

# Public Document Pack

**HAMBLETON**  
DISTRICT COUNCIL

## AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 15 July 2015

Dear Councillor

### NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**  
Date **Thursday, 23 July 2015**  
Time **1.30 pm**  
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

*P. Morton.*

Phillip Morton  
Chief Executive

**To:**

Councillors	Councillors
D A Webster (Chairman)	J Noone
P Bardon (Vice-Chairman)	C Rooke
D M Blades	Mrs I Sanderson
S P Dickins	A Wake
G W Ellis	Mrs J Watson
K G Hardisty	S Watson

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am  
REGARDING SIZE, TYPE AND TENURE SUPPLEMENTARY PLANNING DOCUMENT;  
PERMITTED DEVELOPMENT RIGHTS; NORTH NORTHALLERTON;  
YORK TRAILERS AND THE DISTRICT TOUR**

## **AGENDA**

### **Page No**

1. MINUTES  
To confirm the minutes of the meeting held on 25 June 2015 (P.5 - P.6), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 92  
Report of the Executive Director.  
  
Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY  
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

# Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 25th June, 2015 at Council Chamber, Civic Centre, Stone Cross, Northallerton

---

## Present

Councillor P Bardon (in the Chair)

Councillor	D M Blades	Councillor	C Rooke
	S P Dickins		Mrs I Sanderson
	G W Ellis		Mrs J Watson
	K G Hardisty		S Watson
	J Noone		

## Also in Attendance

Councillor	Mrs B S Fortune	Councillor	B Phillips
	D Hugill		M S Robson
	C Patmore		

Apologies for absence were received from Councillors D A Webster and A Wake

## P.5 MINUTES

### THE DECISION:

That the minutes of the meeting of the Committee held on 28 May 2015 (P.3 - P.4), previously circulated, be signed as a correct record.

## P.6 PLANNING APPLICATIONS

The Committee considered reports of the Executive Director 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 Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director 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 Executive Director, unless shown otherwise:-

- (1) 15/00175/REM - Reserved matters application for the construction of 48 dwellings and associated garages/parking as amended by plans received by Hambleton District Council on 27 May 2015 at OS Field 3324, Stillington Road, Easingwold for Linden Homes North

PERMISSION GRANTED

(The applicant's agent, Chris Calvert, spoke in support of the application).

- (2) 15/00325/FUL - Redevelopment of garage to provide convenience Store, ATM, customer car park and associated petrol filling station at Greaves Garage, 36 Garbutts Lane, Hutton Rudby for James Hall and Company

DEFER for further consideration of issues concerning the movement of vehicles and pedestrians.

- (3) 15/00190/FUL - Conversion of barn to form two bedroom dwelling including part demolition of section of building at The Barn, Main Street, Helperby for Live Love Local Ltd

DEFER to allow submission of correct certification.

- (4) 14/02534/FUL - Proposed farm scale anaerobic digestion and combined heat and power facility and erection of 4 No associated general purpose agricultural buildings at Church Farm, Kilburn for JFS Clay Bank Farm Biogas

PERMISSION REFUSED because:

- (1) the proposal by reason of its scale, form, design and proximity to public viewpoints, would result in an uncharacteristic development that caused unacceptable harm to the undeveloped rural landscape character and appearance of the site and the wider landscape setting. The form and scale of the proposed development failed to take account of the landscape character in the area and as such would be harmful to the intimate landscape character of this part of the District, in close proximity to the boundary and harmful to the setting of the North York Moors National Park. It was not considered that these impacts could be satisfactorily mitigated for the duration of the proposed development through landscape planting or other measures. As such, the proposed development was contrary to Hambleton Local Development Framework Policies CP16 and DP30; and
- (2) the proposed development was contrary to Hambleton Local Development Framework Policies CP1 and DP1, which required all proposals to adequately protect amenity. Due to the proximity of the dwellings at

Highfield and Stockhill Farm, which lie within 170m of the application site, the use of the site and scale of the proposals was likely to give rise to noise and odour of a greater level and for longer durations than would normally be expected in this part of the District given the scale and form of farming found in this locality. Notwithstanding the fact that these properties were located on farm units, these impacts would have an unacceptable effect on the residential amenity of the occupiers of those dwellings.

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

(Jane de Cogan spoke on behalf of Kilburn Parish Council objecting to the application.)

(Joe Ridgeon spoke objecting to the application.)

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a pecuniary interest and left the meeting during discussion and voting on this item.

- (5) 15/00318/FUL - Installation of a solar farm and associated infrastructure at Land South East of Highfield House for Lightsource Renewable Energy Ltd

PERMISSION GRANTED subject to securing additional landscaping scheme and conditions to be determined.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(The applicant's agent, Jessica Gitttoes, spoke in support of the application).

(David Middleton spoke on behalf of Raskelf Parish Council supporting the application.)

- (6) 14/01332/FUL - Use of two holiday letting units as one dwellinghouse with ancillary facilities at White Bear Cottage, South Back Lane, Stillington for Mr J Sparrow

PERMISSION GRANTED

- (7) 15/00678/MRC - Variation of conditions 6, 10, 19, 23 & 32 of permission 08/04984/FUL to allow later submission of details and alternative wording of conditions 9 & 14 at Stank Farm, Bullamoor for Infinis Energy Services Ltd

DEFER to consider the need for Environmental Impact Statement.

The meeting closed at 3.10 pm

---

Chairman of the Committee

**This page is intentionally left blank**

# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 23 July 2015. The meeting will commence at 1.30pm.**

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

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Executive Director. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

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 Executive Director 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  
Executive Director

# 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 insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.



# PLANNING COMMITTEE

## Thursday 23 July 2015

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	15/01176/FUL Mr A J Cunningham Alne  Page no. 9	Demolition of dilapidated barn and construction of a detached two bedroom bungalow  For: Mr T Clark At: Land West of Jack Hole Lane, Alne  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	14/02285/FUL Mr T Wood Easingwold  Page no. 15	Construction of 134 dwellings with associated access, open spaces and landscaping  For: Persimmon Homes (Yorkshire )Ltd At: Land to the east of Kellbalk Lane, Easingwold  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	15/00741/FUL Mr P Jones Morton on Swale  Page no. 27	Residential development of 48 dwellinghouses  For: Shepherd Homes Ltd & Landowners At: Land adjacent to Danville, Morton on Swale  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	15/01118/OUT Mrs H M Laws Pickhill with Roxby  Page no. 37	Outline application for the construction of 5 no dwellings, alterations to access and modifications to existing workshop and buildings  For: Pickhill Engineers Ltd At: Pickhill Engineers Ltd, Pickhill  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	15/01349/FUL Mr A Cunningham Skipton