation to these items may not change notwithstanding the changes to the scheme in terms of the number of dwellings.

There is however a section in the RLB costs relating to "on plot works" and these total £8,584,582. Details are contained starting on page 40. These costs include items such as abnormal foundations (ie piling), underbuild, suspended floor slabs etc. The costs for abnormal foundations are £3.37m for the east side of the site and £2.93m for the west side of the site. There are also planning abnormalities for matters such as chimneys, render etc at £2,000 per dwelling – a total of £1.8m. It occurs to me that although the consortium have included the e/o cost for the new tank, they haven't reviewed the on plot works abnormal costs to provide a revised total based on the reduced number of dwellings (down from 900 on which the cost assessment was based to 730 dwelling in the latest appraisal).

I understand that part of the site is being sold to Broadacres, although I don't know the basis of deal and obligations of consortium in terms of laying out the site, but presumably these on plot works will now be undertaken by Broadacres in the context of their site rather than the consortium. As a result the costs should surely reduce.

I am aware that you are keen to conclude matters, and you may decide to pick this particular point up in undertaking the first re-appraisal scheduled under the S106 agreement that should be based on the "actual abnormal costs". Alternatively you may wish to address this matter with the consortium as part of the current negotiations.

Summary

Based on the comments above I can confirm that:

GDVs - Based on a 5% incentive rate (as noted in the S106 agreement) and the sold price for each dwelling, then the net sales price would be £221.42 per sq.ft which corresponds with the figure contained in the current appraisal at £221.44 per sq.ft. The actual net sales price based on the incentives that have in fact been offered is £227.57 per sq.ft. I have also noted that the definition of actual sales in the S106 agreement refers to all payments received. It is a matter for your solicitors to clarify but taken literally this could mean that the price paid for

optional extras should be included in the total. I only have this information regarding optional extras from TW however if there was a similar position with Persimmon then overall this could very approximately add £10 per sq.ft to the overall net sales price giving a figure of around £231 per sq.ft.

Build Cost - The build cost figure in the original appraisal was £85 per sq.ft and applying a 17.31% uplift based on TPI gave the figure of £99.71 per sq.ft.

The TPI index is fluid until all schemes that form the sample are complete and data submitted. The latest January 2020 data illustrates this and the Q1 2019 figure has now reduced to 328 which equates to an uplift in build costs of 15.9% and hence a reduced build cost figure of £98.52 per sq.ft. If the Q1 2020 TPI figure is used the revised build cost figure is £99.42 per sq.ft.

Technical Abnormals – We have been asked to review the extra over cost for the proposed concrete attenuation tank in the amount of £624,402. Our QS is satisfied that this cost is reasonable. If this additional cost is added into the RLB total cost for technical abnormalities then this gives a revised total of £29,773,137, which is the figure contained in the January 2020 appraisal.

We have not been asked to further review the technical abnormal costs as these have previously been verified on your behalf by others. We have however noted that within these costs there are “on plot works” and these total £8,584,582. The works relate to matters such as abnormal foundations and planning requirements such as chimneys, render etc. The costs are based on 900 dwellings. Assuming the development is now reduced to 839 dwellings or 730 dwellings, if the land is sold to Broadacres, we would expect there to be some reduction in these costs to reflect fewer dwellings. You may wish to raise this matter with the applicant and seek confirmation of the revised costs.

Appraisal Results

With reference to the above comments, there are obviously a number of approaches that can be taken to the appraisal for the development. Putting to one side the point regarding a possible reduction in technical abnormalities, I have looked at the impact of the different approaches to net sales price and building costs. I have used the base appraisal previously agreed by the parties and modelled both the scheme with the land sale to Broadacres and also the 839 dwelling scheme. For the Broadacres appraisal I have retained the land sale price of £3.5m included in the current appraisal. As noted earlier I have not sought to verify whether this figure is reasonable and have simply retained it in the various appraisals. I have adjusted the appraisals based on the following options:

Option 1

Net sales prices based on sold prices less 5% for incentives (as per the S106 agreement) at **£221.44 per sq.ft.** This is as per the current appraisal and is probably the more correct interpretation if following the requirements of the S106 Agreement.

Option 2

Net sales prices based on the actual net sales prices achieved for the development to date at **£227.57 per sq.ft.** As this appraisal is technically taking place outside of the S106 Agreement re-appraisal dates you might wish to argue sales prices based on the actual figures achieved to date.

Option 3

This is a hypothetical exercise to demonstrate, if you could sustain an argument that optional extras should be included in the calculation of net sales prices, what the appraisal impact would be. As noted I only have this information regarding optional extras from TW however applying this to Persimmon could very approximately add £10 per sq.ft to the overall net sales price giving a figure of around **£231 per sq.ft.**

For consistency with the current appraisal I have adopted build costs based on an uplift to Q1 2019 at **£98.52 per sq.ft.** I have also prepared further appraisals to show the impact of Q1 2020 build costs at **£99.42 per sq.ft.**

For each option I have prepared an appraisal based on 839 dwellings and then also assuming 730 dwellings and the land sale to Broadacres.

Viability is tested by achieving a minimum land value of £210,000 per acre across the gross site area which gives a figure of £26,428,500. For each appraisal I have adjusted the amount of affordable housing required to achieve the minimum land value, and in those cases were even with no affordable housing the scheme doesn't achieve the minimum land value, I have identified the shortfall in the residual land value against the minimum land value requirement. The results are detailed below and a sheet containing the results is attached. Please let me know if you would like me to send over the appraisals themselves.

Option 1 Results

<u>Without Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Shortfall
£98.52	£26,428,500	0%	£24,623,111	-£1,805,389
£99.42	£26,428,500	0%	£23,855,148	-£2,573,352

<u>With Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Shortfall
£98.52	£26,428,500	0%	£22,301,709	-£4,126,791
£99.42	£26,428,500	0%	£21,622,449	-£4,806,051

Based on option 1 then each of the options produces a shortfall even with no affordable housing. This suggests that the development would not be sufficiently financially viable based on the appraisal assumptions and requirements of the S106 agreement to support any affordable housing. This conclusion is however caveated by the comments made earlier in relation to the technical abnormalities and in particular the "on plot works". With reductions to the cost of the "on plot works" the shortfall may reduce, although this may not be to a sufficient level to support any significant affordable provision.

At the moment the results which include the sale to Broadacres are less viable however arguably these results over compensate for the cost of "on plot works" and a reduction in these costs to reflect fewer dwellings would improve the viability position.

Option 2 Results

<u>Without Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Surplus/Shortfall
£98.52	£26,428,500	2.40%	£26,503,011	£74,511
£99.42	£26,428,500	1.40%	£26,491,473	£62,973

<u>With Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Shortfall
£98.52	£26,428,500	0%	£25,569,986	-£858,514
£99.42	£26,428,500	0%	£24,890,725	-£1,537,775

Option 2 is based on the actual level of sales incentive to date and hence net sale price – not the 5% allowance for incentives contained in the S106 agreement.

As this appraisal exercise is taking place outside of those allowed for in the S106 agreement you may therefore wish to argue in this case the calculation should be based on the actual net sales prices not a hypothetical position with a 5% allowance for incentives. The results here show that in the absence of the sale to Broadacres the development could support a low level of affordable provision which could improve further with a reduction in the "on plot works" abnormal costs due to the reduced number of dwellings.

Again the appraisals based on the sale to Broadacres are less viable which as noted above is arguably due to over compensating for the cost of "on plot works" abnormals for 900 rather than 730 dwellings. A reduction in this cost might allow a small amount of affordable housing to be delivered.

Option 3 Results

Without Broadacres				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Surplus/Shortfall
£98.52	£26,428,500	5.00%	£26,500,620	£72,120
£99.42	£26,428,500	4.10%	£26,432,048	£3,548

With Broadacres				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Surplus/Shortfall
£98.52	£26,428,500	1.40%	£26,436,448	£7,948
£99.42	£26,428,500	0.40%	£26,444,530	£16,030

Option 3 is a hypothetical exercise which assumes a similar level of optional extras on the Persimmon dwellings as Taylor Wimpey. The results show that in all cases a small amount of affordable housing could be supported and a reduction in the "on plot works" abnormal costs could increase further the level of affordable provision. This option does of course depend on the revenues received for optional extras being included in the gross price, and this is matter that we are not qualified to advise on.

Parish: Brompton
Ward: Northallerton North & Brompton

Committee Date : 6th February 2020
Officer dealing : Aisling O'Driscoll
Target Date: 15 October 2019
Date of extension of time: 10th February 2020

3

19/01530/REM

Application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with the construction of 246 residential dwellings on Persimmon Homes' second phase

**at Phase 2 (Persimmon Homes) Darlington Road Northallerton North Yorkshire
For Persimmon Homes.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The wider North Northallerton Development Area is located approximately 1km north of Northallerton town centre. It measures approximately 52.8 hectares and is bounded by the A167 Darlington Road to the west and A684 Stokesley Road to the east. To the north lies open countryside with the settlement of Brompton beyond that. The wider site is bisected by the Northallerton to Middlesbrough train line running approximately north/south through the site.
- 1.2 More specifically the site that is the subject of this application, the Persimmon Homes Phase 2 Area, is approximately 17.34 hectares in size. It is made up of a large irregular shaped parcel of former agricultural land which is bounded by the aforementioned Northallerton to Middlesbrough railway on its eastern edge. Secondly, there is a smaller piece of land immediately north of the Persimmon Phase 1 Development Area. The two areas are separated by a large strip of land which is the subject of a separate reserved matters application (19/01854/REM) for Phase 2 of the Taylor Wimpey Homes development. Outline permission was secured for both sites under the same hybrid application 15/01083/HYB, granted consent in 2016.
- 1.3 This application seeks approval for the reserved matters regarding access, appearance, landscaping, layout and scale in relation to the construction of 246 residential dwellings as part of the wider North Northallerton Development Area. Outline permission for this was granted for a mixed use development made up of a total of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking. Furthermore, under the same hybrid application full planning permission was granted for 291 dwellings and associated earth works and infrastructure, including roundabouts and a road bridge crossing the railway line and associated Link Road from East to West.
- 1.4 This scheme proposes a mix of two, three and four bedroom dwellings including bungalows.
- 1.5 It should be noted that the Hybrid approval included extensive conditions and a detailed S106 agreement which deals with a variety of matters directly relevant to this site, including matters relating to; drainage, levels, landscaping, delivery of the school and open space and matters relating to the delivery of the Link Road and affordable housing, amongst other matters. As such matters other than the layout, unit design and size are not dealt with in this report.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01083/HYB – mixed use development of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking – all matters reserved except for access. – Permitted 5th December 2016
- 2.2 18/02299/FUL – full planning application for the construction of a Pre-Delivery Inspection Workshop for the preparation of vehicles (sui generis), storage of vehicles (B8), access car parking, landscaping and associated work. – Permitted 25th March 2019
- 2.3 18/02720/FUL – application for the construction of 72 dwellings – Pending
- 2.4 19/01110/FUL – Construction of new healthcare building providing office and assessment spaces for multi-disciplinary, community based mental health teams. – Granted

3.0 RELEVANT PLANNING POLICIES

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

- Allocations DPD – NM5A West of Northallerton – Middlesbrough Railway
- Allocations DPD - NM5D East of Darlington Road
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP20 - Design and the reduction of crime
- Core Strategy Policy CP21 - Safe response to natural and other force
- Development Policy DP1 - Protecting amenity
- Development Policy DP3 - Site accessibility
- Development Policy DP4 - Access for all
- Development Policy DP6 - Utilities and infrastructure
- Development Policy DP13 - Achieving and maintaining the right mix of housing
- Development Policy DP15 - Promoting and maintaining affordable housing
- Development Policy DP29 - Archaeology
- Development Policy DP30 - Protecting the character and appearance of the countryside
- Development Policy DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policy DP32 - General design
- Development Policy DP33 - Landscaping
- Development Policy DP34 - Sustainable energy
- Development Policy DP37 - Open space, sport and recreation
- Development Policy DP39 - Recreational links
- Development Policy DP43 - Flooding and floodplains
- Open Space, Sport and Recreation SPD
- Affordable Housing SPD

- Community Infrastructure SPD
- Size, Type and Tenure of New Homes SPD

4.0 CONSULTATIONS

- 4.1 Environment Agency – no objections
- 4.2 Environmental Health Contaminated Land – recommend a condition be attached regarding the need for an assessment of the risks posed by contamination
- 4.3 Historic England – no comments
- 4.4 HDC Planning Policy – no objection
- 4.5 Highways – No objection subject to acceptable landscaping amendments (awaited) and the provision of a solution to the termination/junction of the cycleway (at the western side of the eastern access road) at/with the link road. A S38 agreement may be required.
- 4.6 Lead Local Flood Authority – no objection
- 4.7 MOD RAF Leeming – no safeguarding objections to the application subject to the agent confirming the attenuation basins will be predominately dry and hold water in the instance of a 1 in 100 year storm event.
- 4.8 Network Rail – recommends conditions relating to level crossing protection, boundary fencing, method statements, soundproofing and landscaping
- 4.9 North Yorkshire Local Access Forum – raised the following issues with the proposals:
 - Insufficient areas of public green space throughout the site
 - Insufficient visitor car parking
 - Pavement widths are not generous
 - Absence of cycle routes
 - Cycling/walking track should be included along the north eastern boundary
- 4.10 NYCC Rights of Way – no objection
- 4.11 Natural England – no comments to make
- 4.12 Swale and Ure Internal Drainage Board – object due to development proximity to the watercourse and lack of IDB consent for works. (Officer Note: It is understood that this objection relates to details which are yet to be agreed and are required by condition under the Hybrid application.)
- 4.13 Yorkshire Water – no observations
- 4.14 Third Party Representations – One observation was received from a neighbouring business raising the following issues:
 - Concern that the noise impact assessment submitted by the applicant is not robust
 - Concern that the mitigation measures proposed are insufficient to adequately protect occupants from nearby noise generating uses
 - Would prefer to see sealed non-opening windows
 - Does not take into account 24 hours working at Allerton Steel

5.0 OBSERVATIONS

- 5.1 The main planning considerations are considered to be: i) Principle of Development; ii) Affordable housing; iii) Size, Type and Tenure; iv) Design and Amenity; v) Highways safety and vi) Landscaping v) Other Matters

Principle of Development

- 5.2 The application site forms part of a large strategic site allocated for mixed development within the Allocations DPD – Policy NM5, as adopted by Full Council on 21 December 2010. The DPD states that proposal NM5 forms a strategic area for development providing significant housing and employment development and also providing recreation, leisure and community facilities and strategic infrastructure.
- 5.3 Allocation NM5 is divided into 7 sub areas, known as NM5A to NM5G. The site, subject of this application, falls under the NM5A sub area which was allocated for housing development and a small area under the NM5D sub area which was allocated for mixed housing and employment development. In 2015 the Hybrid planning permission granted outline consent for 900 dwellings across the wider site. An additional piece of land to the north of the allocation was also included in the Hybrid application and granted outline consent. The additional land was included in recognition of the substantial financial burden which the provision and timing of the provision, of strategic infrastructure, including centrally located land for the school and development of the Link Road and bridge, would impose.
- 5.4 The site represents the largest allocation in the Council's Local Development Framework and is highlighted as a priority in the North Yorkshire Housing Strategy and Local Investment Plan. The principle of the development of this wider site for housing, mixed uses and a Link Road has therefore been long established having been the subject of an independent examination in public by a Secretary of State appointed Planning Inspector. The examination agreed that the North Northallerton Development Area was the preferred option for further development of the town and found the Local Development Framework documents sound.
- 5.5 It is necessary to highlight that due to the passing of intervening legislation since the adoption of the LDF, such as the Community Infrastructure Levy Regulations, a number of the development contribution requirements contained within Policy NM5 will have altered or no longer be relevant.
- 5.6 In addition, it is necessary to highlight that in December 2013 the Council agreed to remove the phasing within Development Policy DP11 for the LDF's allocated housing sites through to 2026 (and thus also to the phasing suggested in Allocations Policy NM5) so as to help bring sites forward more quickly to boost housing supply. In this regard, the phasing identified within those policies is no longer applicable.
- 5.7 Finally, it is important to identify that following the adoption of the Allocations DPD a Masterplan Framework and Design Guidance document was prepared for the NM5 Allocation area by Taylor Young consultants, which provided conceptual design detail and expanded on the aspirations for the development of the entire site. The Masterplan was adopted by the Council in May 2011 and is a material consideration in the determination of this application.
- 5.8 In conclusion the principles of this development are well rehearsed and the framework for development set out in the approval of the Hybrid application, including the accompanying conditions and S106 agreement.

Affordable Housing

- 5.9 The matter of the affordable housing quotient for the development is a matter dealt with through the S106 agreement. However, it is considered necessary to provide an up-date on viability and affordable housing at this stage.

- 5.10 Local Plan Policy CP9 states that housing development of 15 or more dwellings (or sites of 0.5 ha or more) in service centres must make provision for affordable housing. It clarifies that the LDF seeks to achieve 40% affordable housing in Northallerton, although it also acknowledges that the actual provision on individual sites will be determined through negotiations, taking into account viability and the economics of provision. This is consistent with Paragraph 62 of the NPPF which states that where local planning authorities have identified that affordable housing is needed, planning policies should specify the type of affordable housing required, and expect it to be met on-site. However, Paragraph 57 allows for the submission and consideration of a further viability assessment by an applicant seeking permission which can take into account any changes in circumstances since the plan was brought into force.
- 5.11 Policy DP13 provides further advice on the provision of housing and states that housing proposals must provide for a mix of dwellings, in terms of size, type and tenure, which meets the needs of all sections of the local community, promotes sustainable communities and social cohesion; while Policy DP15 provides specifics on the key definitions and principles on which the provision of affordable housing will be achieved. These policies are further supplemented by the Council's Affordable Housing Supplementary Planning Document (adopted April 2015).
- 5.12 The Hybrid application allowed for a detailed assessment of viability at the time of its determination. This resulted in a 13.4% affordable housing contribution across the totality of the site. Given the sensitivity of sales values and the difficulties of delivering a large strategic site of this nature, a caveat was built into the affordable housing element of the Section 106 agreement to allow for a review of the affordable housing quotient through the course of the development. This caveat allowed for the affordable housing quotient to go down as well as up in order to ensure that the development remained viable and the crucial infrastructure elements of the project including the school and the Link Road would be delivered.
- 5.13 The developer has approached the Council with regard to phase 1 of the development, which as stated above was to deliver 13.4% affordable housing, with an initial request to roll the affordable housing quotient for phase 1 into phase 2 owing to viability issues with the phase 1 development. The Council requested a viability appraisal in order to justify this. This initial request occurred over a year ago and Officers agreed to the principle of this roll over of affordable housing from phase 1 to phase 2 subject to the submission of viability information to illustrate the number of units that would then roll from phase 1 to phase 2.
- 5.14 Since that time a number of other matters have impacted on viability including a reduction in the overall number of dwellings owing to a reduction in the developable area assumed at the time of the original viability assessment and a significant increase in building costs. The developer has now submitted a full and up-to-date viability assessment from the phase 1 development, effectively informing the initial phase 2 development. There remains a requirement for a full assessment of viability as set out in the S106 agreement. This allows for an interim appraisal no earlier than the practical completion of the 500th dwelling along with a final appraisal effectively following completion of the last unit.
- 5.15 The viability appraisal has been vetted on behalf of the Council by Keppie Massie who has undertaken a detailed assessment of the viability of the development. The conclusion from this is that whilst there remains a degree of uncertainty about the later stages of development, which would then be assessed through the further appraisal under the requirements of the S106 agreement, there is consensus that the Phase 1 development is not able to provide any affordable housing. A summary of the Keppie Massie findings is set out in Appendix 1 attached to this report.

- 5.16 The Hambleton Strategic Housing Market Assessment was published in October 2016 and updates the evidence of housing need in the district. The Assessment, conducted by GL Hearn, found that the majority of dwellings required, need to be two and three bedroom homes with the need for larger four bedrooms falling due to the existing level of provision. Alongside this, the Strategic Housing Land Availability Assessment was updated in September 2019. This assessment indicates that the North Northallerton development will contribute significantly to the completions rate over the coming years.
- 5.17 This in turn feeds into the Council's Housing Land Supply figure which currently exceeds 9 years. Having a healthy Housing Land Supply is of great importance to the future development of the district. Paragraph 11 (including footnote 7) of the NPPF asserts that the policies of the local plan which are most important for determining the application should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In such cases applications for housing must be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF or where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In short, local policies would be set-aside and control over the location of development significantly reduced. Indeed the Officers report relating to the Hybrid Permission indicated that at the time of consideration the Council could not demonstrate a 5 year supply of deliverable housing. This had resulted in a number of developments across the district being allowed at appeal.
- 5.18 Since then measures have been taken, such as the removal of phasing, to ensure that this position is not re-visited. As such the Council has been able to insist on better quality applications for the right type of housing in the right locations. The current proposal demonstrates this as there is a marked improvement in the quality of dwellings proposed. For example the dwellings now all meet or exceed the Nationally Described Space Standards securing a high level of amenity for future occupiers.
- 5.19 The proposal comprises a mix of two, three and four bedroom properties, including detached, semi-detached and terraced houses and bungalows. A target mix is included in the Council's Supplementary Planning Document on size, type and tenure of new homes. However recent research carried out by GL Hearn, provides more up to date insight into the future requirements of the district. The need for 2 and 3 bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). The proposed mix as shown in the table below is closer to the recent evidence than the target in the Size, Type and Tenure SPD. A large number of four bedroom properties are also proposed, however, it is accepted that these units help to achieve the financial viability of a development. The development will also provide a number of bungalows which the Strategic Housing Market Assessment has also identified as in demand across the district.

Type	Target Percentage SPD	No. of Units	Proposal
One Bedroom	10%	0	0
Two Bedroom	35%	54	21.9%
Three Bedroom	25%	124	50.4%
Four Bedroom	10-15%	68	27.6%
Bungalow	10%	10	4%

Table showing proposed mix of dwelling types

- 5.20 In response to growing concern over the size of new homes and after the publishing of the Nationally Described Space Standards, the Council included these standards in the Size Type and Tenure SPD as a guide for the provision of new homes. The SPD therefore supports the use of the Nationally Described Space Standards as a

benchmark against which the amenity value of a proposed unit can be assessed. The Emerging Local Plan also enshrines the Nationally Described Space Standards in Policy HG2 – Delivering the Right Type of Homes. The table below shows a breakdown of the house types proposed and their sizes, in relation to the Nationally Described Spaces Standards.

House Type	Size type	Nationally Described Space Standard	Gross Internal Area	No of Units
Wentwood	2B3PSS	61 m2	61.2 m2	10
Haldon	2B3P	70 m2	70.2 m2	27
Danbury	2B3P	70 m2	73.62 m2	17
Rendlesham	3B4P	84 m2	84.3 m2	34
Sherwood	3B4P	84 m2	88.32 m2	11
Delamare	3B4P	84 m2	90.29 m2	37
Charnwood	3B5P	93 m2	93.5 m2	10
Saunton	3B4P3S	90 m2	92.83 m2	22
Braunton	3B4P3S	90 m2	92.81 m2	10
Burnham	4B5P	97 m2	101.7 m2	27
Greenwood	4B6P3S	112 m2	114.22 m2	10
Marston	4B5P	103 m2	112.11 m2	15
Whiteleaf	4B5P	103 m2	114.6 m2	16

Table showing comparison of proposed internal floor areas against the Nationally Described Space Standard

Design and Amenity

- 5.21 Paragraph 124 of the NPPF indicates that 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.
- 5.22 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.23 Planning Policies CP16 – Protecting and Enhancing Natural and Man Made Assets, CP17 – Promoting High Quality Design, DP30 – Protecting the Character and Appearance of the Countryside, DP32 – General Design and DP33 – Landscaping are relevant. In summary all of these policies require in some way that proposals enhance and respect their surroundings, promote a public realm which is rich in identity, attractive and safe, and create opportunities for connected layouts.
- 5.24 The proposal is for 246 dwellings achieving a density of 32.2 dwellings per hectare. Policy NM5A and NM5D indicate a target density of approximately 35 dwellings per hectare. The layout of the scheme has been designed generally in accordance with the Illustrative Masterplan 0000-0019 Rev A which was produced by Spawforths and was the subject of condition 4 of the Hybrid permission.
- 5.25 The site is to be accessed from Darlington Road via the roundabout completed as part of Phase I or alternatively from Stokesley Road following completion of the proposed bridge over the railway line, which will join the existing, completed sections of the new link road. From there access can be gained at two points from the new Link road to the west and east of the safeguarded school land. The site also features a number of public footpaths which run from the northern end of the site, down the length of the western side, following the beck, through the public open space and into the adjacent business park at Thurston Road.
- 5.26 The proposed development is made up of a number of dwelling types/designs including bungalows, two storey and three storey dwellings. All units are to be constructed in brick with either double roll grey roof tiles or flat red roof tiles. All units include details such as porches and staggered frontages which create depth and interest in the street-scene. In addition the layout also features staggered building lines avoiding regimental uniform frontages.
- 5.27 The dwellings are to be constructed in street fronting blocks with, in the majority, rear amenity spaces backing onto each other. In general the separation distance between rear elevations is between 19 and 21 meters and 19 and 24 meters between front elevations. These separation distances vary depending on dwelling type and which room types face each other at ground floor and as such are considered to be acceptable.
- 5.28 The Designing out Crime Officer remarked that in general the design of this phase of the development is appropriate and causes no significant concerns in relation to Designing Out Crime. The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security. Whilst some improvements were suggested in general the Officer raised no concerns regarding the development.
- 5.29 Both the Highways Officer and the Designing out Crime Officer commented that there was no provision for secure cycle storage. The Highways Officer noted, however, that this should only be provided for plots that do not feature a garage. Policy DP3 indicates that all proposals for new development must include provision for sustainable forms of transport to access the site which includes safe provision for cycle parking. In response the applicant has included cycle storage buildings to the rear of properties which do not feature a garage. The design of the storage buildings is detailed on drawing NTH-KING-D-001 which shows a simple timber shelter.

- 5.30 The development includes details of various boundary treatments to be included within the site. These are detailed on drawing NTH-KING-003. The majority of rear gardens are bounded by 1.8 metre hit and miss timber fencing with splayed rail to the top of the boards and splayed capping to the posts. Rear gardens which are located adjacent to the public road are bounded by brick dwarf walls and pillars with hit and miss fencing over. This allows for a more interesting street scene. One metre high railings are proposed in more visually prominent areas adjacent to pockets of landscaping. The public open space is bordered 0.45 metre high post fencing.
- 5.31 A Geo-environmental Appraisal was submitted in support of the Hybrid application. This assessment found no significant contamination encountered on the site and therefore no remediation was required. It is considered, however, that a condition is appropriate to ensure that if any contamination is found during the construction phase that it is dealt with and mitigated against in an appropriate manner.
- 5.32 The application site lies adjacent to commercial and industrial premises on Thurston Road, and the impact of noise and the potential for noise complaints was a principal issue on the Hybrid application attracting concern from both the public and existing nearby businesses. Furthermore, given the construction of a strategic link road around the town and the proximity of many of the new dwellings and the school to that link road, there is potential for the noise from the road to also become a noise nuisance for occupiers of adjacent sensitive buildings.
- 5.33 Policy CP1 – Sustainable Development, of the Local Plan seeks protection of health, economic and social well-being, amenity and safety of the population, while Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. Furthermore, Policy DP44 states that noise sensitive development will not be permitted in areas where potential for harmful noise levels is known to exist. In addition to this Policy CP21 states that Development and service provision must seek to ensure that communities and the environment are not adversely affected by the actions of natural or other forces. Proposals must take particular account of the need to mitigate development from the consequences of pollution, noise or hazardous activities.
- 5.34 Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.35 Paragraph 180 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 5.36 Paragraph 182 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its

vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 5.37 Whilst the Hybrid application was considered under slightly different policy conditions (NPPF 2012 and Planning Practice Guidance) the principles in relation to the assessment of noise are similar. The Hybrid report quotes the guidance of the time which indicated that the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope.
- 5.38 Current guidance states Development proposed in the vicinity of existing businesses, community facilities or other activities may need to put suitable mitigation measures in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme.
- 5.39 In these circumstances the applicant (or 'agent of change') will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made.
- 5.40 The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified. Adopting this approach may not prevent all complaints from the new residents/users about noise or other effects, but can help to achieve a satisfactory living or working environment, and help to mitigate the risk of a statutory nuisance being found if the new development is used as designed (for example, keeping windows closed and using alternative ventilation systems when the noise or other effects are occurring).
- 5.41 The report relating to the Hybrid permission indicates that similar concerns and issues were raised on that application as this. The following is an extract from the Hybrid report:

As noise is a complex technical issue the information prepared by the applicants' acoustic consultants (PDA) and criticised by Allerton Steel's acoustic consultants (Dragonfly) has been reviewed by Council's Environmental Health Team, who are experienced specialists in this area. There has been some dispute between the two consultants regarding the correct standard of noise assessment for the proposed development with PDA having only assessed BS8233: 2014 – 'Guidance on Sound Insulation and Noise Reduction for Buildings' and Dragonfly insisting that BS4142: 2014 – 'Methods for Rating and Assessing Industrial and Commercial Sound' should also be considered to determine the level of noise generated by Allerton Steel above background noise levels. However, PDA consider that, as Allerton Steel already exists and their noise is already part of the context for the site, its noise already forms part of the background noise levels.

Clause 8.5 of BS4142: 2014 provides legitimacy to PDA's argument, for it states that "where a new noise sensitive receptor is introduced and there is extant industrial and/or commercial sound, it ought to be recognised that the industrial and/or commercial sound forms a component of the existing environment. In such circumstances other guidance in addition to or alternative to this standard can also inform the appropriateness of both introducing a new noise sensitive receptor and the extent of required noise mitigation." This approach was confirmed as acceptable by Environmental Health prior to the submission of the application.

The EHO has advised that the noise levels reported by PDA (which includes noise from Allerton Steel and the proposed Road) at the dwellings adjacent to the link road are between 56 dB(A) to 64 dB(A), while Dragonfly's report identifies the overall noise impact of between 60 dB(A) and 64 dB(A). The EHO has also advised that noise exposure predictions submitted by both consultants for the Phase 1 residential scheme identifies traffic noise as the dominant noise source during day and night time measurements, regardless of any noise from Allerton Steel.

Thus, while the noise predictions far exceed those recommended by BS8233: 2014, they confirm that Allerton Steel would not be the underlying cause, which in some regards demonstrates that the two developments can safely co-exist. Notwithstanding that, there is a requirement for the developer to reduce the internal noise levels of those properties affected. The Noise Contour Maps included within the PDA report are a suitable indicator of where the impact would be felt.

PDA, Dragonfly and the EHO all conclude that dwellings on the north side of the link road could be suitably designed and/or orientated to comply with BS8233: 2014. Measures can include all, or some of the following:

- a) Revised position / orientation of the buildings in relation to the noise source(s);*
- b) Provision of acoustic barriers;*
- c) Increasing the sound insulation of the building; and /or*
- d) Planning of the interior layout of the building.*

The EHO considers that the internal noise levels could be achieved with the use of c) and d) alone but the noise levels in the gardens, as identified in PDA's own report, will be above those recommended and, without acoustic barriers, may be unachievable. However, it is noted that the rear gardens to houses will benefit from shielding from the dwellings themselves and fencing, which will bring the noise down to 55 dB LAeq 16 hours and below in the majority of cases.

- 5.42 The current proposal is to mitigate noise through acoustic glazing and the provision of mechanical ventilation. Whilst the principle of the mitigation measures have been agreed between the applicant and the Councils Environmental Health Officer the detailed specification for mechanical ventilation had not been agreed at the time of writing. It is expected, however, that these details would be agreed prior to the decision.
- 5.43 Comments have been received from Allerton Steel and their agent which indicate that they were again surprised that that BS4142: 2014 – 'Methods for Rating and Assessing Industrial and Commercial Sound had not been referenced in the current PDA noise assessment. In addition to this they would argue that the windows of the relevant properties should be "non-opening" to ensure that the mitigation measures secured by the noise insulating glazing are maximised. It is considered, however, that due to the intermittent noise generated by Allerton Steel it would be unreasonable to insist on non-opening windows. In addition the guidance outlined at 5.35 above indicates that statutory nuisance can be avoided when the development is used as designed by keeping the windows closed. It is considered therefore that the proposed mitigation is acceptable without non-opening windows.
- 5.44 Allerton Steel also argue that the original application had been reliant on the assumption that intervening development would be sited on land to the north of Allerton Steel providing further noise mitigation between Allerton Steel and the proposed dwellings. This has not occurred because a separate application for full planning permission (not subject to the conditions of the Hybrid permission) was submitted and approved for an NHS building. It is not reasonable to insist that a development provide mitigation for an existing issue that is not exacerbated or impacted by the proposed development. Any mitigation must relate solely to the protection of the proposed development. In addition to this the PDA noise assessment and results are based on a worst case scenario of no development occurring between Allerton Steel and the proposed dwellings. It is therefore immaterial whether the NHS building provides a noise barrier or not.

- 5.45 In addition to the above the outline permission contains a condition (number 36) which requires that, regardless of phase, internal noise levels outlined in the condition not be exceeded. If the internal noise levels are exceeded the additional noise attenuation measures must be implemented. It is considered that the proposed mitigation, subject to final ventilation details, is acceptable and will achieve the required internal noise levels. Additional safeguarding is also provided by condition 36 as outlined above.

Highways Safety

- 5.46 North Yorkshire County Council Highways Officers were consulted on the application. Initial comments were received indicating the following:
- The internal road layout should be designed to restrain speeds to 20mph and therefore it is suggested some additional traffic calming measures are provided on the relatively straight sections of carriageways
 - The shared surfaces have not been laid out in accordance with the current NYCC residential design guide and should be amended to form minor access roads or a shared surface layout with a 6.5m carriageway width. Sections of shared surface carriageways should include visitor parking bays, contiguous with the highway
 - The parking provision does not meet the minimum requirements set down in the current NYCC parking standards
 - Insufficient distance has been provided from the access to plots 263-267 and plots 278-282 the junction with the link road, making manoeuvres into the accesses difficult and limiting the visibility at the proposed access.
 - A shared footpath/cycleway has been provided on the western side of the eastern access road, it is not clear how this facility would terminate and allow cyclists to safely enter and leave the carriageway.
 - There are no footpath links provided to the Public Open Space on the eastern boundary of the site.
 - The proposed landscaping is not in accordance with current NYCC requirements for adoptable roads. Trees must be set back a minimum distance of 1.5m from any footway and 2.5m from any road. The design of the street lighting will also need to be taken into account when positioning any new trees.
- 5.47 In response to these comments an amended layout was received incorporated additional traffic calming measures, revisions to shared surfaces, increased driveways lengths, a footpath link through the public open space on the eastern boundary and increased distance at the access points to plots 278-283.
- 5.48 Further comments were received from the Highways Officer in relation to the amended layout as follows:
- Some integrated garages are too small to be considered a parking space and therefore parking provision is insufficient.
 - A road width of 6.5m has been provided at the eastern access off the link road, for a minor access road the carriageway width should be 5.5m
 - It is not clear how the shared footpath/cycleway on the western side of the eastern access would terminate at the junction of the link road and allow cyclists to safely join and leave the cycleway.
 - Trees must be set back a minimum distance of 1.5m from any footway and 2.5m from any road.
- 5.49 Again revisions were made to the layout to increase the external driveways to address the parking issue. Revisions were also made to the garages to ensure they meet the size requirements. In response to the comment regarding the road width the applicant has indicated that the width provided is to accommodate machinery access

for the agricultural land beyond (a legal requirement) and to future proof the development. In response to the note relating to the termination of the cycleway at the link road, the applicant has indicated that the link road has already been approved and therefore there is limited scope within this reserved matters application to amend it. They are, however, happy to enter into a S38 agreement to resolve this matter. Amendments to the landscape scheme to address the positioning of trees are awaited at the time of writing.

- 5.50 The Highways Officer has now agreed that subject to the awaited landscape amendments and the agreement of a solution to the cycleway termination point there are no highways objections. A condition is proposed to ensure the cycleway solution is agreed and implemented.

Landscaping

- 5.51 LDF Policy DP33 states that landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and:
- i) creates a visually pleasant, sustainable and biodiversity-rich environment;
 - ii) provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged;
 - iii) protects and enhances key landscape features;
 - iv) creates new features and areas of open space that reflect local landscape character;
 - v. contributes to character, appearance and sense of place;
 - vi) promotes a public realm which is rich in identity, attractive and safe.
- 5.52 In consideration of the Hybrid application it was found that the proposed development would create a change in the land-use and landscape character of the development site. The nature of this change would, however, be similar in scale and complimentary in character to that existing elsewhere within the local area and the mitigation measures incorporated into the design would help to assimilate the development into the wider landscape and townscape context. Condition 8 of the Hybrid permission indicates that any reserved matters applications should be accompanied by individual planting plans for each phase or sub-phase along with a landscape masterplan for the entire site encompassing all areas identified on the "Open Space and Landscape Framework" Nod. P0-MP-SPA-P3769-5IL-1000-0001 Rev A submitted with the Hybrid application. The condition also lists a number of other criteria which should be addressed at reserved matters stage including mitigation measures as detailed in the Landscape Visual Impact Assessment (submitted with the Hybrid application), ecological enhancement measures, landscaping for watercourses, detailed scheme for the northern boundary, detailed scheme for the "Meander at Hawthorn" area (Public Open space to the east of the development but west of the railway), planting plan for the phase and an implementation and management plan.
- 5.53 Part (a) of condition 8 relates to the mitigation measures recommended in the Landscape and Visual impact Assessment that was submitted with the Hybrid application. Of relevance to this Phase are mitigation measures relating to View Zone 2 (Northallerton Road), View Zone 3 (South Brompton and Sports Club), View Zone 5 (Darlington Road) and View Zone 6 (The Footpath Network). The recommended mitigation measures are detailed in the table below.

View Zone	Mitigation measures recommended by LVIA
2 Northallerton Road	<ul style="list-style-type: none"> • Hedgerows/trees on the eastern edges • Internal planting within the body of the proposed development • Planting of the link road embankments

3 South Brompton and Sports Club	<ul style="list-style-type: none"> • Hedgerows/trees on the eastern and north eastern edges • Internal planting within the body of the proposed development
5 Darlington Road	<ul style="list-style-type: none"> • to enhance the proposed development particularly within the park and local centre, making it clear that this is the entrance to a vibrant burgeoning town
6 The Footpath Network	<ul style="list-style-type: none"> • native hedgerows and randomly located trees

- 5.54 Condition 8 suggests that these mitigation measures should form part of the reserved matters landscape proposals. The submitted landscaping scheme shows native hedge mix “02” to be planted along the boundary running from the north to the east and terminating at the public open space area. From there native hedge mix “01” is to be planted along the remainder of this boundary. Native hedge mix “02” is made up of 40% *Cornus Sanguinea* (Common Dogwood), 20% *Rosa Canina* (Dog-Rose) and 40% *Viburnum Opulus* (Guelder-Rose). Native hedge mix 01 is made up of 20% *Corylus Avellana* (Common Hazel), 50% *Crataegus Monogyna* (Common Hawthorn), 20% *Viburnum Opulus* (Guelder-Rose) and 10% *Cornus Sanguinea* (Common Dogwood). Detailed landscaping plans show internal planting within the site. This includes small pockets of open space with randomly located trees, tree planting within plots and wildflower planting.
- 5.55 The ecological enhancements required by condition 30 refer to those outlined in Chapter 8: (Biodiversity) of the Environmental Survey undertaken as part of the Hybrid application. These include:
- Semi natural meadow areas
 - Dense native woodland planting along the embankments of new access, which will run from east to west in the centre of the development
 - Large native trees including oak (*Quercus robur*), hornbeam (*Carpinus betulus*), lime (*Tilia sp.*) and beech (*Fagus sylvatica*).
 - Retained hedgerows will be planted / gapped up to include a range of species such as holly (*Ilex aquifolium*), hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), oak (*Quercus sp.*), field maple (*Acer campestre*) and hazel (*Corylus avellana*).
 - SUDs ponds will be created, which could be profiled to maximise wildlife gains and either left to acquire floral species naturally, or planted up with suitable native species.
- 5.56 The landscaping plans show extensive areas of wildflower meadow within the Public Open Space area including the SuDS ponds to the south east of the site. In addition the banks of the beck are to be planted with a “pond edge” mix of wildflowers and grasses.
- 5.57 It should be noted that at the Hybrid stage it was acknowledged that dense tree planting along the highway would be likely to attract an objection on highways safety grounds. The scheme submitted shows, along the edges of the link road adjacent to the open space, planting of Native Buffer Mix A which includes Guelder-Rose, Common Dogwood, Buckthorn, Elder, Wild Privet, Common Hazel, Common Holly and English Yew. Plots 263-267 and 278-282 front the link road. The buffer area between these plots and the highway includes planting of Native Hedge Mix 01 (detailed above), cultivated turf, areas of bulb planting (to include crocus, snowdrop, narcissus, bluebell etc) and a number of hornbeam trees.
- 5.58 The submitted landscaping scheme shows a large amount of retained hedgerow. The Landscape Management and Maintenance Plan indicates that when necessary

native hedges will be “gapped up” through the replacement of failed plants with new specimens of the same species. The plan also specifies the timing and method for planting.

- 5.59 The plans include a detailed landscaping scheme for watercourses. The shape of the application site in this phase of development is mainly dictated by a beck running from north to south east along the western boundary of the site. The landscaping scheme shows that the existing vegetation in the proximity of this beck is to be retained and the area made good with amenity seed mix. The banks of the Brompton Beck which passes through the area known as the “Meander at Hawthorn” are to be planted with a pond edge mix as mentioned above.
- 5.60 It is considered that the landscaping scheme for the phase meets the requirements of condition 8 of the Hybrid permission. In addition it is considered that the proposed scheme will adequately assimilate the development into the wider area and soften the built form within the site.

Other Matters

- 5.61 A number of issues have previously been considered under the Hybrid application and conditions relating to any outstanding matters were included in the permission and cover each phase of the development. Details which were covered in this manner include:
- Material samples (condition 7)
 - Implementation and retention of phase/sub phase landscaping/planting plans (conditions 8, 9, 11)
 - Hours of work during construction (condition 12)
 - Construction management (condition 13)
 - Finished floor levels (condition 14)
 - Archaeology (conditions 15, 16, 17, 18)
 - Management and maintenance of surface water (condition 19, 102, 21,22)
 - Flood Risk (condition 23, 24)
 - Waste Water (27)
 - Protection of public rights of way (condition 29)
 - Ecology (conditions 30,31,32,33,34,35)
 - Noise levels (36, 38, 39)
 - Highways (conditions 44, 56, 57, 58, 60)

Planning Balance

- 5.62 The proposed development will contribute to the delivery of an appropriate mix of market housing in the District and in particular the Northallerton Sub Area. The development will also contribute to the delivery of a significant infrastructure project for the District in the Link Road and bridge, connecting the east and west of the town. The development will also assist in the delivery of a new school associated with the North Northallerton project and the provision of land for the development of the Sports Village.
- 5.63 In the context of the hybrid approval and the allocation policy, it is considered that the proposed development otherwise meets the requirements of relevant Council Policy and is considered to be acceptable in this instance.
- 5.64 The design and layout of the proposed development is considered to be acceptable and the development is considered broadly to accord with the requirements of the outline planning permission. As such the proposed development is recommended for approval.

6.0 RECOMMENDATION:

That subject to any outstanding consultations 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) numbered and received by Hambleton District Council on:

Location Plan NTH-KING-000 22.07.2019

Site Layout Plan NTH-KING-001 Rev Z 23.01.2020

Materials Plans NTH-KING-002 Rev B 23.01.2020

Boundary Treatments Plan NTH-KING-003 Rev B 23.01.2020

Burnham Housetype BM-WD-06 20.12.2019

Braunton Housetype BN-WD-06 20.12.2020

Charnwood Corner Housetype CWC-WD-06 20.12.2021

Charnwood Housetype CW-WD-06 20.12.2022

Delamare Housetype DM-WD-06 20.12.2023

Danbury Housetype DY-WD-06 20.12.2024

Greenwood Housetype GW-WD-06 20.12.2025

Haldon Housetype HL-WD-06 20.12.2026

Marston Housetype MS-WD-06 20.12.2027

Rendlesham Housetype RN-WD-06 20.12.2028

Saunton Housetype SN-WD-06 20.12.2029

Sherwood Housetype SW-WD-06 20.12.2030

Whiteleaf Corner Bay Housetype WLCB-WD-06 20.12.2031

Whiteleaf Housetype WL-WD-06 20.12.2032

Wentwood Housetype WW-WD-06 20.12.2033

Single & Double Garage GAR-01 23.01.2020

Double Garage Opposite GAR-02 23.01.2020

Bike Store NTH-KING-D-001 17.01.2020

unless otherwise approved in writing by the Local Planning Authority.

3. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

4. Prior to the occupation of the dwellings, hereby approved, a detailed scheme in relation to the proposed level crossing protection including trespass proof fencing, soundproofing, landscaping and method/maintenance statement shall be submitted to and approved in writing by the Local Planning

Authority. The agreed details shall be implemented according to the agreed details, prior to the occupation of the dwellings and maintained thereafter for the lifetime of the development.

5. Prior to the occupation of the dwellings, hereby approved, a detailed scheme relating to the LEAP area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the equipment to be provided along with details of any hard or soft landscaping and details of future maintenance of the area. Once approved the scheme shall be implemented prior to the occupation of the dwellings and maintained thereafter in accordance with the agreed maintenance details.

6. Prior to the installation of any lighting in the areas of public open space a scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but is not limited to, a plan of the location of the lighting and details of the illumination levels. Any lighting thereafter installed shall comply with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. Prior to commencement of any work above ground level a scheme shall be submitted to and approved by the Local Planning Authority for the proposed cycleway connection to the Link Road. The link shall then be established, in accordance with the approved details before the occupation of the 150th dwelling on this phase of the development.

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) DP30, DP32.

3. 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 District Wide Local Plan Policy PH10.

4. To reduce the potential for future occupants of the development to trespass on the railway.

5. To ensure the provision of adequate facilities to serve the development.

6. In the interest of local ecology.

7. In the interest of highway safety.

Appendix 1.

SUMMARY OF KEPPIE MASSIE RESPONSE ON VIABILITY

I refer to the most recent appraisal sent across by the consortium under of an email dated 8 January. The appraisal is based on a scheme of 730 dwellings with no affordable, and assumes an area of land will be sold to Broadacres for the sum of £3.5m. In reviewing the appraisal I have not sought to verify this purchase price for the site and have assumed that the Council is content with the price being paid.

Outcome of Appraisal (Dated 8 January 2020)

The new appraisal generates a net residual land value of £21,403,576 which based on the gross site area (125.85 acres) equates to £170,071 per acre.

The minimum land value per acre is £210,000 which would apply to the gross site area give a minimum land value requirement of £26,428,500. This means that the scheme makes a loss of £5,024,924.

Sales Revenues

The original March 2019 appraisal assumes a GDV per sq.ft for the market housing of £226 per sq.ft.

The January 2020 appraisal is based on a reduced GDV for the market housing of £221.44 per sq.ft.

The S106 Agreement contains a definition of actual sales as all payments received or receivable by the owners on disposals of each and every dwelling. Net sales are then defined with reference to the following formula:

A-(B+C+D)

Where

- A = Actual Sales
- B = Sales Incentives
- C = Part Exchange Incentives
- D = CIL Contribution

The agreement contains a definition of sales incentives as a fixed sum of 5% of the actual sales. This suggests a requirement to apply 5% to all sales irrespective of the actual level of incentive that is agreed for the particular dwelling.

Based on the further information provided by the consortium I have been able to verify the sales information provided save for that in relation to TW plot 1 were neither Land Registry nor TW have provided details of the sales price of the dwelling. Excluding this from the analysis the table below contains details of the actual sales prices and sales incentives.

Based on actual sales data					
	Total Land Registry/Sold Prices	Total Incentives	Total Net Prices	Net Price per Sq.ft	Incentives % sale price
Taylor Wimpey	£19,640,471	£469,778	£19,170,693	£231.75	2.39%
Persimmon	£14,789,200	£343,880	£14,445,320	£222.25	2.33%
Total	£34,429,671	£813,658	£33,616,013	£227.57	2.36%

This shows that the level incentives agreed to date is in fact only 2.36% overall, not 5% as provided for the agreement. Based on the actual information regarding incentives then the net sales rate that should be in the appraisal for the market housing is £227.57 per sq.ft, rather than £221.44 per sq.ft.

I have then re-calculated the net price per sq.ft with 5% incentives included (as per the S106 agreement) and the table below contains details.

Assuming 5% deduction for incentives					
	Total Land Registry/Sold Prices	Total Incentives	Total Net Prices	Net Price per Sq.ft	Incentives % sale price
Taylor Wimpey	£19,640,471	£982,024	£18,658,447	£225.55	5.00%
Persimmon	£14,789,200	£739,460	£14,049,740	£216.16	5.00%
Total	£34,429,671	£1,721,484	£32,708,187	£221.42	5.00%

Based on a 5% incentive rate the net sales price would be £221.42 per sq.ft which corresponds with the figure contained in the current appraisal at £221.44 per sq.ft.

The definition of actual sales in the agreement refers to all payments received. It is matter for your solicitors to clarify but taken literally this could mean that the price paid for optional extras could be included in the definition.

I have only been provided with details of optional extras by TW however they increase the total GDV for the TW dwellings to £20,481,738. With 5% then deducted for incentives (as per the S106) the net sales price would be £19,457,652 or £235.21 psf. This effectively adds £10 per sq.ft to the TW net sales price and if this was replicated for Persimmon and carried through to the overall total then the net sales price would be circa £231 per sq.ft.

We have considered the impact of this later in this note.

Build Costs

You will recall that the S106 Agreement provides for the base build cost of £85 per sq.ft to be increased with reference to the BCIS tender price index (TPI).

The current financial appraisal includes a build cost rate of £99.71 per sq.ft reflecting the increase in TPI over the period since the date completion of the S106 Agreement in December 2016 to Q1 2019. You will see from the attached TPI figures that the Q4 2016 figure was 283 based on a sample of 25. When we previously looked at this in October 2019 the TPI figure for Q1 2019 was 332, hence the difference between 283 and 332 equates to a 17.31% uplift. The build cost figure in the original appraisal was £85 per sq.ft and applying a 17.31% uplift gave the figure of £99.71 per sq.ft.

The TPI index is fluid until all schemes that form the sample are complete and data submitted. I have attached latest January 2020 data which illustrates this. You will see that the Q1 2019 figure has now reduced to 328 which equates to an uplift in build costs of 15.9% rather than 17.31% previously. As a result there is now a reduced build cost figure of £98.52 per sq.ft. The Q4 2019 and the Q1 2020 figures are obviously less reliable as much data is still to be submitted, however the TPI index and respective build cost figures based on the level of increase are forecast as follows:

Q4 2019 – 330	£99.11 per sq.ft (16.6% increase)
Q1 2020 – 331	£99.42 per sq.ft (16.96% increase)

In all cases the build costs are less than the figure of £99.71 per sq.ft being used in the January 2020 version of the appraisal. This change in indices highlights the problem of using the TPI index. It may take a number of years for the particular index figure to be confirmed and hence in relation to this exercise it may be some time before the final figure is known. This could be higher or lower than that currently identified in the index, with a consequent impact on build costs. Obviously given the size and square footage of this scheme then even a small change in build cost can have a significant impact on total build costs and the level of affordable housing that can be supported.

For consistency with the earlier appraisals I have adopted a build cost based on the Q1 2019 TPI figure at 328, giving a build cost of £98.52 per sq.ft however I have also considered the position with a build cost of £99.42 per sq.ft based on the Q1 2020 TPI figure.

Technical Abnormals

The original financial appraisal for the development included an amount of £29,422,335 for the technical abnormals. This was based on the RLB cost report (attached) which actually included an amount of £29,148,735 for abnormals. I am not sure the reason for the difference between the two figures as I don't have the breakdown of figures that were used in the original appraisal. I understand however that these technical abnormals were checked and verified by the QS for the DVS save for a proportion of the costs relating to abnormal foundations on the western side of the scheme which were verified by Mouchel.

The January 2020 appraisal contains a revised sum for technical abnormals of £29,773,137. This is as per the RLB cost report with an additional amount of £624,402 which is the extra over cost of providing a concrete attenuation tank. A quote has been provided for the cost of the attenuation tank in the sum of £718,902. Item 3.05.q of the RLB cost report details a retention basin at £94,500. I understand that this basin now needs to be increased to an attenuation tank costing £718,902. The difference between these two figures is £624,402 which is the extra over cost.

Our QS has made the point that he can't provide advice about the need for and the volume of the new attenuation tank, but he satisfied that based on the requirements, size of tank assumed etc that the costs appear to be reasonable. Hence on the basis of the additional cost of this new tank only, the revised technical abnormals cost of £29,773,137 is reasonable.

We have not been instructed to undertake a review of any of the other abnormal costs contained in the RLB report to confirm whether they remain reasonable, and have simply been asked to carry these forward into the current appraisal. Notwithstanding this I have noted that the RLB cost report related to the original scheme of 900 units. The most recent appraisals are for 839 dwellings or 730 dwellings in the January 2020 appraisal (assuming some land is sold to Broadacres). Many of the costs in the RLB report relate to offsite road works and onsite strategic works and the requirements in relation to these items may not change notwithstanding the changes to the scheme in terms of the number of dwellings.

There is however a section in the RLB costs relating to "on plot works" and these total £8,584,582. Details are contained starting on page 40. These costs include items such as abnormal foundations (ie piling), underbuild, suspended floor slabs etc. The costs for abnormal foundations are £3.37m for the east side of the site and £2.93m for the west side of the site. There are also planning abnormals for matters such as chimneys, render etc at £2,000 per dwelling – a total of £1.8m. It occurs to me that although the consortium have included the e/o cost for the new tank, they haven't reviewed the on plot works abnormal costs to provide a revised total based on the reduced number of dwellings (down from 900 on which the cost assessment was based to 730 dwelling in the latest appraisal).

I understand that part of the site is being sold to Broadacres, although I don't know the basis of deal and obligations of consortium in terms of laying out the site, but presumably these on plot works will now be undertaken by Broadacres in the context of their site rather than the consortium. As a result the costs should surely reduce.

I am aware that you are keen to conclude matters, and you may decide to pick this particular point up in undertaking the first re-appraisal scheduled under the S106 agreement that should be based on the "actual abnormal costs". Alternatively you may wish to address this matter with the consortium as part of the current negotiations.

Summary

Based on the comments above I can confirm that:

GDVs - Based on a 5% incentive rate (as noted in the S106 agreement) and the sold price for each dwelling, then the net sales price would be £221.42 per sq.ft which corresponds with the figure contained in the current appraisal at £221.44 per sq.ft. The actual net sales price based on the incentives that have in fact been offered is £227.57 per sq.ft. I have also noted that the definition of actual sales in the S106 agreement refers to all payments received. It

is matter for your solicitors to clarify but taken literally this could mean that the price paid for optional extras should be included in the total. I only have this information regarding optional extras from TW however if there was a similar position with Persimmon then overall this could very approximately add £10 per sq.ft to the overall net sales price giving a figure of around £231 per sq.ft.

Build Cost - The build cost figure in the original appraisal was £85 per sq.ft and applying a 17.31% uplift based on TPI gave the figure of £99.71 per sq.ft.

The TPI index is fluid until all schemes that form the sample are complete and data submitted. The latest January 2020 data illustrates this and the Q1 2019 figure has now reduced to 328 which equates to an uplift in build costs of 15.9% and hence a reduced build cost figure of £98.52 per sq.ft. If the Q1 2020 TPI figure is used the revised build cost figure is £99.42 per sq.ft.

Technical Abnormals – We have been asked to review the extra over cost for the proposed concrete attenuation tank in the amount of £624,402. Our QS is satisfied that this cost is reasonable. If this additional cost is added into the RLB total cost for technical abnormalities then this gives a revised total of £29,773,137, which is the figure contained in the January 2020 appraisal.

We have not been asked to further review the technical abnormal costs as these have previously been verified on your behalf by others. We have however noted that within these costs there are "on plot works" and these total £8,584,582. The works relate to matters such as abnormal foundations and planning requirements such as chimneys, render etc. The costs are based on 900 dwellings. Assuming the development is now reduced to 839 dwellings or 730 dwellings, if the land is sold to Broadacres, we would expect there to be some reduction in these costs to reflect fewer dwellings. You may wish to raise this matter with the applicant and seek confirmation of the revised costs.

Appraisal Results

With reference to the above comments, there are obviously a number of approaches that can be taken to the appraisal for the development. Putting to one side the point regarding a possible reduction in technical abnormalities, I have looked at the impact of the different approaches to net sales price and building costs. I have used the base appraisal previously agreed by the parties and modelled both the scheme with the land sale to Broadacres and also the 839 dwelling scheme. For the Broadacres appraisal I have retained the land sale price of £3.5m included in the current appraisal. As noted earlier I have not sought to verify whether this figure is reasonable and have simply retained it in the various appraisals. I have adjusted the appraisals based on the following options:

Option 1

Net sales prices based on sold prices less 5% for incentives (as per the S106 agreement) at **£221.44 per sq.ft.** This is as per the current appraisal and is probably the more correct interpretation if following the requirements of the S106 Agreement.

Option 2

Net sales prices based on the actual net sales prices achieved for the development to date at **£227.57 per sq.ft.** As this appraisal is technically taking place outside of the S106 Agreement re-appraisal dates you might wish to argue sales prices based on the actual figures achieved to date.

Option 3

This is a hypothetical exercise to demonstrate, if you could sustain an argument that optional extras should be included in the calculation of net sales prices, what the appraisal impact would be. As noted I only have this information regarding optional extras from TW however applying this to Persimmon could very approximately add £10 per sq.ft to the overall net sales price giving a figure of around **£231 per sq.ft.**

For consistency with the current appraisal I have adopted build costs based on an uplift to Q1 2019 at **£98.52 per sq.ft.** I have also prepared further appraisals to show the impact of Q1 2020 build costs at **£99.42 per sq.ft.**

For each option I have prepared an appraisal based on 839 dwellings and then also assuming 730 dwellings and the land sale to Broadacres.

Viability is tested by achieving a minimum land value of £210,000 per acre across the gross site area which gives a figure of £26,428,500. For each appraisal I have adjusted the amount of affordable housing required to achieve the minimum land value, and in those cases were even with no affordable housing the scheme doesn't achieve the minimum land value, I have identified the shortfall in the residual land value against the minimum land value requirement. The results are detailed below and a sheet containing the results is attached. Please let me know if you would like me to send over the appraisals themselves.

Option 1 Results

<u>Without Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Shortfall
£98.52	£26,428,500	0%	£24,623,111	-£1,805,389
£99.42	£26,428,500	0%	£23,855,148	-£2,573,352

<u>With Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Shortfall
£98.52	£26,428,500	0%	£22,301,709	-£4,126,791
£99.42	£26,428,500	0%	£21,622,449	-£4,806,051

Based on option 1 then each of the options produces a shortfall even with no affordable housing. This suggests that the development would not be sufficiently financially viable based on the appraisal assumptions and requirements of the S106 agreement to support any affordable housing. This conclusion is however caveated by the comments made earlier in relation to the technical abnormalities and in particular the "on plot works". With reductions to the cost of the "on plot works" the shortfall may reduce, although this may not be to a sufficient level to support any significant affordable provision.

At the moment the results which include the sale to Broadacres are less viable however arguably these results over compensate for the cost of "on plot works" and a reduction in these costs to reflect fewer dwellings would improve the viability position.

Option 2 Results

<u>Without Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Surplus/Shortfall
£98.52	£26,428,500	2.40%	£26,503,011	£74,511
£99.42	£26,428,500	1.40%	£26,491,473	£62,973

<u>With Broadacres</u>				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Shortfall
£98.52	£26,428,500	0%	£25,569,986	-£858,514
£99.42	£26,428,500	0%	£24,890,725	-£1,537,775

Option 2 is based on the actual level of sales incentive to date and hence net sale price – not the 5% allowance for incentives contained in the S106 agreement.

As this appraisal exercise is taking place outside of those allowed for in the S106 agreement you may therefore wish to argue in this case the calculation should be based on the actual net sales prices not a hypothetical position with a 5% allowance for incentives. The results here show that in the absence of the sale to Broadacres the development could support a low level of affordable provision which could improve further with a reduction in the "on plot works" abnormal costs due to the reduced number of dwellings.

Again the appraisals based on the sale to Broadacres are less viable which as noted above is arguably due to over compensating for the cost of "on plot works" abnormals for 900 rather than 730 dwellings. A reduction in this cost might allow a small amount of affordable housing to be delivered.

Option 3 Results

Without Broadacres				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Surplus/Shortfall
£98.52	£26,428,500	5.00%	£26,500,620	£72,120
£99.42	£26,428,500	4.10%	£26,432,048	£3,548

With Broadacres				
Build Cost	Min Land Value	% Affordable Housing	Residual Land Value	Surplus/Shortfall
£98.52	£26,428,500	1.40%	£26,436,448	£7,948
£99.42	£26,428,500	0.40%	£26,444,530	£16,030

Option 3 is a hypothetical exercise which assumes a similar level of optional extras on the Persimmon dwellings as Taylor Wimpey. The results show that in all cases a small amount of affordable housing could be supported and a reduction in the "on plot works" abnormal costs could increase further the level of affordable provision. This option does of course depend on the revenues received for optional extras being included in the gross price, and this is matter that we are not qualified to advise on.

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Parish: Whenby
Ward: Huby
4

Committee Date : 6 February 2020
Officer dealing : Ann Scott
Target Date: 29 October 2019
Date of extension of time (if agreed): 11 January 2020

19/01840/FUL

Proposed conversion of an existing agricultural building to one residential dwelling.
At: Wellfield Farm Whenby North Yorkshire YO61 4SF
For: Marshall Properties Projects Ltd.

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is in open countryside and the nearest village is Whenby 1.2km north west of the application site. The site is south of Whenby Lane, between Whenby and Sheriff Hutton which is approximately 3km south east from the application site and beyond the district of Hambleton.
- 1.2 The application proposes the conversion of a redundant agricultural building to a dwelling on land at Wellfield Farm, Whenby. The building to be converted is a large modern steel frame building beneath a cement profile roof with steel sheet sides. The proposal is to form one dwelling creating a first floor to achieve a five bedroom dwelling. Part of the lean-to section of the building is to be reduced such that the dwelling will stand on a smaller footprint than the existing building.
- 1.3 The external walling of the building is to be mainly Yorkshire Boarding with large windows within aluminium frames and sliding doors on the south east and south west elevations. A proposal for a detached domestic car port to the west of the building has been omitted the proposed car port.
- 1.4 The agent in their covering statement with the application states:

“Since the approval of the aforementioned planning application, our client has instructed agents to market the three proposed dwellings. The overwhelming feedback from agents has been the identification that the homes will be difficult to attract prospective purchasers due to their size and location. Accordingly, our client has considered an alternative approach to the conversion of the building to ensure that the wider development of the site is not adversely impacted by the retention of a dilapidated Dutch Barn.

The development proposals have retained the design quality of the wider development proposals at the site and are in keeping with the approved proposals to convert the building. The design is still modern and contemporary, but as we have not been restricted by the Class Q requirements, we believe we have been able to provide a much improved conversion proposal for the Dutch Barn. The footprint of the amended proposal is smaller in size than the existing footprint of the Dutch Barn and approved conversion scheme. The amended proposal will therefore improve views onto and from within the site as the overall form and massing of the Barn will be better suited to the spatial relationship of the surrounding area.

The principle of converting the building for residential development has been established by the extant planning permission at the site. The development proposals therefore seek to amend the proposed conversion of the building from

three to one residential dwelling to ensure that it is market facing and doesn't remain as a dilapidated feature detracting from the redevelopment of the wider site."

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 19/00881/MBN - Notification for prior approval for a proposed change of use of 3 agricultural buildings to 5 dwellinghouses and for associated operational development - Granted 10/6/19.
- 2.2 The proposal made in this application is to convert the large modern building that has previously gain approval for use as 3 dwellinghouses to a single dwelling, the approval for the conversion of two separate buildings to the north west of the application site, each to a new dwelling, is unaffected by the proposal. The two barns are shown to provide a 4 and a 5 bedroom dwelling.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of 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
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATION

- 4.1 Whenby Parish meeting - No response received.
- 4.2 NYCC Highways - No objections subject to conditions regarding parking, turning and access.
- 4.3 Yorkshire Water - No response received
- 4.4 Environmental Health - No objections
- 4.5 Foss Internal Drainage Board - The Board notes that whilst the impermeable area on site may not alter as a result of the existing agricultural building, nonetheless, when in residential use, the property would require formalised drainage arrangements for both the disposal of surface water and foul sewage. The Board notes that under the Land

Drainage Act 1991 and the Board's byelaws, the Board's consent (outside of the planning process) is needed for any connection and/or discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly.

4.6 Publicity – no responses received.

5.0 ANALYSIS

5.1 The main planning issues to consider in this case are the principle of conversion of a rural building to a dwelling, landscape impact of the building alterations and new use and matters of highway safety and drainage.

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 any settlement. Whenby does not appear in the settlement hierarchy and signals that the application site is not considered to be a sustainable location for new development.

5.3 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".

5.4 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. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

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

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.

3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the settlement hierarchy contained within the IPG, 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. The site is not located where it will support local services in a village nearby and cannot comply with the requirement of the first criteria of the IPG. To gain support from the IPG a proposal must meet all the criteria. As the proposal fails the first criteria the IPG cannot be used to support the development proposal.
- 5.7 The applicant's statement, see third paragraph of 1.4 above, sets out the conversion would "ensure that it doesn't remain as a dilapidated feature detracting from the redevelopment of the wider site. Policy CP4 notes that where an exceptional case for development can be made under CP1 and CP2 and one of the six criteria exist development may be supported. If the development "is necessary to secure a significant improvement to the environment" (CP4 criteria 3) support could be given subject to the remaining test of CP4 relating to not conflicting with environmental protection and nature conservation policies. The conversion of the building is not necessary to secure a significant improvement to the environment: i) the building is not a prominent feature in the landscape, ii) the building does not result in harm to the landscape, iii) the removal of the building is not necessary to overcome any harm, iv) the landscape does not need improvement. As such the proposal cannot benefit from the provisions of CP4 criteria iii).
- 5.8 The site is situated in open countryside outside the development limits the nearest village is Whenby which is in open countryside as defined in Policy CP4. Policy DP9 "Development outside Development Limits" seeks to ensure that new development, will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of CP4 or where it constitutes replacement of a building, which would achieve a more acceptable and sustainable development than would be achieved by conversion. As noted above, the scheme cannot gain support from CP4, the proposal seeks to convert not replace the building so cannot gain support from DP9 and the conversion as shown in this scheme is not considered to be "more acceptable than would be achieved by conversion" as consented by the prior notification procedure, as set out at paragraph 2.1 above.
- 5.9 The steel portal framed agricultural building which has no particular architectural or historic merit which would warrant it worthy of retention. Due to the isolated location the proposal would result in the need to travel to access services and facilities mainly by the private car as the potential for means of public transport in this location would be very limited. A previous application under class Q permitted development rights proposed a conversion of the building to three separate 3 bedroom dwellings. Whilst the travel impact of a large single dwelling may be less than three smaller 3 bedroom dwellings the proposal for a large 5 bedroom dwelling would not meet local needs. As such the proposal would not achieve a more acceptable development. Furthermore there is no evidence to substantiate the assertion that "the homes will be difficult to attract prospective purchasers due to their size and location", other than a statement in the submitted supporting statement.

- 5.10 Policy CP4 allows for development in other locations in the countryside which will only be supported when an exceptional case can be made to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in the countryside and will support a sustainable rural economy. The case put forward in this submission does not provide sufficient clear and convincing justification for the purposes of an essential requirement for a rebuilt single dwelling in connection with the existing previous class Q conversions on the other buildings on the site as set out in the accompanying supporting information. The proposal is contrary to Core Strategy Policy CP4 of the Hambleton Development Plan.
- 5.11 If the building was considered by the owners to harm the setting of the other buildings on the site there would be no objection in principle to the demolition of the building. The condition of the building is acceptable it does not cause significant harm to the appearance of the immediate surroundings or the wider landscape. The conversion or replacement of the building is not necessary to secure a significant improvement to the environment as no such improvement is necessary.

Highway Safety/Access

- 5.12 The site is in a remote location, with access via Whenby Lane which links to Sherriff Hutton. The Highways Authority have no objections in principle to the proposal subject to conditions in relation to parking, turning and surfacing materials. There are very limited options for accessing the site via means of public transport, walking or cycling the proposal does not therefore accord with Policy CP2 as it will not minimise the need to travel and will not reduce the need to travel by private car.

Flood Risk/Drainage

- 5.13 The site is not adversely affected by drainage issues and is sited in flood zone 1, land at the lowest risk of flooding. It is considered that the retention of the reduced building will not significantly change the risk of surface water drainage problems or flood risk on the site. Drainage to the site for surface water is proposed via an existing watercourse and foul drainage via a septic tank. No comments have been received from Yorkshire Water and the Drainage Board has no objections to the proposal.

Contaminated land

- 5.14 The proposed development does not provide a risk assessment for the potential for contamination on the site due to previous use for agriculture. A condition could be attached to ensure appropriate safeguards relating to remediation of any contamination that may exist. The Environmental Health Officer has no objections to the proposal.

Conclusion

- 5.15 The proposal has been considered in accordance with the Local Development Plan and National Planning Policy Framework. There are no other material planning considerations which would outweigh the application being determined in accordance with the Development Plan.
- 5.16 The proposed development is situated in open countryside, outside the Development Limits for any nearby settlements, noting no Development Limits are drawn for Whenby, and would have a harmful impact due to remote location where a residential development would need to be essentially required for the purposes of agriculture,

forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.

6.0 RECOMMENDATION:

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

1. The proposed development is situated in open countryside and beyond the Development Limits for any nearby settlements as defined in Core Strategy Policy CP1, CP2 and CP4 of the Hambleton LDF. The proposal would not be a sustainable form of development due to remote location where under the provisions of CP4 and the NPPF development is only to be supported where it is required for the purposes of agriculture, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.

Parish: Skutterskelfe
Ward: Hutton Rudby
5

Committee date: 06 February 2020
Officer dealing: Aisling O'Driscoll
Target date: 26 November 2019

19/02068/OUT

Application for outline planning permission with access and scale to be considered (all other matters reserved) for a residential scheme of five dwellings
At: OS Field 3100, Stokesley Road, Hutton Rudby
For: Twentydales Limited

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 Rudby is a rural village located approximately 5km to the west of Stokesley. It is connected to the settlement of Hutton Rudby, via Stokesley Road, which is located immediately to the south.
- 1.2 The application site is currently an agricultural field on the north east edge of Hutton Rudby. The site is located immediately to the east of an existing residential street, Rudby Lea, which currently forms the built edge of the village. To the east of the site the landscape runs up-hill toward an adjacent farm. Part of the eastern boundary of the site is formed by an existing hedgerow.
- 1.3 This is an outline application with the following matters for approval at this stage; access, and scale. The remaining matters, i.e. appearance, landscaping and layout would be for a later application if this is approved.
- 1.4 Bearing in mind scale is for consideration the application as amended comprises the development of five dwellings as set out below:
- Plot 1 : 2 Bed Bungalow
 - Plot 2 : 3 Bed Bungalow
 - Plot 3 : 3 Bed Dormer Bungalow
 - Plot 4 : 4 Bed House
 - Plot 5 : 4 Bed House
- 1.5 Amendments to the application were made to include an additional footway to the west of the proposed new access road linking the site to the existing footway at Rudby Lea.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None Relevant to this site.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – The Council recommends refusal. The application does not comply with Interim Policy Guidelines. It is cumulative development in this part of the Village. Proximity to chicken farm. Inefficient use of such a large plot of land. The access is half way up the bank nearer to a bend in road which could increase the possibility of accidents. Speed monitoring in this area has shown that many vehicles are exceeding the speed limit and the data is available to confirm this. If the application is approved the Council think that the access and possibility of flooding due to run off from this site should not be left to reserved matters but should be looked at now.
- 4.2 Highway Authority – There is a highway drain that runs through the site that was installed about 10 years ago which the Highway Authority will need protecting. A condition is included that will require details to be submitted of how this drain will be protected. A new footway is recommended to be constructed along Stokesley Road to link into the existing footway network. There is a stone plinth with a village nameplate on it which is in control of the Parish Council and as such the applicant will need to discuss the relocation of this feature with them. Consequently the Local Highway Authority recommends approval subject to conditions.
- 4.3 Environmental Health Officer (Contaminated Land) – Possibility of contamination on site and recommend conditions.
- 4.4 Environmental Health (Residential Team) – No objections.
- 4.5 Yorkshire Water - Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as the application documents indicate that surface water will discharge to the existing watercourse. Should the drainage proposal change for this application, we would request re-consultation.
- 4.6 NYCC (Archaeology) - Please could I draw your attention to a WWII type 23 pill box which lies near to the southern boundary of the proposed application site. This has been recorded on the English Heritage pastscapes website on:- https://www.pastscape.org.uk/hob.aspx?hob_id=1424405. The building appears to be extant on Google Earth photographs taken in 2007, it is obscured by trees on the latest Google Earth photography. The structure is marked on recent OS maps and has been mentioned in the Preliminary Geoenvironmental Appraisal as a possible pill box. A link to the Pillbox Study Group shows what a type 23 looks like:- <http://www.pillbox-study-group.org.uk/types-of-pillbox/type-23-pillbox/> It appears from the plans that this structure may be outside of the development area but I'm unsure if it has been recognised and would advise that the structure be avoided during development.
- 4.7 Public comments – 43 Representations objecting to the proposed development have been received. The reasons for objection are summarised below:

- Development does not align with village expansion plans.
- Proposals fail to meet needs of the community (too many larger homes), site should be developed with affordable homes and bungalows.
- Self-build plots prevent the use of CIL and as such necessary contributions to local infrastructure.
- Impact of surface water flooding to Rudby Lea.
- Impacts on road safety.
- Local amenities are some distance away.
- Detrimental impact on the natural, built and historic environment.
- The development would have a negative impact on the view and sense of open-ness currently enjoyed by the public.
- Cumulative impact on the area.
- Harmful urbanisation of the area around the village.
- Harmful impact on ecology.
- Increase in noise and disturbance.
- Harmful impact on public views of the Cleveland Hills. Harmful to public views from the Public Footpath.
- Impact on house prices (Note that this is not considered a material consideration).
- Village infrastructure not capable of supporting further development.
- Loss of light to neighbours on Rudby Lea.
- Harmful loss of countryside and detrimental impact on the character and form of the village creating harmful ribbon development on the edge of the village.
- Development is not consistent with the Council's Interim Policy Guidance.
- Poor use of land in terms of efficiency of land use.

5.0 ANALYSIS

- 5.1 The main issues for consideration in this case relate to (i) the principle of additional dwellings in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (iii) Heritage matter; (iv) housing mix; (v) neighbour amenity; (vi) highway safety and ; (vii) Drainage.

The principle of development

- 5.2 The site falls outside of Development Limits of Hutton Rudby with the separate village of Ruby not having any Development Limits. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 of the NPPF states:

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

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

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Rudby 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 in Rudby which is adjacent to the village of Hutton Rudby which is identified in the IPG as a Service Village.
- 5.6 It has been established through earlier permissions that Rudby can be considered to be a sustainable location in the terms of the Interim Guidance. It is clear that the two villages have long been linked economically and socially. Collectively they have churches, a primary school, a pub and a shop. Connectivity is relatively good between the two villages which are readily accessible on foot or bicycle as well as by car.
- 5.7 It is considered that criterion 1 of the Interim Guidance is met.

Character and appearance of the village and the rural landscape

- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. Proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.9 These criteria require development to be small scale; to respect the built form and character of the village; and to have no detrimental impact on the open character and appearance of the surrounding countryside.
- 5.10 The proposed development is relatively small in scale, at 5 units and as such is considered to accord with the requirements of the Interim Guidance in these terms. The question of cumulative impact has been raised in representations. The approved development on the north side of Stokesley Road, opposite the application site, must be considered.
- 5.11 The site to the north runs along the road frontage whereas the proposed development in the current application runs in depth, away from the road. As such the development is considered not to have a dominating impact on the road frontage. The further extension of the development form to the east, along the road frontage is

relatively minimal and as such limited development will be directly experienced, in the context of the development now on site, to the north of Stokesley Road.

- 5.12 It is considered, that whilst the proposed development must be considered in the light of the earlier approval to the north, the cumulative impact of this development is relatively minimal and does not weigh significantly in the Planning Balance.
- 5.13 Moving to the character and form of the settlement in this part of Rudby, the immediate experience of one passing along the main road is of frontage development. However, it is clear from the approach into the village from Stokesley that the area is characterised by relatively modern housing estate development forms, in particular immediately to the west of the site in Rudby Lea and estate of 15 dwellings of one and a half and two storey dwellings.
- 5.14 The proposed development effectively forms an additional layer of development immediately to the east of Rudby Lea. Concern has been raised that the density of the proposed development is too low and fails to make efficient use of the land. However, this also helps to reduce the impact of the development in what is a transitional zone between the built form of the village and the countryside surrounding the village.
- 5.15 In this case, it is considered that the layout proposed follows the context of the character and form of the village and as such the proposed development is considered to accord with policy in these terms, meeting the requirements of CP17, DP32 and Criterion 2 of the Interim Guidance.
- 5.16 The impact of the proposed development of the character and appearance of the countryside must be considered. The landscape form slopes up to the south and east from the application site, with the site itself sitting in an elbow in the landscape. This, along with the hedgerow, forming part of the eastern boundary allows the view to be formed that this site relates well to the built form of the village and results in limited harm to the character of the countryside surrounding the village.
- 5.17 There is a public footpath that runs east to west to the south of the site, joining the adjacent development at The Grove. This route also connects to Rudby Bank adjacent the Church. The proposed development will have an impact on users of this route as the development will be readily visible to the north of the footpath. This impact is considered to be relatively minimal as the development is on one side of the route only and as such the general character of the route will be retained to some extent.
- 5.18 It is considered that the proposed development is in accordance with Policies DP16 and DP30 and criterion 4 of the Interim Guidance Note.

Heritage Matters

- 5.19 As highlighted in the NYCC archaeology response there is a WWII type 23 pill box located close to the southern boundary of the proposed application site. The pill box, owing to its age, rarity and relevance to the past history of the area is considered to be a non-designated heritage asset. As such and in accordance with the NPPF and the Council's heritage policy contained within DP28, the impact of the proposed development on the setting of the pill box must be considered in the balance of the application. It is likely that the pill box was located, along with a second pill box to the north of the site, to provide oversight of the road. The proposed development will have an impact on the view of the road from the pill box but will have no direct impact on the fabric of the structure. It is considered that the development has a minor impact on the setting of the pill box, but that given its non-designated status this harm

is weighed against other material considerations and in this case the harm is not considered sufficient to warrant a recommendation for refusal.

Housing mix

- 5.20 Development Policy DP13 requires that an appropriate mix of housing, meeting identified local need, be provided through new housing development. The main need in Hambleton is for 2 and 3 bedroom properties, the target mix for which is identified in the Council's Supplementary Planning Guidance as 60%.
- 5.21 The application as amended includes a mix (for consideration at this stage) of dwellings of different sizes and forms. 60% of the dwellings on the site will be two and three bed homes, including 3 bungalows (one dormer bungalow). The identified need in the area is for 2 and 3 bed homes and bungalows and it is considered that the proposed development represents a good mix, meeting locally identified need and as such is in accordance with Development Policy DP13.

Neighbour amenity

- 5.22 Development Policy DP1 seeks to ensure that new development does not unacceptably affect the amenity of residents of occupants of existing developments.
- 5.23 Concern has been raised in representations about the potential loss of amenity through an impact on daylight. The separation distances of the proposed buildings from the boundaries of the houses to the west on Rudby Lea, range from 14m to 30m+. The minimum building to building distance is 21m and this in a gable to gable relationship. Given that the site rises from Rudby Lea across the site to the east, the proposed dwellings will be at slightly higher level than the existing development. However, it is considered that the separation distances are more than adequate to protect the amenity of the occupiers of the adjacent properties, in accordance with Development Policy DP1.

Highway safety

- 5.24 Representations have raised concerns about the formation of the access and the use of the road network in the vicinity owing to recorded road speeds in the vicinity of the application site. The Highway Authority has been consulted on this application and they have raised no issues in terms of road safety. Visibility at the entrance onto Stokesley Road is good and the development is considered to have no significant impact on road safety in the vicinity of the application site. A new connection to the existing footway network to the west of the site will be required.

Drainage

- 5.25 The applicant has submitted a Flood Risk and Surface Water Management Strategy with the application. The site is within Flood Zone 1, in the area of lowest risk of flooding. Concerns have been raised in representations about surface water flooding and in particular the possibility of the proposed development diverting surface water onto Rudby Lea to the west of the application site.
- 5.26 The Environment Agency surface water flood risk maps show areas in Rudby Lea are at risk of flooding from surface water. The Flood Risk Assessment has estimated the run-off rates from the existing field and seeks, through the final design stage to ensure that the development results in no additional run-off from the site, thereby protecting the existing properties on Rudby Lea.

- 5.27 It is considered that subject to details to be submitted at a later stage that the development will adequately protect the existing development from flooding.

Other Matters

- 5.28 Representations have raised concern that the proposed development fails to accord with the requirements of the Neighbourhood Plan. Given the stage of the Plan it is considered that this should not be given any weight in the consideration of this application.
- 5.29 A number of concerns were raised in representations about the potential impact of the proposed development on the ecology of the area with at least one representation raising the question of impact on protected species including Newts.
- 5.30 A Preliminary Ecological Appraisal was undertaken by Naturally Wild which found that the site has low ecological value. The trees on site, and the mature lime tree adjacent to the north-west of the site, should be protected with fencing around the Root Protection Areas. A low level lighting scheme should be implemented. Landscape planting should use native species, or species of known wildlife value, and bird and bat boxes should be installed on trees and buildings post-development. Providing these recommendations are implemented, Naturally Wild conclude that there would not be a significant impact to protected species or habitats as a result of the proposed works. It is concluded that subject to conditions, the proposed development is able to accord with Local Development Framework Policy regarding ecology.

Planning Balance

- 5.31 The proposed development, whilst outside development limits is considered to be located in a sustainable location adjacent to the existing built form of the village. The proposed development is considered to comply with the requirements of the Council's Interim Policy Guidance and is otherwise considered to accord with the Local Development Framework in terms of residential amenity, highway safety and drainage. The minor impact on the setting of a non-designated heritage asset is not considered to weigh significantly against the proposals. Consequently, the proposed development is recommended for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall be for not more than 5 dwellings.
 3. The development shall have the following housing mix: 2 x 4 - bedroom detached houses extending to approximately 200sqm; 1 x 3 - bedroom detached dormer bungalow extending to approximately 150sqm; 1 x 3 – bedroom detached bungalow extending to approximately 120sqm; and 1 x 2 - bedroom detached bungalow extending to approximately 100sqm.

4. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: design and external appearance of each building, including a schedule of external materials to be used; the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking.
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 in consultation with the Highway 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 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 a footway on Stokesley Road
 - (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
7. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 6:
 - i) Provision of a footway on Stokesley Road
8. 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: i vehicular, accesses ii. vehicular parking iii. Vehicular turning arrangements iv details how the highway drain running through the site is going to be protected or diverted.
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 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. The following land contamination investigation, remediation and verification conditions must be addressed sequentially. The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs.

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

No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required.

12. No further development shall commence until the approved remediation scheme has been implemented.
13. In the circumstances that remediation has been required, the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
14. Prior to the commencement of development, except for the initial formation of the access into the site, full details of existing and proposed levels shall be provided in writing to and approved by the Local Planning Authority. These levels shall be provided from a known datum point and shall include all existing and proposed ground levels, road levels, finished floor levels, eaves and ridge levels for the proposed development.

The proposed development shall be implemented in accordance with the approved details.

15. Prior to the commencement of development full details of the proposed foul and surface water disposal shall be provided to and approved by the Local Planning Authority. The development shall then be implemented in full accordance with the approved details.
16. The proposed development shall be implemented in accordance with the recommendations of Naturally Wild as set out in the submitted Preliminary Ecological Appraisal received on 01 October 2019.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. The decision has been made on the basis that no more than five dwellings are being proposed. Any greater amount of development would require further consideration of the impacts of the proposed development.
3. To ensure the development comprises an appropriate mix that is in keeping with the surrounding built form.
4. 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.
5. In accordance with Policy CP2 and DP3 and in the interests of highway safety.
6. In accordance with policy CP2 and DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
7. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
8. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
9. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
10. In accordance with policy CP2 and DP3 and in the interests of the safety and convenience of highway users.
11. To ensure safe development of the site and to protect human health and the environment.
12. To ensure safe development of the site and to protect human health and the environment.
13. To ensure safe development of the site and to protect human health and the environment.
14. In order to protect the character and amenity of the area and to comply with the requirements of Development Policy DP1 and DP32.
15. To ensure that a suitable foul and surface water system is provided in order to ensure that a suitable drainage system is provided.
16. In order to protect the natural environment and to ensure compliance with Development Policy DP28.

Parish: Shipton
Ward: Easingwold
6

Committee Date : 6 February 2020
Officer dealing : Mr Mark Danforth
Target Date: 11 December 2019
Date of extension of time (if agreed): 12 February 2020

19/02207/MRC

Application for the removal or variation of condition 4 to approved application 05/02150/FUL.

At: Field View Bungalow Main Street Shipton By Beningbrough North Yorkshire

For: Miss Elizabeth Ellis.

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 This application seeks permission to remove a condition (no.4) from planning approval ref. no. 05/02150/FUL which stated that

"The occupation of the residential accommodation hereby approved shall be restricted to holiday visitors only and no person or persons shall occupy the accommodation for more than eight weeks consecutively".

- 1.2 The proposal is to allow the two existing holiday cottages to be used as permanent dwellings.
- 1.3 The existing pair of semi-detached holiday cottages are sited to the rear of Redworth Cottage and Redworth House, immediately adjacent to Field View Bungalow. Vehicular access is off Main Street to the south of Redworth House. Each of the cottages has a rear garden area of approximately 6 metres x 4 metres and a parking space.
- 1.4 The site is outside the Development Limits of Shipton. Although the York Green Belt wraps around the village the site is within an inset of the York Green Belt.

2.0 RELEVANT PLANNING HISTORY:

- 2.1 05/02150/FUL - Alterations and extensions to existing disused farm buildings to form 2 holiday units - Granted 2005
- 2.2 09/02675/MRC Application to remove condition 4 of planning approval 05/02150/FUL to allow the 2 holiday cottages to be used as dwellings - Refused 2009 as the site is outside the limits for development and due to the location of the cottages and their close proximity to Field View Bungalow, commercial premises and a building used by a stone mason, it is considered that the residents would not benefit from an adequate level of amenity due to overlooking, lack of privacy and noise and disturbance, contrary to Hambleton Local Development Framework Development Policy CP1 and DP1.

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
Development Policies DP8 - Development Limits
Development Policies DP3 - Site accessibility
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP9 - Development outside Development Limits

4.0 CONSULTATIONS:

- 4.1 Parish Council - has no comments to make.
- 4.2 Publicity - no responses received.

5.0 ANALYSIS

- 5.1 The main issues for consideration in this case relate to the principle of allowing residential accommodation in this location, outside the Development Limits of Shipton, together with an assessment of whether these cottages are appropriate for permanent residential accommodation. The application is made on the basis of consideration of acceptability under the Interim Policy Guidance rather than testing whether the condition has outlived its usefulness. Other matters to be considered are regarding the location and the suitability of the site for additional dwellings.
- 5.2 The two existing holiday cottages are located outside the development limits for Shipton village. Policy CP4 does allow for the re-use of existing buildings outside development limits but only where this would "help to support a sustainable rural economy or help to meet a locally identified need for affordable housing". In this case the only justification put forward by the applicant is that applicant is not sufficiently able bodied to carry on undertaking the work that is required for the day to day running of the units.
- 5.3 In this case planning permission was granted solely for conversion to holiday cottages as it was considered to be an acceptable commercial use in the countryside in a location where dwellings would not be acceptable at that time. The development was in accordance with adopted policies and the condition was imposed to ensure it was therefore occupied as holiday accommodation.
- 5.4 No exceptional case has been put forward to use these two cottages as permanent residential units, the proposal is therefore contrary to Policy CP4 as the location outside defined development limits is considered to be unsustainable. However the proposal seeks support from the Interim Policy Guidance and note is made by officers to an appeal decision from June 2019 APP/G2713/W/19/3223618 (Huby) for housing outside development limits was not viewed as unsustainable.
- 5.5 The inspector opined regarding the Huby site: 'Despite the proposed development falling the wrong side of a line specified in the development plan (the settlement limit), taking my earlier comments into account regarding the site, the settlement's services and improvements to access it does not strike me that the scheme would necessarily serve to promote unsustainable patterns of new development. There are therefore, and with particular regard to the merits of the case, material considerations at play that could be capable of outweighing the conflict with CP4 and DP9'.
- 5.6 In regards to sustainability the same could be said about this site given its relationship to the village and the fact that it also falls "the wrong side of a line" in the built environment, with dwellings set further west, beyond this site.

- 5.7 On the basis that the policy position of the Interim Policy Guidance and in the light of the appeal decision quoted above, it is not necessary to consider whether the occupancy condition has outlived its usefulness. If the policy position is not accepted, and further consideration of the usefulness of the condition is required it is the case that no evidence to show that the condition has outlived its usefulness. The agent in the alternative seeks support from the Interim Policy Guidance.

The Interim Policy Guidance

- 5.8 The site is on the edge of the village of Shipton which is a secondary village in the updated settlement hierarchy. It is considered a sustainable place for new development, where it can support the local services, the development being a conversion of a building from two holiday cottages to two small dwellings is small in scale and results in no change in built form or character and no impact upon the natural, built or historic environment or landscape setting. The proposal meets the criteria 1 to 4 of the IPG. There is no evidence to suggest that the use of the building as dwellings instead of holiday cottages would exceed the capacity of the infrastructure and is considered to meet criteria 5 of the IPG. The remainder of this report considers the other planning matters that must be addressed to accord with the final sixth criteria of the IPG.
- 5.9 The cottages are of permanent construction and there is nothing about the buildings or location that would suggest that they are unsuitable for permanent residential occupation. The size of the units are both small but the calculation of floor space provided by the agent, who relies upon sales particulars of the property, is that they achieve the size of the nationally described space standards and are considered to meet the requirement of LDF Policy DP13. The units are both small and are therefore able to provide dwellings at lower costs to future occupiers than dwellings that are larger and have larger amounts of outdoor amenity space.
- 5.10 The holiday lets have also been compared to the two units at Framfield House complex to the south of this site that was approved by members, following a long and complex planning history. Whilst there are similarities to this site in regards to size of actual amenity space and the usable liveable space it is very different in terms of its location and proximity to other uses. Framfield has no manufacturing business operating close by and has been found (on appeal) to have a limited but sufficient amenity space and off street parking.
- 5.11 The site plan for Field View shows limited areas of open space enclosed by a boundary fence to the north and open grassland to the south. To the east side area of the units an area of parking is proposed, the area to the north is used in conjunction with the access and delivery area for a "picture framing business" which lies immediately to the north of the garden areas and offices to the east. Whilst undertaking a site visit a medium sized lorry was parked adjacent to the rear garden of the first unit and a customer was parked in the spaces designated for the lets. However, noting the size of the business premises and the subsequent clarification of the range of uses that are to be undertaken within the commercial buildings, the applicant confirms only Use Class B1, uses which can be undertaken in a residential area without detriment to the amenity of neighbours, operations will be allowed. The range of uses within the business unit can be controlled by condition.
- 5.12 Policy DP1 advises 'All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Developments must not unacceptably reduce the existing level of amenity space

about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants'.

- 5.13 The siting of the cottages with modest amenity space has to north and south sides and with a control over the future use of the building to the north is such that they will have an acceptable level of amenity. Whilst there will be some degree of overlooking from the access and neighbouring dwelling Field View Bungalow, and the potential for some loss of privacy and noise and disturbance from these neighbouring uses and only a relatively small garden area the standard of the accommodation is acceptable. The scheme can be considered to be acceptable under the LDF policies and IPG subject to conditions to require the layout of the garden and parking space and limitation to the use of the adjoining buildings to Use Class B1. The change since the refusal of the application in 2009 is the end of the stone mason business and replacement by a picture framing use.

PLANNING BALANCE

- 5.14 The proposal would achieve two small units of accommodation in a village within the York Green Belt, whilst the standard of residential amenity is relatively low due to the space and relationship to neighbouring uses on balance it is considered that the benefits of achieving two small dwellings outweighs the residual concerns regarding the standard of amenity for the two dwellings.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations 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 building to the north of the application site and shown to be within the blue line shall not be used for purposes other than falling within Use Class B1.
3. Within 1 month of the approval of this application a detailed plan for the layout of garden, parking areas including bin storage and boundary treatments of garden areas shall be submitted for approval of the Local Planning Authority. Within 2 months of the approval of the detailed plan the arrangement shall be implemented to provide garden area and parking areas including boundary treatments, in accordance with the approved details. Thereafter the garden, parking and boundary and other details that may have been approved, shall be retained at all times that the building is in use for residential purposes.

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 safeguard the amenity of residents in accordance with LDF Policies CP1 and DP1.
3. To ensure that space is laid out to provide for the reasonable amenity needs of future residents in accordance with the LDF Policies CP1, DP1, CP17 and DP32.

Parish: Seamer
Ward: Hutton Rudby
7

Committee Date : 6 February 2020
Officer dealing : Ms Helen Ledger
Target Date: 30 December 2019
Date of extension of time (if agreed):

19/02287/OUT

**Outline planning application with all matters reserved for the creation of five residential development plots.
at Springwell Nurseries Stainton Road Seamer North Yorkshire
for Mr & Mrs Cook.**

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The application site is located within the settlement of Seamer, which is an Other Settlement in the Settlement Hierarchy. The village is located at the northern edge of the district, close to the boundary with Stockton on Tees Borough. The site is linear in nature extending northwards along the road frontage. It is noted the southern portion benefits from outline planning consent for five dwellings granted in 2018. This northern portion of the former nursery site is approximately 0.44 hectares in size. The site is currently no longer in use as a plant nursery having closed sometime between now and the previous application to develop the southern portion of the site.
- 1.2 The proposal is for outline planning permission with all matters reserved for the creation of five residential development plots. This application mirrors that granted in 2018, to the south.
- 1.3 The site has an established landscape framework around the majority of its boundary, which largely screens it from the adjoining countryside to the north and east. On the opposite side of Stainton Road are several residential properties. The core of the village is located to the south east where there are several services and facilities, public house, parish church and a farm shop selling fresh produce.
- 1.4 The application is in outline form with all matters reserved. The remaining matters, i.e. access, appearance, landscaping, layout and scale, would be for a later application if this application is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/00305/OUT - Outline application for five dwellings with all matters reserved - Approved at planning committee 09.11.2018

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

Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP28 - Conservation
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 Seamer Parish Council - No objection response submitted.
- 4.2 NYCC Highways - No objections subject to a series of standard conditions.
- 4.3 Environment Health - No objections, development not likely to cause nuisance.
- 4.4 Contaminated Land - The site has been used as a plant nursery since the 1960s. This past use could have given rise to land contamination, so an investigation is required to find out whether contamination is present. A pre commencement planning condition is proposed to ensure site investigation and a remediation scheme is submitted. The applicant has agreed to this condition.
- 4.5 Northumbria Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. Therefore request a condition to prevent the increased risk of flooding from any sources in accordance with the NPPF. The applicant has agreed to this pre commencement condition.
- 4.6 Site notice posted and neighbours notified. One objection received and issues raised are summarised below:
- Additional traffic in the area
 - Parking issues and access onto Hilton Road
 - Concern that the Parish Council has not canvassed local opinion.

5.0 ANALYSIS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) scale (iii) the loss of employment land (iii) the impact on the character and appearance of the surrounding area; (iv) the impact on the amenity of neighbouring occupiers; (iv) affordable housing and (vi) highway safety .

Principle

- 5.2 The site is located within the settlement of Seamer, and falls just beyond Development Limits. 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, however seeks to rely on the application of the Interim Policy Guidance Note, The proposed development is considered to be a Departure from the Development Plan.. To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas.

- 5.3 In the assessment of the 2017 application on the southern part of the site, the officer's report found that Seamer was not a location that would support local services without use of the private car. In the IPG Seamer is identified as an Other Settlement, in recognition of the relatively small number of services and facilities. The nearest main settlement is Stokesley, located approximately 2.7km to the south east of Seamer. This is accessed via de-restricted rural roads, large sections of which are not served by footways. It should be noted that the main services within Stokesley are approximately another 0.5km distant.
- 5.4 There is clearly a conflict with criterion 1 of the IPG and having applied the guidance it cannot be concluded that the proposal would be in accordance with the IPG and therefore this policy approach cannot apply in this instance. Since determining the previous application nothing has changed to alter this interpretation of policy.
- 5.5 It is clear since the plant nursery closed that the site contains a range of structures that have fallen into disrepair along with other paraphernalia pertaining to the former activities on the site. Policy CP4 part ii) would allow development beyond development limits where it is necessary to secure a significant improvement to the environment.
- 5.6 When Members considered the earlier application at planning committee, Members gave substantial weight to the benefits of local environmental improvements across the wider site and considered that the 2017 application provided the opportunity to secure this via a planning condition. The application was approved with a condition set out below:
- Prior to commencement of development, a scheme for the demolition and removal of the glass house structures and restoration of the site, shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be progressed in accordance with the approved details.
- 5.7 This condition has not been discharged, although it is clear that the part of the site containing the greenhouses is to the north, the specific area subject to this application.
- 5.8 It is therefore considered that part ii) of policy CP4 cannot be applied again given the environmental benefits in clearing the site have already been considered and accounted for in the planning balance to off-set the impact of the small scale housing scheme proposed to the immediate south of the current application. As there are no new or further benefits set out in the proposed development, designed to meet the requirements of CP4, this application fails to comply with this policy in terms of environmental gain.

Scale

- 5.9 Notwithstanding officer concerns that the IPG cannot be relied upon in this case, and noting that the IPG supports small scale housing growth interpreted to mean no more than five houses, this application would in combination with the approval to the south create an estate of ten new houses in a small village with limited services. It is considered that in combination with the 2017 approval this would cumulatively create a new development out of proportion with and harmful to the character of the village. The proposed development is be contrary to Core Strategy Policy CP4 which states development should be of a scale and nature appropriate to secure the sustainability of each settlement and DP10 which seeks to ensure that the form and character of settlements is protected.

- 5.10 At the time of the 2017 application officers considered that a scheme of 12 was not appropriate for a village the size of Seamer with its limited range of facilities, and the proposals were reduced to a scheme of 5 units at that time.

Employment Land

- 5.11 Policy DP17 aims to resist the loss of employment land. In this instance the site has now closed and it is understood when open provided employment for the two site owners only. It is argued in the planning statement that the relatively small size of the site would suggest that it would not lend itself to operating as a viable commercial enterprise, and may stand derelict. The division of the site granted under the 2017 application, the planning statement argues has diminished the commercial value of the site.
- 5.12 No evidence has been submitted to substantiate this position on the commercial viability of the site, either for a smaller scale plant nursery or another suitable business use. The agent has sought to resolve the potential conflict with policy DP17 by setting out that the site is not allocated as employment in either the adopted or emerging development plan. It is agreed the site is not covered by such an allocation or other designation, but it is noted that policy DP17 is intended to apply equally to both allocations and existing sites in lawful employment use.

Character and Appearance

- 5.13 The application is submitted with all matters reserved but an illustrative layout plan has been included. Little weight can be given to the plans in forming the recommendation.
- 5.14 The agent has advised that this new proposal would allow for a holistic scheme to be developed at reserved matters stage, linked to the previous approval and as a whole can benefit from shared facilities, access and existing landscape and screening. It is noted the northern portion of the site drops away which again offers more capacity to absorb development.
- 5.15 It is considered that the northern half of the site has some relationship with the existing development along Stainton Road, and does not go further than this group of existing dwellings to the west. The shape and size of the site provides opportunity to deliver a development that would benefit from the existing landscape framework, respond positively to the built form, and respect residential amenity.
- 5.16 It is recognised that the site is separate from the wider countryside, in that at its north and western boundaries it is separated by existing landscape features. In addition a small element of the site that would accommodate development can be viewed as previously developed land. It is considered that a scheme could be developed to ensure no harmful impact on the visual amenity of the local area, as required by policy DP1. It is also true that due to these features the impact on the natural surrounding landscape would be relatively minimal.

Affordable housing

- 5.17 The Council seek contributions in the rural area to affordable housing on proposals of 6 dwellings or more. No affordable housing contribution has been included in this latest scheme, which together with the previous application creates an estate of ten houses. Without a contribution to affordable housing, cumulatively, the development of this site combined with the group of houses to the south would be contrary to the ministerial statement of November 2014 and Hambleton District Council resolution of 19 July 2016 with regard to the provision of affordable housing. As such the proposed

development is considered to fail to accord with the requirements of Development Policy DP13 and DP15.

Highway safety

- 5.18 It is noted in the consultee response from the County Council as Highway Authority, that visibility will need to be improved at the access in line with the standards within Manual for Streets, as well as pedestrian access to the site from the existing footway network on Hilton Road. The internal layout of the roads serving the development would also need to be submitted as part of the reserved matters application.
- 5.19 It is considered to be possible to create safe access to and throughout the development without detriment to road safety, subject to details which would be submitted at the reserved matters stage should this application be approved.

Planning balance

- 5.20 It is considered that whilst the proposed development would have no significant impact on landscape character and existing residential amenity, this proposal fails on the principle of development as it cannot meet the requirements of criteria 1 of the Interim Guidance Note. The site is not otherwise considered to be an appropriate and sustainable location for housing development. It is further considered that the environmental benefits of the scheme have already been secured through the previous planning application to the south of the site and as such little weight can be attached to the current proposals in the absence of a viability appraisal assessing the balance between the value of the development and the cost of remediation. The proposed development is considered to require an affordable housing contribution and in the absence of which the development is considered to fail to accord with the Council's requirements for affordable housing.

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 proposal is contrary to the Local Development Framework Core Strategy Policies CP1, CP4, and cannot receive support through the Council's Interim Policy Guidance (IPG) as the proposal is not small in scale and fails to offer any new environmental benefits. The development is located outside Development Limits where new housing development is not normally supported.
2. In the absence of a complete planning obligation to provide for affordable housing on the site the proposal fails to meet the requirement of Local Development Framework Policy CP9 and DP13 as the proposal does provide a mechanism to secure the provision of an element of housing which is accessible and affordable to those unable to compete in the general housing market

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Parish: Pickhill with Roxby
Ward: Tanfield
8

Committee Date: 6 February 2020
Officer dealing: Mrs H Laws
Target Date: 12 February 2020

19/01924/FUL

Conversion and extension of existing bungalow to form Two 3-bed dormer bungalows.
At: Broadlea Street Lane Pickhill North Yorkshire
For: Mrs A Cunningham.

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

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The site lies beyond the north western end of Pickhill and covers an area of approximately 0.14 hectares. The application site boundary lies approximately 95m beyond the defined Development Limits of the village, on Street Lane at a higher ground level than the properties on the immediate edge of the village. The site is currently occupied by a vacant bungalow, which is a brick-built property with a hipped roof and an integral single garage. The existing dwelling has three bedrooms.
- 1.2 The majority of the garden lies to the front of the property with a low, brick retaining wall fronting the highway, set between two accesses that form a horseshoe driveway within the front garden. An area of land to the north east of the dwelling is also included within the application, proposed as garden although this land is currently separated from the bungalow by a mature hedgerow and wall (accessed through a garden gate) and it appears that this land has now been incorporated into the adjacent agricultural field.
- 1.3 It is proposed to alter and extend the existing bungalow to create a semi-detached pair of dwellings with first floor accommodation within the roofspace. Each dwelling would have three bedrooms and an integral single garage served by separate driveways, utilising the existing accesses.
- 1.4 The footprint of the dwelling would be increased at either end and the height increased to provide a higher eaves level topped with a gabled roof. Dormer windows and rooflights are proposed to the front and rear elevations.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy 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 DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Emerging Hambleton Local Plan
National Planning Policy Framework

4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Parish Council – No objections.

4.2 Highways - Recommend Refusal. Visibility splays at this location have been assessed in accordance with Manual for Streets guidance. The available visibility at the western access is 2.4 metres by 15 metres to the west and 2.4 metres by 23 metres to the east. Visibility from the eastern access has been assessed at 2.40 metres by 25 metres to the west and 2.4 metres by 22 metres to the east.

The existing accesses, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.40 metres x 43.00 metres cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

4.3 Environmental Health – No objections.

4.4 Publicity – no comments received

5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of additional residential development in this location; (ii) an assessment of the likely visual impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) impact on residential amenity; and (iv) highway safety.

The principle of residential development

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

"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 some special circumstances that are consistent with those set out in Policy CP4, with the addition that "the design is of exceptional quality" or "it would involve the subdivision of an existing residential dwelling".

- 5.4 The proposed design is not of such exceptional quality nor is the proposed development considered a sub-division in terms of the NPPF given the extent of the alterations and extensions. The creation of a second dwelling in this instance requires an increase in the overall height of the building of 960mm and requires an increase of 80% in the habitable floor area of the existing building. As such, the proposed development would not comply with any criteria of Policy CP4 or the requirements of the NPPF.
- 5.5 To ensure appropriate and consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.6 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.7 The guidance makes reference to development that will support local services in a village nearby. The site is within walking distance of Pickhill, which is defined in the LDF Settlement Hierarchy as a Secondary Village where the principle of additional residential development would be acceptable. There is however no footway or streetlighting, both of which begin on the edge of the village on the northern side of the street and would not be attractive for walking, especially with small children. The end of the garden of Roxby House lies within 25m of the edge of the application site but the perception is of Broadlea being much further beyond Pickhill due to the greater distance of 85m between the buildings. The existing dwelling at Broadlea is not part of the built form of the village; it is a dwelling set within the open countryside.
- 5.8 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; it is considered that the site does not form part of the village in these terms and therefore would not represent natural and organic growth and as such it is considered that the proposals cannot draw support from the IPG.

Character and appearance of the village and the rural landscape

- 5.9 LDF Policies CP16 and DP30 require new development to respect the openness and intrinsic character and quality of the landscape.

- 5.10 The existing dwelling is a low key, single storey bungalow with limited visual impact due to its low height and discreet scale. The site lies at a higher level than that of the edge of the village to the north east as Street Lane rises in a westerly direction, and is surrounded on three sides by agricultural land. The visual impact of a much taller and bulkier building at a higher ground level would be greater than the existing relatively low lying structure, which is not unduly prominent within the landscape.
- 5.11 The hipped roof of the existing dwelling contributes to its discreet nature; the proposed, much taller gabled roof results in a greater amount of development at a much higher level thereby significantly increasing its prominence within the landscape.
- 5.12 The increased scale of the proposed development means that the proposed development would detract from the rural landscape in this position, beyond the village envelope and therefore would be contrary to LDF Policies CP16 and DP30, which require development to respect the character of the countryside.
- 5.13 The proposed development would remove the existing hedgerow boundary to the north east and extend domestic development beyond the existing domestic part of the site resulting in a greater visual impact on the surrounding landscape.
- 5.14 The site is set within a rural aspect as it lies within the open countryside. The proposed development does not comply with the following detailed advice within the IPG:
- "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 As such, it is considered that the development proposed, with a much greater visual impact would have a harmful impact on the natural environment, contrary to Policies CP16 and DP30.

Residential amenity

- 5.16 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The closest neighbours would be to the north-west, on the edge of the village.
- 5.17 It is considered that one additional dwelling would not create undue noise and disturbance that would be contrary to the requirements of Policy DP1 and that adequate distance would be available to ensure that no unacceptable levels of overlooking or overshadowing would occur to each of the neighbouring properties. It is suggested that the amenity of the existing and proposed residents would be protected.
- 5.18 The proposed development would therefore accord with LDF Policy DP1.

Highway matters

- 5.19 Development policy DP4 states that proposals must ensure that safe and easy access is available to all potential users. The Highway Authority has objections regarding the visibility from both of the access points onto Street Lane. Visibility in both directions from both accesses is sub-standard and therefore an intensification of use resulting from an additional dwelling would give rise to unacceptable highway safety issues. The proposals fail to accord with the requirements of Development Policy DP4 and refusal of the application is therefore recommended on these grounds.

Planning balance

- 5.20 The proposed development is outside any defined Development Limits. Albeit that there would be some social and economic advantages through the provision of an additional dwelling, the economic gain from the residential development and future occupation would be limited. The harm to the appearance of the countryside and the risk to highway safety are significant and this harm is not outweighed by the limited social and economic gains. There are no other material considerations that would outweigh the adopted LDF policies and refusal of the application is recommended.

6.0 RECOMMENDATION:

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

The reasons are:-

1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village as required by the Council's Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council's Interim Planning Guidance (2015) and paragraphs 78-79 of the National Planning Policy Framework.
2. The proposed development is contrary to Policies CP16 and DP30 of the Hambleton Local Development Framework and the Council's Interim Planning Guidance (2015), which requires development to preserve and enhance the District's natural assets and to respect the openness of the countryside. Due to the increased height and massing of the residential development, it would fail to respect the character and appearance of this rural countryside setting and the built form of Pickhill and would therefore have a detrimental effect on the immediate environment.
3. The proposed development is contrary to LDF Policies CP2, DP3 and DP4. The existing accesses, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.4m x 43m cannot be achieved at the junction with the County Highway and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

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Parish: Kirkby
Ward: Stokesley
9

Committee Date : 6 February 2020
Officer dealing : Mr Mark Danforth
Target Date: 5 September 2019
Date of extension of time (if agreed): 29 November 2019

19/01064/FUL

Change of use of existing vacant building to A1 use and associated parking.
At: Unit 14 Terry Dicken Industrial Estate Station Road Stokesley,
For: Mr Matthew Evershed.

1.0 SITE AND DEVELOPMENT

- 1.1 The site forms part of the Terry Dicken Industrial Estate specifically unit 14. The buildings on this estate are generally in a B2 use.
- 1.2 The proposal seeks retrospective permission for use as an A1 retail unit. The unit is constructed from brick with a metal sheeted grey roof. No external alterations have been made to the building.
- 1.3 The floor space of the unit is 153 sq/m. Acad Trading Limited runs a number of shops under the banner of Campus & Co stores.
- 1.4 It is understood that the Plymouth Brethren Christian Church have a number of shops across the country. They are all member only sites and as such are not open to the general public. The Brethren has identified a need for a unit in this area of the North East and has sought a unit in the wider area, before moving into the current unit on the Terry Dicken Industrial Estate.
- 1.5 The shop is laid out as a small shop selling a range of household groceries and related items, on a retail basis. Profits from the site go toward supporting One-School Global Campuses.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 No Enforcement History. It is understood that the unit is a former tyre service centre.

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
Development Policies DP3 - Site accessibility
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP24 - Other retail (and non-retail commercial) issues
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council- no objections.
- 4.2 NYCC Highways- no local highway authority objections.

- 4.3 Northumbrian Water- no comment to make.
- 4.4 Environmental Health Service - no objections.
- 4.5 One letter of observation neither objecting or supporting, summarised below-
- Need a better understanding of the product range on sale
 - Question whether the business activity is suited to the business park/estate
 - Development may be more suited to a high street location
 - Unclear as to who the organisations customers are

5.0 Analysis

- 5.1 The key determining issues are (i) the principle of development in this location and; (ii) the likely impact of the proposal on the industrial estate

Principle

- 5.2 Policy DP24 of the adopted Hambleton District Local Development Framework states 'Small scale retail developments will be permitted outside the Primary Retail Area boundaries in policy DP21 where these serve neighbourhoods and residential areas and "retail developments on employment areas will not be permitted unless they are small-scale use related to or an ancillary part of a business.
- 5.3 As well as DP24, Policy DP17 states that "Sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted, unless:
- i. the supply and variety of available alternative employment land is sufficient to meet District and local requirements; or
 - ii. evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or
 - iii. there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or
 - iv. economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises. Where redevelopment of employment land is accepted, particular concern will be given towards ensuring the future viability of individual businesses (eg. tenants of an estate or premises) that might be displaced."
- 5.4 The agents have tried to make the case that the unit would be similar to a cash and carry type use i.e. Bookers or Macro which are frequently located on sites such as this.
- 5.5 Having reviewed the details of the application, looking at the details of the use, it is considered that the proposed use would fall under Class A1 use as a shop. On entering the shop it is not a cash and carry layout or set up. The relatively small scale and limited floor space of the unit would not allow for it to be a cash and carry use in any case. As such it is considered that, notwithstanding the particular nature of the applicant's operation, the site is simply being used as a retail shop.

- 5.6 The agents were given further opportunity to address concerns raised and agreed an extension of time to do so.
- 5.7 Further information has been provided about the applicant's other operations but they were not considered to be comparable to this site. The applicants have stated 'Acad Trading is needing permission to operate a Campus & Co store and provide distribution to other stores in the region (Newcastle & Leeds).
- 5.8 Campus & Co stores are general stores that have been set up across the UK and globally selling a range of household goods, giftware and groceries to members of the Plymouth Brethren Christian Church only, and are not open to the general public. In addition to this, goods and services are only advertised to members. The purpose of the stores is to generate revenue to support One-School Global Campuses.
- 5.9 Albeit the above explains the end user it is still considered by officers insufficient an explanation as to why an industrial unit has to be used as they are known to occupy high street units in other locations.
- 5.10 The retail development does not serve the neighbourhood or residential area therefore is contrary to policy DP24. The shop facility also undermines the B2 employment use of the business park contrary to DP17 and cannot therefore be supported. There has been no evidence put forward that would counter the criteria of the aforementioned policies and as such refusal is recommended.

6.0 RECOMMENDATION:

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

The reasons are:-

1. The retail development does not serve the neighbourhood or residential area therefore is contrary to DP24. The shop facility also undermines the B2 employment use of the business park contrary to Development Policy DP17.

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Parish: Great And Little Broughton
Ward: Stokesley
10

Committee Date : 6 February 2020
Officer dealing : Mr Nathan Puckering
Target Date: 31 December 2019
Date of extension of time (if agreed): 7 February 2020

19/02302/FUL

Construction of 3 bed dwelling house, alterations to existing driveway and landscaping.
At: Broughton Grange Farm, High Street, Great Broughton, North Yorkshire
For: Mr Mark Noble.

- 1.1 The site is a parcel of land immediately to the west of the grade II listed Broughton Grange Farmhouse, located approximately 130m south of Great Broughton. The site is within the extensive curtilage of the aforementioned dwelling, sitting approximately 40m west of the rear elevation of the property.
- 1.2 The site is bordered by an extensive line of trees and shrubbery to the east, which are protected under a group TPO, with High Street (B1257) running north-south beyond that. To the south is the driveway which serves the existing property, with a domestic outbuilding associated with Broughton Grange Farm sited the other side of this access. Furthermore, an agricultural building, not under the ownership of the applicant is sited approximately 130m away in this direction, with an expanse of countryside beyond that.
- 1.3 To the north are 4 former agricultural outbuildings which were converted to dwellings some years ago. In addition to these dwellings is a former traveller site located to the north east which following a recent up-held appeal is now an independent market dwelling. Beyond that is the beck which defines the southern boundary of Great Broughton, with the newly developed residential development made up of 26 units on an allocated site, beyond that. To the west of the site beyond Broughton Grange Farm, is an area of open countryside, with the hills of the North York Moors National Park visible in the distance.
- 1.4 The application is for the construction of a 3 bed dwelling house, built using local stone and clay pantiles, it would comprise a one and a half storey section, adjoined by two single storey elements to form a U shaped building. The development would incorporate timber framed windows. In addition, the proposal includes alterations to the existing driveway in the form of a slight repositioning in a westerly direction to accommodate the proposal. The application includes pedestrian access to the north of the site via a proposed new footpath which will run from the adjacent road. In terms of the aforementioned protected trees, all but one of these will be retained, with the boundary of the new dwelling defined by estate railings similar to those already in situ on the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/01974/FUL - Construction of two detached dwellings, one detached car port, change of use of agricultural land to domestic curtilage, and landscaping - REFUSED for the following reasons:
 - the proposal is not in keeping with the existing built form and character of the village and is therefore in conflict with the Interim Policy Guidance.
 - the proposal would cause harm to the significance of the adjacent grade II listed building
 - the impact of the adjacent trees would have a detrimental impact on the amenity of the future occupiers of the residential property

- 2.2 17/01224/OUT - Outline application with all matters reserved for 4 dwellings - Undetermined

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 DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council - Object for the following reasons:

- The proposed development is outside the current development limits for the Village and fails to meet the exceptions criteria for a development outside of those limits.
- The proposed development does not reflect the existing build form or respect the character of the village.
- The construction of the dwelling in the proposed location would harm the special architectural and historic interest of the grade 2 listed building of Broughton Grange and this harm would not be outweighed by public benefit, as there is no benefit defined to the public in this application.
- The village of Great Broughton no longer meets Hambleton Planning Departments criteria for a Service Village, therefore no commercial or social value can be claimed as a result of this proposed development.

- 4.2 Highways - no objections subject to conditions relating to parking and precautions to prevent mud on the road.

- 4.3 Society for Protection of Ancient Buildings - no representations received

- 4.4 Natural England - no objections

- 4.5 Yorkshire Wildlife Trust - no objections

- 4.6 Northumbrian Water - no comments to make

- 4.7 Site Notice and Neighbour Notification - no representations received

5.0 ANALYSIS

- 5.1 The main issues to consider are: (i) the principle of the development, (ii) the impact on the significance of the adjacent grade II listed building, (iii) the design of the proposal, (iv) the impact on the character and appearance of the surrounding countryside, (v) the impact on the adjacent protected trees, (vi) highway safety, (vii) drainage and (viii) residential amenity.

The Principle

- 5.2 The site is located outside of the defined development boundary for the village of Great Broughton and therefore Policy DP9 and CP4 are relevant. Policy DP9 states that development outside of the defined limits will only be supported when it is in-line with other relevant Local Development Framework (LDF) policies, as well as one of the exceptional circumstances set out in Policy CP4. The exceptional circumstances set out therein are as follows:

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

- 5.3 It is considered that the proposal does not fulfil any of the above criteria and therefore is not in accordance with Policy CP4.

- 5.4 The National Planning Policy Framework, which post-dates the above policy and is a material consideration and is supportive of housing in the open countryside to an extent. In paras 78 and 79 it states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 5.5 In order to bring local policy in-line with the above national policy, in 2015 the Council adopted Interim Policy Guidance concerning small scale housing development in rural areas. Included in this was also an up-dated Settlement Hierarchy. The IPG sets out six criteria that small scale housing development must meet in order to be acceptable.

- 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 site in question is within walking distance of the nearby village of Great Broughton which according to the Settlement Hierarchy is a Service Village. Consequently, it is accepted that the site is in a location that would support local services in a nearby village and therefore is in-line with criterion 1.
- 5.7 However, criterion 2 of the IPG also requires that any development must reflect the existing built form and character of the village. The site is located approximately 80m south of the beck which runs west to east and acts as a natural boundary for the south of the village. As one crosses the bridge over the beck, there is a significant change to the nature and character of the landscape along with the density of the built form, moving from the built-up residential area located at the southern extent of the village, into the open countryside - interrupted only by sporadic agricultural units and farm-houses as one moves south toward the North York Moors National Park.
- 5.8 It is noted that there are several dwellings on this side of the beck which are located adjacent to the site. However, the fact that all of these dwellings are converted old agricultural buildings and/or the associated farmhouses, illustrates that the character of this area is defined as open countryside with farm units rather than new-build, modern residential development, as proposed by this application.
- 5.9 As a consequence of the above it is considered that the proposal does not fulfil the requirements of criterion 2 of the IPG as it does not reflect the existing built form and character of the village.
- 5.10 The application site is considered to be more closely associated and characterised as being part of the wider countryside. The introduction of further residential accommodation in this area is considered to lead to an urbanising impact on the character of the landscape. It is considered that the development of this site will have a harmful impact on the character of the landscape and as such will have a detrimental impact on the open character and appearance of the surrounding countryside and as such fails to accord with both the IPG and Development Policy DP30 which seeks to protect the character of the countryside.
- 5.11 In addition, criterion 3 of the IPG requires that for the principle of the development to be acceptable, development must not have a detrimental impact on the historic environment.
- 5.12 As set out elsewhere in this report, it is considered that the proposed development would cause less than substantial harm to the significance of the adjacent grade II listed farmhouse and subsequently fails to accord with criterion 3 of the IPG.
- 5.13 As a consequence of the above it is considered that the proposal does not fulfil the requirements of the IPG and therefore the development in this location is not acceptable in principle.

Impact on the adjacent grade II listed building

- 5.14 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.
- 5.15 The National Planning Policy Framework at paras 195 and 196 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. Where harm is identified to the significance of a heritage

asset, that harm must be given great weight and importance in the determination of the application and planning permission only granted where the public benefits of the proposals are considered to outweigh that harm.

- 5.16 Also relevant is Policy DP28 of the Local Development Framework, which states that the preservation of historic heritage will be ensured by, amongst other things, preserving and enhancing Listed Buildings. Furthermore, development within or affecting the feature or its setting should preserve all aspects that contribute to its character and appearance.
- 5.17 A detailed Heritage Statement was included in the submission of this application. This reasonably assesses the significance of the listed building in question and the contribution its setting makes to the significance of the asset. It concludes that the site of the proposed development has a neutral impact on the setting of the listed building and the construction of a dwelling will therefore not harm the significance of the listed building. Officers do not agree with this conclusion.
- 5.18 With regard to the wider setting of the heritage asset and the contribution this makes to the significance of the asset, the heritage statement claims that the site is a neutral element of the setting. On the other hand, the statement claims that the former gypsy / traveller site to the north of the site has harmed the setting of the heritage asset, as has the construction of several domestic garages and sheds associated with the other dwellings directly to the north.
- 5.19 In assessing the submission, it is considered that the wider site, around the listed building contributes positively to the setting of the heritage asset and that setting contributes to the significance of the asset. There is a sense of arrival as one comes up the private driveway which helps to create a sense of grandeur for an important building. This is considered to contribute to the significance of the heritage asset.
- 5.20 The development of a new dwelling will introduce a different context to the wider site, completely altering the way one would experience the heritage asset upon entering the site and therefore harming the sense of grandeur and thus harming the setting of the heritage asset.
- 5.21 As set out in the heritage statement the introduction of domestic features in the near locality already conflicts with the otherwise largely unspoilt setting of the heritage asset. Again this leads to the conclusion that the development would further urbanise the setting of the listed building in a harmful way.
- 5.22 In addition, the heritage statement points out that the remaining outbuildings in situ are the only things left that evidence the historic use of the site as a farmstead. Furthermore, it refers to the fact that the design and siting of these buildings (i.e. them being smaller and not exhibiting as much design detailing) show the hierarchy of the buildings on the site with The Grange being the most important building. The heritage statement claims this will not be compromised as a result of the development.
- 5.23 The story the wider site tells in terms of the hierarchy of the buildings is accepted. However, it is considered that the introduction of a new building on the site will lead to further loss of historic context and will also alter the nature of the wider site and the relationship between the listed Grange and the remaining outbuildings - in turn leading to harm to the setting of the asset and one's understanding of the historic context of the site.
- 5.24 As a consequence of the above it is considered that the proposal would lead to harm to the setting of the listed building and therefore is said to have less than substantial

harm to the significance of the heritage asset. Giving great weight and importance to the identified harm to the heritage asset and considering that there is negligible public benefit in the creation of a single open market dwelling, it is considered that the public benefit does not outweigh the less than substantial harm to the heritage asset. Therefore the proposal fails the test set out within paras 195 and 196 of the NPPF and consequently is unacceptable on heritage grounds.

The Impact on the Open Countryside

- 5.25 As described above, the site in question is located within an area of open fields and countryside. Consequently, Policy DP30 is relevant which states that the intrinsic character and quality of the open countryside must be protected.
- 5.26 Given the existing landscaping which surrounds the site on two sides, the development would not be visible from the adjacent B1257. This, plus the small scale of the proposal ensures that the visual impact on the wider, open countryside will be limited.
- 5.27 Having said that, whilst the proposal is considered relatively acceptable in terms of visual impact on the immediate locality, it is not considered acceptable with regards to the impact on the character of the open countryside. The site is outside of the boundary for the village, where one would expect residential development to be located. It leads to the urbanisation of an intrinsically rural area and therefore cannot be said to be protecting the intrinsic character of the open countryside.
- 5.28 As a consequence, it is considered that the proposal would harm the intrinsic character of the surrounding area and therefore is in conflict with Policy DP30 and criterion 4 of the IPG which requires development not to have a detrimental impact on the open character of the countryside. Given this, the proposal is considered to have a detrimental impact on the character of the open countryside and fails to accord with the requirements of DP30 as a result.

Design

- 5.29 Policy CP17 dictates that all development must be of a high quality design that respects and enhances local context and its special qualities. In addition, Policy DP32 also concerns the design of development and states that attention to the design quality of all development is essential and the submission of design statements supporting and explaining design components will be required.
- 5.30 The applicant submitted a professionally prepared design and access statement which explains the various design aspects and how they have been considered with respect to the surrounding area.
- 5.31 The proposal makes use of local stone and clay pantiles, it is considered that the design of the proposed dwelling can be said to respond and respect local context insofar as the materials used. The fact that it is only one and half storeys at its highest point and has a relatively small footprint does ensure that the scale of the proposal can also be said to be appropriate.
- 5.32 Given the above, it is considered that, notwithstanding the fundamental issues with the location of the development, the design of the proposal can be said to be in line with Policies CP17 and DP32.

The Impact on the Protected Trees

- 5.33 As explained in para. 1.2 of the report, there is a Group TPO covering the trees to the east of the site. Included in the application is a detailed Arboricultural Impact Assessment (AIA), which sets out the impact the proposal will have on the protected trees and any proposed mitigation measures.
- 5.34 Included in impact assessment are the results from a Tree Survey carried out which classifies the trees in question depending on their quality. The results were as follows:
- 11% of the trees were classified as Category A
 - 33% of the trees were classified as Category B
 - 56% of the trees were classified as Category C
- 5.35 In terms of the impact of the proposed development on trees, one tree would have to be removed to facilitate the construction of the dwelling. This tree, referred to in AIA as Tree T12, which is one of the trees protected by the Group TPO (TPO G2), and classified as category C. As pointed out in the AIA, this tree has low amenity value and the loss of it is considered to have minimal impact on the visual amenity of the area.
- 5.36 Other mitigation measures have been proposed to ensure the protection of the other trees covered by the Group TPO, including supervised demolition activities with regards to the existing outbuilding that will be removed, with no machinery operating in the Root Protection Areas.
- 5.37 It is considered that the development will have an impact on the adjacent protected trees but that owing to the poor quality of the tree for removal this does not weigh significantly against the proposed development.

Highway Safety

- 5.38 Policy CP2 and DP3 concern the accessibility of development and state that development should be located so as to minimise the need for travel. Also a material consideration is the NPPF which in para 109 states that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.
- 5.39 Highways were consulted on the proposed development and offered no objection to the proposal subject to conditions. It is considered that the proposal would not compromise highway safety.

Drainage & Flood Risk

- 5.40 Policy CP21 states that proposals must ensure protection from, and not worsen the potential for, flooding. Furthermore, DP43 states that development will not be permitted where it would increase the risk of flooding elsewhere.
- 5.41 The proposed development is in Flood Zone 1. A soakaway is proposed for the disposal of surface water. It is proposed that foul water be managed through a packet waste treatment plant.
- 5.42 To ensure that the development would not lead to an increase in flood risk elsewhere and would also not be unacceptably susceptible to flooding, relevant bodies were consulted on the development and subsequently offered no objection. Therefore the proposal is considered acceptable on drainage and flood risk grounds.

Residential Amenity

- 5.43 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. This refers to the residential amenity of existing dwellings, as well as the needs of the future occupants/users of the development.
- 5.44 Given the distance between the proposed dwelling and the nearest existing dwelling, i.e. Broughton Grange, there is not considered to be any loss of privacy or any noise and disturbance as a result of the development. Furthermore, as the proposal includes the principle rooms of the new dwelling to be facing west, away from the substantial landscaping to the east, there will also be an acceptable level of light provision.
- 5.45 Consequently, it is considered the proposal adequately protects amenity and therefore is in line with Policy DP1.

Planning Balance

- 5.46 Whilst the design of the proposal is high quality when measured against the relevant policies and matters including flood risk, drainage, residential amenity and highways are considered acceptable - it is considered that there are a number of fundamental issues with the principle of the development which result in the recommendation for refusal.
- 5.47 The impact the development will have on the setting of the listed building is considered to equate to less than substantial harm to the significance of the heritage asset and, as this is not outweighed by public benefit resulting from the development, it therefore fails the test set out in the NPPF and is subsequently unacceptable on heritage grounds. Furthermore, the degree of urbanisation of an area intrinsically rural in character which will result from the development is also considered to harm the character of the open countryside - in conflict with Policy DP30 of the Local Development Framework and the requirements of the Interim Policy Guidance.
- 5.48 It is considered that the development of a residential dwelling on the site is supported by the Interim Policy Guidance or relevant policy in terms of the character and appearance of the area.

6.0 RECOMMENDATION:

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

1. The proposal fails to satisfy any of the exceptional circumstances required by Policy CP4 for development outside of defined development boundaries. In addition, by way of its form and siting it fails to satisfy criterion 2 of the Interim Policy Guidance as it does not reflect the existing built form and character of the village. Furthermore, due to the harm resulting on the significance of the adjacent listed building it also fails to satisfy criterion 3 of the requirements set out in the Interim Policy Guidance. Finally, by way of the detrimental impact the development will have on the character of the open countryside the proposal is also in conflict with criterion 4 of the IPG.

2. The proposal will lead to harm to the setting of the listed building which is considered to equate to less than substantial harm to the significance of said heritage asset. This harm is not outweighed by sufficient public benefit resulting from the proposal and therefore the development fails the test set out in paras 175 and 176 of the NPPF for developments impacting heritage

assets, as well as meaning the proposal is in conflict with Policy DP28 of the Local Development Framework.

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Parish: Easby
Ward: Great Ayton
11

Committee Date : 6 February 2020
Officer dealing : Mr Nathan Puckering
Target Date: 24 December 2019
Date of extension of time (if agreed): 17 January 2020

19/02298/FUL

Internal alterations to sub-divide existing dwelling to create two dwellings and retrospective change of use of agricultural land to form domestic gardens.

At: Pilly Hall Farm Easby North Yorkshire TS9 6JQ

For: Mr & Mrs Cutler.

- 1.1 Pilly Hall Farm is a farmstead located to the south of Easby. It is accessed via a short track off Kildale Road. It operates as a sheep farm, with grazing land surrounding the wider farmstead on three sides. It is comprised of Pilly Hall Farmhouse, which is sited on the eastern edge of the farmstead, as well as several agricultural buildings located west of this. One of these buildings has permission to be converted to a dwelling under separate permission (ref: 15/02726/MBN). The Wheelhouse is also sited at the northern-most extent of the site, which is under separate ownership to the farm operation and the applicant.
- 1.2 The surrounding area is rural in nature, with surrounding open countryside only interrupted by sporadic farming units. The land immediately surrounding the site is fairly uneven, sloping from west to east at quite a steep gradient, with the land to the east of the site falling away quite drastically. However, due to fairly extensive landscaping to the east of the site, the site isn't very visible from this viewpoint despite its elevated position.
- 1.3 This application is seeking permission for the subdivision of Pilly Hall Farmhouse to create two open market dwellings. This will be done through internal alterations only. In addition it is seeking retrospective permission for the change of use of the land directly abutting the east of the farmhouse from agricultural to domestic - forming the domestic curtilage for the second dwelling.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02726/MBN - Prior Notification for change of use of agricultural building to a dwelling and associated operational development - Permitted 31.05.2016
- 2.2 11/02738/FUL - Proposed side extension to existing dwelling - Permitted 08.02.2012

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 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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design

4.0 REPRESENTATIONS

- 4.1 Easby Parish Council - no objections
- 4.2 Street Naming & Numbering - yes an application would be required
- 4.3 Northumbrian Water - no comments to make
- 4.4 The Ramblers Association - no comments received
- 4.5 Environmental Health - no objection
- 4.6 Highways - no objections subject to condition regarding parking provision for new dwelling being constructed prior to occupation

5.0 ANALYSIS

- 5.1 The main issues to consider are; i) The principle of the development in this location; ii) The impact on the surrounding area; iii) Residential amenity; iv) Highway safety and; v) Drainage

The principle of the development

- 5.2 Policy DP8 states that development must be within the defined development limits. Policy DP9 states that any proposed development outside of the development limits must be in line with one of the exceptional circumstances set out in Policy CP4, as well as compliant with all other relevant Local Development Framework policies, for it to be supported. The applicant is not claiming any of the exceptional circumstances for the proposed development and thus the development is classed as a departure from the Development Plan.
- 5.3 Also relevant to the principle of development is the Interim Policy Guidance (IPG) adopted by the Council in 2015 which is designed to be more lenient with development outside of development limits in order to bring local policy more in line with the National Planning Policy Framework, published in 2012, with subsequent revisions. The IPG contains a six point criteria which development must meet in order to gain support from the Guidance, as well as an updated Settlement Hierarchy.
- 5.4 Criterion 1 of the IPG requires development to be located where it will support services in a nearby village. The site is located approximately 0.5km south of Easby which is classed as an Other Settlement - the lowest tier with regards to the hierarchy due to the fact it provides no local services. The IPG does allow scope in such a situation for two villages to accumulate to create 'cluster settlement', however, this requires the two settlements to be less than 2km apart, with good transport links, and where the combined settlements provide a range of services so it can be considered a sustainable location. Given there are no nearby villages that would allow a 'cluster settlement' to be formed, this is not relevant in this case.
- 5.5 As a consequence of the above it is considered that the principle of the development also cannot gain support from the IPG and therefore when measured against local policy on the whole, the principle of the development does not comply.
- 5.6 However, also a material consideration is the NPPF which provides the most up-to-date guidance on rural housing which post-dates the Local Development Framework. Paragraph 79 d) therein states that the development of isolated homes in the countryside should be avoided unless the development would involve the sub-

division of an existing residential dwelling. The overarching aim of the NPPF is the presumption in favour of sustainable development, with paras 11d) dictating that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 5.7 Given the NPPF post-dates the relevant local policy, the conclusion must be drawn that the NPPF takes precedence in the decision making process in this instance and as the principle of the development is in line with the NPPF, it is considered an acceptable form of development in principle.

The impact on the surrounding open countryside

- 5.8 Policy DP30 is concerned with protecting the open countryside and states that the open nature and intrinsic character of the countryside must be respected. Furthermore, Policy DP32 states that all development must take into account local character and context.
- 5.9 In terms of the sub-division of the dwelling, this will have neutral impact on the surrounding area as there are no external alterations proposed. Whilst it is noted that the introduction of another dwelling on the site will lead to an intensification in the domestic nature of what is a rural area, this will be a negligible intensification when it is considered there are two existing dwellings on the wider site.
- 5.10 With regards to the retrospective change of use of the land to a domestic garden, this also has potential to impact on the character of the open countryside both in terms of visual amenity and the character. Given it is a relatively small parcel of land and the fact that there is quite extensive landscape screening in the form of large trees on two sides and the farmhouse screening the development on a third side, it is considered that the impact of the change of use of the land on the character and appearance of the surrounding countryside will be neutral.
- 5.11 The proposal therefore is considered to have a neutral impact on the character and appearance of the open countryside and therefore is in line with Policy DP30 and DP32.

Residential amenity

- 5.12 Policy DP1 states that all development must adequately protect amenity. This relates to privacy, security, noise and disturbance, pollution, odour and daylight. This must be considered in terms of the neighbouring properties and the future occupants of the site.
- 5.13 Due to the fact that there is an operational farmstead adjacent the site, there is potential for adverse impact resulting from farm operations.
- 5.14 In terms of the impact on any future occupants of the dwelling, Environmental Health were consulted and had no objection to the introduction of a further dwelling on the farmstead given the precedent on the site for dwellings which are not associated with the farming operation.

- 5.15 In terms of the impact on the residential amenity of the occupants of the existing dwelling, due to layout of the site and position of the other properties, it is considered that there will be no harmful impact in terms of loss of privacy/overlooking.
- 5.16 Given the above it is considered that there will be acceptable residential amenity for the existing residents and future residents of the proposed dwelling. Consequently, the proposal is in line with Policy DP1.

Highway Safety

- 5.17 The proposal in this instance is to make use of the existing access to the dwelling and will split car parking provision between the two dwellings, with two spaces available each.
- 5.18 Highways were consulted on the proposal and identified that the access that will be used for the new dwelling was improved as part of a previous permission for the conversion of an agricultural building to a dwelling on the site (ref: 15/02726/MBN). This improvement has been implemented and subsequently there are no objections on highways grounds provided a condition be attached which requires parking provision to be constructed prior to occupation of the new dwelling. It is considered that the proposed development will have no significant detrimental impact on highway safety.

Drainage & Flood Risk

- 5.19 Policy CP21 states that proposals must ensure protection from, and not worsen the potential for, flooding. Furthermore, DP43 states that development will not be permitted where it would increase the risk of flooding elsewhere.
- 5.20 The site is in Flood Zone 1 and thus flood risk is minimal and not considered an issue in this instance. With regard to drainage the dwelling which is to be sub-divided is already connected to the mains and therefore there are no concerns with regards to this issue either. The relevant consultee body was consulted on both issues and subsequently offered no objection and consequently it is considered the development is in line with policies CP21 and DP43.

Planning Balance

- 5.21 The principle of development is not supported by Policy CP4 and given the location of the property the Interim Policy Guidance Note is not considered to apply. However, the proposed sub-division is in line with the relevant section of the NPPF which offers the most up-to-date policy guidance and therefore must be given significant weight in this instance.
- 5.22 Given the proposal is to sub-divide an existing dwelling with no external works proposed the impact of the development is considered to have a neutral impact on the character and appearance of the open countryside - in line with Policy DP30.
- 5.23 With regard to the change of use of the agricultural land to domestic; given the relatively small parcel of land concerned and the nearby surrounding screening, this aspect of the proposal is also considered acceptable when assessed against Policy DP30. The development also presents no issues with regards to highway safety, drainage and flood risk or residential amenity - in line with policies CP3, CP21, DP1 and DP43. Consequently, the application is recommended for approval.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations, 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) numbered 1637/8A received by Hambleton District Council on 29.10.2020 unless otherwise approved in writing by the Local Planning Authority.
3. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP16, CP17, DP1, DP30 & DP32.
3. In accordance with policy CP3 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

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Parish: Carthorpe
Ward: Tanfield
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Committee Date: 6 February 2020
Officer dealing: Mrs H Laws
Target Date: 14 February 2020

19/02706/OUT

Outline application for the construction of 3 dwellings (all matters reserved)

At: Land to the south of Hall Garth Farm, Carthorpe

For: Mr & Mrs Trewwhitt

This application is referred to Planning Committee as, if approved, it would be a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies towards in the south eastern corner of the village on the eastern side of the road leading to Kirklington. The site covers an area of just over 0.3 hectares and forms part of a larger field. It bounds the road along its western side for a distance of approximately 75m. The boundary is formed by several mature trees and a timber post and rail fence with some scrub hedging. A post and rail fence lies along the northern boundary, shared with the end of a neighbouring garden.
- 1.2 It is proposed to construct three dwellings on the plot. The application is an outline application with all matters reserved. If approved, the matters including access, appearance, landscaping, layout and scale would be for a later application.
- 1.3 A block plan has been provided but this is indicative only as all matters are reserved for future consideration. The drawing illustrates a single access point with a shared driveway for three detached dwellings.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

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

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

National Planning Policy Framework

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

4.0 CONSULTATIONS

4.1 Parish Council – make the following comments:

- The proposed site is isolated from other development on that side of the road and would therefore appear to be outside current Development Limits. Consideration should be given to the impact of the proposed development on the current open character of the surrounding countryside. This proposal may set a precedent for further development along the road into the village.
- The proposed housing mix is limited to 3 & 4 bedroom properties of which Carthorpe has had several built recently and more are in development. Suggested the proposed houses do not meet any current housing needs within the village.
- The dwellings do not reflect the surrounding buildings i.e. Manor House, and may affect the appearance of the village.
- The proposed family properties are sited on or beyond the 30 mph village limit, with no footpath to walk safely upon into the village or to the school bus stops. There is only one street light.
- Consideration must be given to the capacity of existing utilities - water and sewage and to the management of surface water.

4.2 NYCC Highways - In order to secure the visibility splay demonstrated by the applicants' agent, vegetation across the site frontage will require clearing, whilst it is difficult to assess at this stage this may include a large tree near to the 30mph terminal sign. Conditions are recommended.

There is not sufficient space to provide a footway at this location providing a continuous link to the village centre without substantially narrowing the highway. This would not be appropriate given the highway is narrow already. Properties opposite this site and beyond do not benefit from a footway link to the village centre and would not consider a new footway link proportionate with the scale of the development proposed.

4.3 HDC Environmental Health Officer (contaminated land) - From a land contamination perspective I should expect the applicant to submit information that demonstrates the land is suitable for use, in line with the NPPF. Given the former agricultural land use and the associated potential sources of contamination as well as the proposed vulnerable end use (residential), the applicant is required to submit a Phase 1 Preliminary Risk Assessment. A condition is recommended.

5.0 ANALYSIS

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

The principle of development

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the settlement hierarchy contained within the IPG, Carthorpe is defined as an 'Other Settlement'; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies adjacent to the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially. Collectively they have churches, a primary school, two pubs and a shop. Connectivity is good between the two villages which are readily accessible on foot or bicycle as well as by car. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.25km through the village. Criterion 1 would be satisfied.

Character and appearance of the village and the rural landscape

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. Proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.7 These criteria require development to be small scale; to respect the built form and character of the village; and to have no detrimental impact on the open character and appearance of the surrounding countryside.

- 5.8 Although there is domestic development on the eastern side of this village road it comprises principally of domestic gardens and therefore there is only a small amount of built development for a considerable distance (approximately 85m) before the application site. There are two bungalows to the west, each set within substantial gardens and set back from the road. The application site and its surroundings therefore are more open in character, principally due to the agricultural nature of the application site. The construction of a row of dwellings on this land, with or without a shared access and driveway, would significantly alter its character. The aim of the IPG is to enable the village to evolve in a way that represents the traditional pattern of growth resulting in buildings that are appropriate to their setting. The development of the application site would be of detriment to the form and character of the village, contrary to LDF Policies CP17 and DP32, which require new development to respect local character and distinctiveness.
- 5.9 It is considered that the development of this site would not respect the existing built form and character of the village and would be contrary to CP17, DP32 and criteria 2 of the IPG.
- 5.10 The site does not have the appearance of being a part of the village; it has more in keeping with the adjacent countryside as part of the rural landscape. The development as proposed would therefore extend domestic characteristics into the rural landscape. It is considered that the proposed residential development of this site would have a detrimental impact on the openness of the surrounding rural landscape and would therefore be contrary to LDF Policies DP16 and DP30.

Housing mix

- 5.11 The development, although an outline application, details on the application form the intention to construct 1no. 3 bedroomed dwelling and 2no. 4 bedroomed dwellings. Many of the dwellings recently approved within the village, mostly at the western end of Carthorpe, have been three and four bedroomed properties and the Parish Council has expressed concern that this would not meet any current housing needs. The Council has never instigated a Housing Needs Survey in Carthorpe but the Strategic Housing Market Assessment (2016) has identified the need for two and three bedroomed dwellings generally within the District. It is also apparent that there is a lack of bungalows in Carthorpe. It is considered that this mix would not meet the identified housing need in this locality.

Impact on the amenity of neighbouring occupiers

- 5.12 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.13 The position and size of the site is such that it would allow for a design to achieve satisfactory levels of separation and avoid overlooking and overshadowing of existing and proposed dwellings. The effect of the additional households served by a new access onto the Kirklington road is unlikely to have a significant impact on the amenity of the nearby residents.
- 5.14 It is considered that the development would not adversely affect the amenity of existing and proposed residents and would be in accordance with Policy DP1.

Highway safety

- 5.15 The Highway Authority has indicated that the provision of the access in the position illustrated on the indicative site plan would require the removal of some of the vegetation along the front boundary of the site.
- 5.16 The provision of a footway, although beneficial for providing a safe pedestrian access to the centre of the village to connect to existing footways, could not be provided along the roadside due to the width of the existing carriageway. Due to the number of dwellings proposed the Highway Authority would not require its provision.
- 5.17 There are no objections to the proposed development from the Highway Authority and as such it is considered that the proposed development will have no detrimental impact on road safety.

Planning Balance

- 5.18 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 three new houses, the economic gain from the residential development and future occupation would be limited. The harm to the form and character of the village and the countryside is substantial and this harm to the environment is not outweighed by the limited social and economic gains. There are no other material considerations that would outweigh the adopted LDF policies and refusal of the application is recommended.

6.0 RECOMMENDATION:

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

The reasons are:-

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

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

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Parish: Carlton Miniott
Ward: Thirsk
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Committee Date : 06 February 2020
Officer dealing : Mrs Naomi Waddington
Target Date: 05 February 2020
Date of extension of time (if agreed): 10 February 2020

19/02630/FUL

New dwelling and extension of domestic curtilage
At: Carlton House, Sandhutton Lane, Carlton Miniott
For: Mr B Mellor

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 within a cluster of residential dwellings between the two 'halves' of Carlton Miniott adjacent to Carlton Road (A61). Each of the two halves has their own Development Limits. The site lies outside of Development Limits and occupies a position equidistant to the two of Development Limits to each side. Part of the site has the benefit of an outline approval for one dwelling. A full application for a dwelling of modern design was subsequently refused on design grounds.
- 1.2 The application site currently comprises part domestic curtilage and part paddock. The domestic curtilage is used in association with Carlton House, which lies to the east of the site. Stables, sheds and a greenhouse are located within this curtilage. The site is bound by an established hedgerow on its southern boundary abutting the A61, the western boundary to the Yorkshire Water foul water pumping station apparatus (shown on the Ordnance Survey base map as an Electricity Sub Station) is a 1.8 metre high close boarded timber fence, with hedge projecting further north. The eastern boundary is currently open with the domestic curtilage of Carlton House a young hedge forming the boundary with the adjacent domestic curtilages to the rear of Carlton House. The northern boundary is open to the field. The site is relatively flat in relation to the finished floor levels of the adjacent curtilage, although is set marginally lower than the level of the carriageway of the public highway (Carlton Road).
- 1.3 The Dovecote is adjacent to Carlton House and is a Grade II Listed structure. The listing description is:
- Dovecote. 1815. Red brick with pantile roof. Square in plan, of 2 storeys, 1 bay. Blind circular opening, above blocked semi-circular opening, above triangular pattern dove openings. Eaves band. Hipped roof with square cupola at apex with hipped roof and weather-vane. Included for group value. Adjoining farm buildings not included.*
- 1.4 Carlton House is also a Grade II listed building dating from 1815 with later additions. The listing description is:
- Farmhouse. 1815 with later alterations. Red brick in Flemish bond with pantile roof. 2 storeys, 3 bays with lower wing at back which joins on to contemporary farmbuildings which are not included in the listing. Central 4-panel door with 4-pane overlight, set back in Doric doorcase with pilasters, frieze and pediment. All windows are 4-pane sashes with stone sills and flat brick arches, that above the door narrower. Stone coping and end stacks.*

- 1.5 Full planning permission is sought for the construction of one dwelling along with an extension of the domestic curtilage. The existing stables, sheds and greenhouse would be demolished to accommodate the dwelling. The dwelling would be formed in an 'L' configuration and would extend to a maximum footprint of 12m wide x by 15m deep overall. To the west side is a covered link leading to a double garage and store. Off street parking is proposed to the front of the garage. Vehicular access would be taken through a new proposed access to the southern boundary of the site to the public highway beyond. The proposed dwelling is two storeys high with accommodation in the roofspace, and would provide ground floor sitting/dining/kitchen, snug, music room, utility, five first floor bedrooms, two with ensuites, one with dressing room, and house bathroom, and second floor office with shower room
- 1.6 The application form advises the dwelling is to be finished externally in render under a slate roof, with timber sliding sash windows and aluminium bi-fold doors. An email has been received from the applicant changing the materials to pantile roof and UPVC sliding sash windows
- 1.7 The existing roadside hedgerow is proposed to be removed to accommodate the proposed access and the required visibility splay. The retention of the existing tree belt on the western boundary and a replacement hedgerow to the front is proposed. A close boarded fence 1.4m - 2m high is to be erected to the eastern boundary and a post and rail fence to the northern boundary
- 1.8 The application is submitted with a supporting statement and Heritage Assessment. The supporting statement demonstrates how the scheme has evolved from the earlier submissions. It refers to two previously submitted Heritage Statements, one for a traditional dwelling and one for a modern dwelling, it concludes on both:

"There are no matters of harm arising to the special historic or architectural values of the Listed Building and therefore the proposal is considered to accord with both national and local policy"

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 91/0303/FUL - Conversion of existing disused agricultural buildings to 3 dwellings with domestic garages APPROVED
- 2.2 02/01694/FUL - Permitted - Construction of a block of 2 stables with tack room and hay store for use in conjunction with the use of existing agricultural land for the keeping of horses APPROVED
- 2.3 18/01176/OUT Outline application (with access and layout to be considered) for the construction of one detached dwelling and detached domestic garage. APPROVED 27.07.2018
- 2.4 19/01348/FUL Construction of a new detached dwelling and extension of the existing domestic curtilage REFUSED 18.10.2019 for the following reason:-

'The proposal fails to meet the requirements of the Local Development Framework Policies CP16, CP17, DP28 and DP32 as the design of the dwelling would result in harm to the significance of the heritage asset. Accordingly the proposal cannot benefit from the provisions of CP4 or the Interim Policy Guidance and is also contrary to the provisions of the NPPF as the public benefits of development do not outweigh the harm to the significance of the heritage asset'.

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 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
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Carlton Miniott Parish Council - response awaited (consultation period expires 30.01.2020)
- 4.2 Highway Authority - No objection, subject to conditions regarding the discharge of surface water; construction requirements of the private access/verge crossing; visibility splays; on-site parking; precautions to prevent mud on the highway; on-site storage and construction traffic during development.
- 4.3 HDC Street Naming – an application would be required
- 4.4 HDC Environmental Health - response awaited
- 4.5 Yorkshire Water – recommend conditions
- 4.6 Ancient Monument Society - response awaited (consultation period expires 30.01.2020)
- 4.7 RAF Linton on Ouse Council - response awaited (consultation period expires 30.01.2020)
- 4.8 Representations - None received to date (Site notice expires 31.01.2020)

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 vii) land contamination

The principle of development

- 5.2 The site falls outside of Development Limits of Carlton Miniott. 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, Carlton Miniott is defined as a Service Village and therefore is considered a sustainable location for development. The site is linked to each half of the village by a metalled and lit footway that would encourage walking to its services. To satisfy the requirements of criterion 1 of the IPG development must provide support to local services including services in a village or villages nearby. The separation between the site and the Development Limits of the village and the impact on the countryside are considered under criteria 2, 3 and 4 below.

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

- 5.6 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 as the IPG refers to small scale comprising up to five dwellings.

- 5.7 The IPG guidance states 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 The application site is notably outside of the core of either half of Carlton Miniott, but is located within a cluster of residential dwellings between the two halves of Carlton Miniott. It is considered that the site is within the open countryside but within a cluster of properties that interrupt the open agricultural land between the two halves of the village. The dwelling would sit in between the Carlton House and The Old Vicarage, both dwellings have large curtilages. The development is set back from the road, but fronts the main highway. There are also dwellings to the north west of Carlton House fronting onto Sandhutton Lane and one that forms a courtyard. Therefore, this area currently comprises seven dwellings and the Yorkshire Water pumping station. This site is therefore considered as an infill plot within an existing built up residential frontage.

- 5.12 The proposed dwelling is set back from the road, and its design represents a typical double fronted style dwelling, incorporating symmetrical Georgian proportions, sash windows and gable chimneys. The dwelling has a two storey rear off shot which is set in from the gable with lower ridge. Set back from this is a rear flat roofed section. The design is considered acceptable in this location. At the time of the outline approval materials were given as brick and clay pantile to reflect the local vernacular. Under the current proposal the external walls are to be finished in render, with pantile roof. There are other instances of the use of render in the village, and on balance the use of render is considered acceptable. Solar panels are proposed to the front elevation of the garage roofspace. In this position they would result in less harm than if positioned on the main house, and support is given to renewable energy provision
- 5.13 The site area of the current application is larger than that considered at outline and proposes a larger rear garden than previously considered. During pre-application discussions several different termination points for the extent of the rear garden were discussed and the agent was advised a position roughly in line with the neighbours access on Sandhutton Lane would be appropriate. As submitted the extent of the curtilage extends beyond the neighbours access and curtilage resulting in a visual extension of domestic activity into the countryside along Sandhutton Lane. The applicant is agreeable to reducing the extent of the curtilage to align with adjacent curtilages to the east, and amended plans have been received
- 5.14 In light of the above, the proposal is considered to reflect the existing built form and character of the enclave. IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.
- 5.15 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. On leaving the western part of Carlton Miniott, the character of the landscape is influenced by the boundary hedgerow and mature tree vegetation surrounding the domestic entrance points to The Chesters. This relatively enclosed character extends eastwards surrounding The Old Vicarage, the application site and Carlton House. The grass verges are also well kept to both sides of the road and are considered to form a domestic character in this particular area. The infilling of the site along the A61 is not considered to result in to the coalescence of settlements or harm to the character and appearance of the countryside. The proposal is not considered to have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements, as a more isolated dwelling might.

Heritage assets

- 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 proximity of the development site to the Grade II Listed Building of the Dovecote and Carlton House is noted and a Heritage Statement has been submitted where the two heritage assets were identified, Carlton House and the Dovecote. The significance and heritage values of both buildings relate to the group value they afford each other, the historic links to the brick and tile works and the aesthetic value in terms of readability within a limited landscape
- 5.18 The siting and design of the proposed dwelling has been given careful consideration in order to retain the character of this area and roadside frontage and to preserve the

view towards the Dovecote. There are not considered to be matters of harm arising to the special historic or architectural values of the Grade II Listed Building.

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 There is a separation distance in excess of 40m between the eastern elevation of the proposed dwelling and Carlton House, with a separation distance in excess of 30m from the dwelling to The Vicarage to the west. The eastern elevation of the dwelling is located approximately 6.1m from the curtilage of Carlton House. The east elevation has 8 windows and one glazed door that have the potential to overlook the amenity space of Carlton House. These comprise ground floor shower room and window and glazed door to the kitchen/diner, at first floor are two bathrooms, one bedroom and one stairs window, and at second floor is a stairs window. Overlooking from ground floor windows can be prevented by the proposed boundary fence. The east facing first floor bathrooms and bedroom windows will be fitted with obscure glazing. The bedroom is served by two other windows therefore obscure glazing to the east will not result in a loss of light to that room. The lower section of the first and second floor stairs windows are to be fitted with obscure glazing. West facing windows comprise first and second floor gable windows serving bathrooms, with ground floor dining room and first floor bedroom windows in the rear offshoot. These windows are an acceptable distance from the boundary with The Old Vicarage to the west. North facing windows of the rear offshoot comprise first floor bedroom and ground floor dining room. These windows have the potential to cause some overlooking of the rear courtyard serving Stable Cottage and Dovecote House. Overlooking from the ground floor window will be prevented by the existing young beech hedge once established. Any first floor overlooking is not direct but at angle, and is not considered to result in material harm to existing levels of privacy or amenity
- 5.21 Overall the proposal is not considered to result in material harm to existing levels of privacy or amenity afforded to neighbours

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 The proposed development would be served by a proposed vehicular access immediately linking to the public highway to the south. There is an on-site parking area and turning area for 4 vehicles. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety
- 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 Yorkshire Water recommend three conditions requiring a protected strip to either side of a water main which crosses the site, commenting the main appears unaffected by the current proposal, requiring separate systems of drainage, and submission of surface water outfall details. 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 paddock and does not identify any unacceptable risks from land contamination.

Planning Balance

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

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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 HDC/3134/02 A (plans and elevations) received by Hambleton District Council on 24 January 2020, HDC/3134/03 A (site plan) HDC/3134/04 A (Location plan) received by Hambleton District Council on 27 January 2020, 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 dwelling, including the colour and finish of the render, and the brick boundary wall have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. Prior to 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
 5. Prior to the construction or alteration of above ground external surfaces commencing, details of the cross section of the window frames and glazing bars, together with details

of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.

6. 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.
7. 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
8. 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 Standard Detail number E50.
 - b. 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.
 - c. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

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

9. 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 59 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
10. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference HDC/3134/03. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. 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.

12. 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.
13. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public rising main i.e. a protected strip width of six (6) metres, that crosses the site . If the required stand -off distance is to be achieved via diversion of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
14. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
15. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
16. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. This should include measures to ensure the protection of the existing boundary hedges and trees. 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.
17. Prior to the installation of the solar panels hereby approved, full details of their size, design and technical specification shall be submitted for the written approval of the Local Planning Authority. Once approved development shall be carried out strictly in accordance with the agreed details.

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.
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 protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and DP32.
6. 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.
7. In the interests of highway safety in accordance with Hambleton LDF Policies CP1.
8. In the interests of highway safety in accordance with Hambleton LDF Policies CP1.
9. In the interests of highway safety in accordance with Hambleton LDF Policies CP1.
10. 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.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In order to allow sufficient access for maintenance and repair work at all times
14. In the interest of satisfactory and sustainable drainage.
15. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the public sewer network.
16. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
17. 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.

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Parish: Burrill With Cowling
Ward: Tanfield
14

Committee Date :
Officer dealing : Aisling O'Driscoll
Target Date: 13 March 2019
Date of extension of time (if agreed): 18 November 2019

19/00052/FUL

Demolition of existing agricultural building and construction of three residential dwellings

At: Burrill Manor Farm Cowling Road Burrill North Yorkshire

For: Strutt & Parker

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is in the village of Burrill; located on the south side of Cowling Road which runs east to west through the village. It is a relatively small parcel of agricultural land which is currently used in association with the adjacent Burrill Manor Farm, with a feed mill and various farming machinery in situ on the site at present.
- 1.2 The surrounding area to the north and west is mainly residential in nature, with large detached houses lining the aforementioned Cowling Road. To the south of the site is an area of vast open countryside, broken only by sporadic forms of built form before one reaches Thornton Watlass approximately 1.5km in this direction. Abutting the east of the site is an L form agricultural outbuilding which is stone built and is curtilage listed with the adjacent grade II listed Manor House.
- 1.3 The application in this instance is for the demolition of the feed mill currently located on the site and the subsequent construction of 3 two-storey, detached dwellings. Access will come from Cowling Road and run down the eastern boundary of the site; with plots 2 and 3 sited at the southern extent of the site and plot 1 located in the north west corner. It should be noted that the original proposal was for 6 dwellings, however, after discussions with the applicant this was reduced to 3.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None relevant

3.0 POLICY CONSIDERATIONS

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Size, type and tenure of new homes -
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Burrill with Cowling Parish Council – no objections but raised concerns about the capacity of the sewage system and its ability to cope with increase.
- 4.2 NYCC Footpaths – no objections but include informative regarding any obstruction to PROW.
- 4.3 Environmental Health Contaminated Land – recommend several conditions be attached to permission regarding the need for a Phase 2 site investigation and remediation scheme prior to development
- 4.4 Highways – no objection in principle but requested further information from the applicant which was provided.
- 4.5 Yorkshire Water – no objections.
- 4.6 Environmental Health – no objections.
- 4.7 SABIC – no comments
- 4.8 Site Notice and Neighbour Notification – 4 responses received raising the issues summarised below:
- Concerns about Sewer capacity
 - Failure of the pump solution would lead to untreated sewage in the street
 - A gravity solution should be installed to the package treatment plant
 - Problems of surcharge during heavy rain

5.0 ANALYSIS

- 5.1 The issues to consider with regards to the proposal in this instance are: (i) the principle of the development in this location, (ii) the impact of the development on the adjacent heritage asset, (iii) impact on the character of the surrounding area, (iv) design, (v) residential amenity, (vi) highways and (vii) drainage and flood risk.

Principle

- 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 DP9 states that development will only be permitted 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 is 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”.
- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy 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.
- 5.6 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 of 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.

Impact on character and built form

- 5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.8 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. One dwelling was permitted under the IPG in 2018 (application number 17/02319/FUL and 19/00993/FUL).
- 5.9 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."

- 5.10 Burrill has a linear development pattern insofar as it is tightly arranged either side of Cowling Road which runs in an L shape through the village. The building line for the south of the village extends down to a dwelling which is sited perpendicular to Cowling Road, approximately 60m south of the highway.
- 5.11 Given that the site of the proposed dwelling will be infill development in the centre of the village and the southern extent of the new development will not extend past the above-mentioned existing building line for the south of the village; it is considered that the proposed development can be said reflect the character and appearance of the village and therefore satisfies criterion 2 and criterion 3 insofar as the proposals impact on built form.
- 5.12 Local residents have raised concerns about sewage capacity. However, Yorkshire Water have been consulted and raised no objections to the proposed development. It is considered that the proposal can be accommodated within the capacity of existing infrastructure. Therefore the proposal is considered to comply with IPG criterion 5.

Impact on the adjacent heritage asset

- 5.13 The neighbouring, substantial barns are considered by the Local Planning Authority to be curtilage listed buildings, owing to their association with the adjacent listed farmhouse.
- 5.14 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.
- 5.15 The National Planning Policy Framework at paras 195 and 196 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.
- 5.16 Any harm to the significance of a heritage asset must be given great weight and importance in the determination of an application and the development only approved, where that harm is off-set by public benefit.
- 5.17 Also relevant is Policy DP28 of the Local Development Framework, this states that the preservation of historic heritage will be ensured by, amongst other things, preserving and enhancing Listed Buildings. Furthermore, development within or affecting the feature or its setting should preserve all aspects that contribute to its character and appearance.
- 5.18 The development has the potential to impact the setting of the adjacent 17th century grade II listed farmhouse and the curtilage listed outbuildings, which date from the early 19th century. As part of the application a heritage statement was submitted which sets out the significance of the heritage asset, the impact of the proposed development on the heritage asset and finally design/mitigation measures that have been taken to ensure there is no harm to the significance of the heritage asset.
- 5.19 Given the substantial distance (approximately 80m) between the grade II listed Manor House and the built form in the middle of the two, the impact on the setting of this heritage asset is considered to be neutral and therefore will not cause any harm to the significance of this heritage asset.

- 5.20 Owing to the much closer proximity to the agricultural outbuildings (considered to be curtilage listed), the potential harm to the setting and in turn the significance is higher. Considering the fact the buildings are arranged in a way that ensures the dwellings will be away from the western elevation of the outbuilding, the impact on the setting will be minimised and thus, in this case, is not considered to equate to harm.
- 5.21 The design of the proposed buildings, using local stone with pantile and slate roofs, further ensures that they will be sympathetic additions within the setting of the listed building. The proposed layout plan indicates that the access driveway to the development will be surfaced in tarmac. However, it is considered that a more sympathetic material, such as gravel, would be more appropriate to the character of the area and therefore it is recommended that this detail be the subject of a condition. Given the current poor state of the agricultural building in situ and the untidy nature of the rest of the site, the development is considered an improvement to the setting of the listed building overall.
- 5.22 As a consequence of the above it is considered that the change to the setting of the listed building and curtilage listed out-buildings will be minimal and will in fact equate to an improvement, given the current state of the site. As a result, there will be no harm to the significance of the heritage asset and the development therefore passes the test set out in the NPPF and is subsequently considered acceptable on heritage grounds.
- 5.23 This further ensures that the proposal can be said to satisfy criterion 3 of the IPG as it illustrates the development will not have any detrimental impact on the historic environment.

Impact on the surrounding area and open countryside

- 5.24 Criterion 4 of the Interim Policy Guidance requires development to have no detrimental impact on the character and appearance of the open countryside. Also relevant is Policy DP30 which states that the openness, intrinsic character and quality of the District's landscape must be respected and where possible enhanced. Furthermore, the design of buildings and the acceptability of development will need to take into account the nature of the local landscape. In addition, also important to note is Policy CP17 which dictates development must respect and enhance local context.
- 5.25 It is considered that given the fact the development does not break the current building line, which acts as a boundary to distinguish between the southern edge of the village and the open countryside, it will not lead to an invasion or urbanisation of the countryside and therefore is considered to not have a detrimental impact on the character of the open countryside. Furthermore, the proposed site layout helps to ensure this, further illustrating that the development has taken into account local context at the design stage.
- 5.26 The proposal includes the planting of a new hedgerow on the western and southern boundary of the site, which will further mitigate against the visual impact of the development when viewed from south of the village. The large trees sited directly to the north of the site will be unaffected and will screen the development when viewed from this direction.
- 5.27 As a consequence of the above it is considered that the development satisfies criterion 4 of the IPG, as well as being in-line with policies CP17 and DP32 and is therefore acceptable with regards to the impact on the surrounding area and the adjacent open countryside.

Design

- 5.28 Policy DP32 states that the design of all development must be of the highest quality and must seek to achieve creative, innovative and sustainable designs that take into account local character and setting.
- 5.29 It is considered that the design of the proposal in this instance is in-keeping with the surrounding area with utilisation of local stone and brick, which is replicated in the surrounding area; although there is no uniformed building design in the village, with respect to either materials or architectural style.
- 5.30 In terms of scale of the proposed dwellings, it is noted that they are large in size. However, given the fact that the proposal has been halved in terms of number of units, it is considered that the scale of the overall development is suitable given the site and the local context. There is some concern that the proposals, which provide 4 and 5 bedroom accommodation, fail to provide a suitable mix of accommodation as required by Development Policy DP13.
- 5.31 In seeking amendments to the application, in order to protect the setting of the heritage asset and to facilitate the removal of the existing structures on site, officers have accepted that these benefits will sufficiently off-set the failure to meet the requirements of Development Policy DP13 in this instance.
- 5.32 It is considered that the layout and quality of design proposed is in line with Policy DP32 and is acceptable in this instance.

Residential Amenity

- 5.33 Policy DP1 requires all development to adequately protect amenity. This relates to privacy, security, noise and disturbance, pollution, odours and daylight provision.
- 5.34 The site, being located next to what could be an operational farm and the subsequent potential impact on residential amenity is noted. To assess this issue the Council's Environmental Health team were consulted but offered no objection to the proposals on residential amenity grounds, with regards to odour and noise and disturbance. Farm operations in the vicinity are a similar distance away from existing homes and as such the risks in this case are considered minimal.
- 5.35 An assessment must also be made with regards to privacy for both the future occupiers of the proposed dwellings and the occupiers of any adjacent existing dwelling. With regards to the former issue, given two of the properties are side on to each other, it is considered there will be no privacy issues for these two dwellings. In terms of the third, most northerly dwelling, this does not face the other two units and therefore there will be no view into the principle rooms.
- 5.36 With regards to the latter issue, the only properties which could be impacted in this way are sited to the west and back onto the northern most dwelling in the proposed development. However, there is a substantial distance between the proposed dwelling concerned and these properties (approximately 30m) and there is a substantial tree line intersecting the line of, hence there are no issues regarding loss of privacy.
- 5.37 As a result of the above it is considered that the proposal adequately protects amenity and it is therefore in line with Policy DP1.

Highways

- 5.38 Policies DP3 and DP4 require that all development has safe and sustainable means of access for all. The Highway Authority has been consulted and raised no objections to the proposed development. It is considered that the proposed development will have no significant impact on road safety and is in accordance with Development Policy DP3.

Flood Risk & Drainage

- 5.39 Policy CP21 states that proposals must ensure protection from, and not worsen the potential for, flooding. Furthermore, DP43 states that development will not be permitted where it would increase the risk of flooding elsewhere.
- 5.40 The site is in flood zone 1 and therefore the risk of flooding is low. The change to a more sensitive use in the form of dwellings is noted. However, the relevant bodies were consulted and offered no objection on flood risk grounds. The proposal therefore is considered to be in line with Policy CP21 and DP43.
- 5.41 The number of public comments regarding the proposed use of the public sewer for the disposal of foul water is noted. However, Yorkshire Water were consulted on this issue and raised no objections to the proposals. It is therefore considered that the proposed development is acceptable in these terms.

Planning Balance

- 5.42 The principle of development in this location gains support from the Council's Interim Policy Guidance. The design and form of the development is considered to meet the requirements of Local Development Framework policy and the IPG and is considered acceptable. The revised development is considered to result in no harm to designated heritage assets. No other material considerations would preclude a grant of planning permission. Overall the scheme is found to be acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application be **GRANTED**, subject to the following 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 201708-C Rev C; received by Hambleton District Council on 07th August 2019 and 201708-E Rev C, 201708-E Rev B and 201708-F Rev B received by Hambleton District Council on 09th October 2019 unless otherwise approved in writing by the Local Planning Authority.
 3. Notwithstanding the approved plans no above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces, including the driveway, 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. 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 crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E1 Var (Construction Depths Only).

(b) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. 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 45 metres measured along both channel lines of the major road 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.

6. 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 details approved in writing by the Local Planning Authority under condition 4.

a. have been constructed in accordance with the submitted drawing Reference Number 201708 Revision C.

b. have been constructed in accordance with Standard Detail Number E1 Var (Construction Depths Only).

and

c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

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. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the following proposals have been submitted to and approved in writing by the Local

Planning Authority: (i) an on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
(ii) a materials storage area on the site capable of accommodating all materials required for the operation of the site and measures to ensure its use

The works shall be carried out in accordance with the approved method statement and the approved areas shall be kept available for their intended use at all times whilst construction works are in operation.

10. Prior to the commencement of development, beyond the formation of the access, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The development shall then be implemented in accordance with the approved details.

11. Prior to the commencement of development other than the formation of the access, full details of foul and surface water disposal shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

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) DP1, DP28 and CP17.
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 accordance with Policy CP2 and DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In accordance with policy numbers CP2 and DP3 and in the interests of road safety.
6. In accordance with policies CP2 and DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with Policy CP2 and DP3 and 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.
8. 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 that the development is appropriate in terms of the character and amenity of the area and in compliance with policy DP1 and DP32.

11. In order that the site is suitably drained in accordance with policy DP43.

Parish: Bagby
Ward: Bagby & Thorntons
15

Committee Date: 6th February 2020
Officer dealing: Mr M. Pearson
Target Date: 10th February 2020

19/02395/FUL

For: Application for construction of two 3 bedroomed bungalows with detached garages
At: West View, Bagby Lane, Bagby.
For: Mr Kendall

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 This proposal relates to an area of land, lying immediate west side of Bagby village to the rear of two single storey residential properties (Westlands and Longways) and to the southwest of a large mature Black Poplar tree that is the subject of a Tree Preservation Order (16/00008/TPO2). The land falls away to the lower ground to the west north-west to the line of a watercourse that is lined by trees. The southern boundary is defined by scaffold fencing installed on adjoining land and beyond is the agricultural land that forms the rural context to Bagby. Approximately 100m to the south-west of the site is a sewage farm. Immediately to the north is the protected tree and beyond are 3 detached dwellings that are currently under construction (following the approval of the outline application - 16/01468/OUT and the subsequent reserved matters 19/00773/REM). Further north are residential properties located on Sandown Close. The south-east boundary is defined by the fencing/hedges associated with the rear gardens of Westlands and Longways.
- 1.2 Part of the area subject to the application has received outline consent 17/01223/OUT for the erection of two detached dwellings to the south-east of the protected tree. At the determination of this outline application, the two dwellings were positioned to sit to the rear of and parallel to Westlands and Longways. This application effectively seeks consent for the re-positioning of the two approved dwellings across a much wider area by positioning the dwellings around the protected tree with a dwelling to the south-west of the tree (identified as Plot 4) and the other dwelling to the south-east of the tree (identified as Plot 5).
- 1.3 The proposal is for two 3 bedroom bungalows constructed of brick with a pitched pantile or slate roof. Both units would be provided with detached garages.
- 1.4 During the course of the application the proposed units were sited further away from the protected tree and the ground level to the rear of plot 4 was shown to be graded with fill to provide a more usable rear garden area that also avoided the need for terraced areas.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/01468/OUT - Construction of 3 dwellings with provision of new access to the public highway; Approved 20.09.2016.
- 2.2 To the south of the site - 17/01223/OUT - Construction of 2 dwellings with provision of new access to the public highway (all other matters reserved); Approved 24.08.2017.

- 2.3 18/02567/TPO - Works to a tree subject to Preservation Order 16/00008/TPO2, as amended by email received 28 February, to undertake a 4m reduction in the two eastern side branches, a 1.5m reduction of the lowest bough on the west side and crown cleaning of deadwood; works approved 18.03.2019.
- 2.4 19/00773/REM - Reserved matters application (including access, appearance, landscaping, layout and scale) for residential development of 3 dwellings following outline approval 16/01468/OUT at West View Bagby: Approved 5.6.2019.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies 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 Bagby Parish Council – No objection.
- 4.2 NYCC Highways – No objection subject to conditions regarding the discharge of surface water onto the highway, the construction details of the verge crossing and visibility splays.
- 4.3 Environmental Health – No objection subject to working hours condition.
- 4.4 Yorkshire Water – No objection subject to a condition regarding foul and surface water.
- 4.5 Neighbours - Expiry date 12th December 2019. No responses received.
- 4.6 Site notice - Expiry date 18th December 2019. No responses received.

5.0 ANALYSIS

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character; (iii) the impact on the black poplar

tree which is subject to a Tree Preservation Order (TPO); (iv) access issues; and (v) the impact on residential amenity.

Principle

- 5.2 Bagby does not feature in the Settlement Hierarchy published in the 2007 Core Strategy and therefore does not have Development Limits. For that reason any new housing in the village is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The village is designated a Secondary Village in the 2014 updated Settlement Hierarchy published with the Council's Interim Policy Guidance (IPG), which allows small-scale development to be considered within the village.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 78 "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".
- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
- Development should be located where it will support local services including services in a village nearby.
 - Development must be small in scale, reflecting the existing built form and character of the village.
 - Development must not have a detrimental impact on the natural, built and historic environment.
 - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - Development must conform with all other relevant LDF policies.

Principle

- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the village of Bagby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development, complying with the first criterion of the IPG.

Character

- 5.6 The application proposes two three-bedroom houses and Policy CP8 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure. The Council's Size, Type and Tenure of New Homes SPD, adopted September 2015, identifies that to meet the District's housing needs a greater number of two and three bedroom market homes are required. The development would support that aim and a condition could be applied to any consent. In addition, the proposed dwellings are sufficient in size to conform to the Nationally

Described Space Standards (NDSS). On the basis of the above the development is considered to be small in scale and the provision of two 3 bedroomed houses is considered to be appropriate.

- 5.7 The site layout illustrates the two dwellings would be laid out around the protected Black Popular tree and the approach to position dwelling around the tree is deemed to be suitable on this occasion. It is noted the location of the proposed dwellings would not extend beyond the southernmost garden boundary curtilage of Westlands. On the basis of the above it is considered that the proposal relates well to the existing settlement and the protected Black Popular tree.
- 5.8 The application site is largely screened from public views from Sandown Close and from Bagby Lane from within the village itself by other buildings. Where views are possible these are oblique views through the gaps in the dwellings. However, there are extensive views of the site on the approach from the A19, north up Bagby Lane. In these views the development would be read against the backdrop of existing development within the village (including the approved reserved matters application currently under construction) and on this basis the proposal is not considered to impact on the character of the area.
- 5.9 The design of the proposed dwellings reflects the approach adopted for the recently approved three dwellings to the north (19/00773/REM). The proposal would provide single storey units constructed in brick with pitched roofs covered in slate or pantiles. As a result, the scale, design approach and palette of materials are considered to be acceptable.
- 5.10 The approved 16/01468/OUT and the subsequent reserved matters 19/00773/REM established the principle of a 25m root protection zone around the protected tree to prevent the footings of the dwellings disturbing roots. The approved consents also allowed for the construction of a driveway 15m from the tree around its northern extents.
- 5.11 This application seeks to replicate this approach with the two dwellings sited at least 25 metres away from centre of the tree and only a small extension to the approved tarmac driveways. It is noted that areas serving the garages are to be gravelled. On this basis it is considered that the layout of the two dwellings do not encroach on the protected tree or impact on its setting, and would not threaten the health and longevity of the tree. In addition, given the location of the proposed dwellings to the south of the tree it is not considered to raise any overshadowing concerns for the future occupiers of the proposed dwellings.
- 5.12 On the basis of the above the application is considered to satisfy criterion 2, 3 and 4 of the IPG.

Capacity of existing or planned infrastructure

- 5.13 The Yorkshire Water consultation response notes there is a statutory sewer that crosses the site and that as result of the layout of the scheme the public sewer is in unlikely to be affected by the “building-over” proposals. The response also noted that a waste water treatments works is located to the south of the application and recommended that habitable development should not be located within 400m of the existing facility. Upon discussions with Yorkshire Water, it was confirmed that this notes was an advisory note and not an objection to the application. In any event it is noted that existing housing is located within 400m of the waste water treatments works. In addition, it is understood that this waste water treatment site is due to be decommissioned through the investment works associated with the improvement to the Sowerby waste water treatment works.

- 5.14 Yorkshire Water also note that the existing public sewer does not have the capacity to accept any discharge of surface water from the application site. As a result, they recommend that in accordance with sustainable drainage practices, and subject to a suitably worded condition, the surface water could discharge to the watercourse located along the northern boundary of the application site. Therefore, Yorkshire Water recommends a condition to cover foul and surface water drainage and this approach is deemed to be acceptable on this occasion. On the basis of the above, 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. The proposal is considered to satisfy criterion 5 of the IPG.

Access issues

- 5.15 The Highway Authority recommend a number of conditions regarding the discharge of surface water onto the highway, the construction details of the verge crossing and visibility splays. Given that the proposal utilises the approved access arrangements and that the approved reserved matters application provided details to the Highways Authority satisfaction on drawing no. 3819-PD-17, it is only necessary to require the access to these dwellings comply with the previously approved details.

Residential amenity

- 5.16 The proposed dwellings are sufficient distance away from the approved 3 dwellings to the north of the protected tree and are not considered to cause any overlooking concerns. Only Plot 5 to south-east of the protected tree is situated close to existing properties (Westlands and Longways) but given the separation distances and orientation of Plot 5 it is considered not to raise any amenity concerns. The recommended condition regarding controls over the construction times cannot be justified in this instance. If development on the site causes nuisance (from noise) this is capable of being addressed under the controls of other legislation.

Planning Balance

- 5.17 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. As Bagby is classified as a secondary village, the Councils Interim Policy Guidance applies. It is considered that the proposal meets the criteria of the IPG and that the proposed development complies with the relevant Local Development Framework policy in terms of design, landscape, highways, drainage, amenity and following the revision to the siting of dwellings to avoid harm to the Black Poplar tree is considered to be 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 3819 Location Plan, External materials schedule, drawings 15, 19, 20, 21 and 22 received by Hambleton District Council on 12th November 2019 and PD 10C & 23 received 16th December 2019 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to the occupation of the approved dwellings a detailed landscaping scheme (including any boundary hedges) shall be submitted and approved by the Local Planning Authority. Following approval the landscaping scheme shall be implemented in the first planting season and be retained thereafter.
4. The site shall be developed with separate systems of drainage for foul and surface water on and off site. 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.
5. The development shall be undertaken in accordance with the levels information shown on drawing 3819-PD-10C unless prior to the commencement of development, other than the initial formation of the access, full details of existing and alternative proposed site levels have been provided to and approved by the Local Planning Authority. The details 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.
6. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are 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.
7. The existing tree protection fence that is currently in situ on site shall remain in place for the entire period of the development. Upon completion of the building works a permanent boundary fence shall be fixed in place of the temporary fence in accordance with details that have been approved by the Local Planning Authority and shall thereafter be retained in perpetuity.
8. Highways – compliance with the previously approved specification for the access from Bagby Lane is required.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
4. In the interest of satisfactory and sustainable drainage to ensure that no surface water discharges take place until proper provision has been made for its disposal.
5. In order to protect the character and amenity of the area and to accord with the requirements of Development Policy DP1 and DP32.
6. 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.
7. In order to protect the TPO tree and the general amenity of the area, in accordance with LDF Policy DP33.
8. In order to safeguard the safety of highway users in accordance with the LDF Policy CP1.

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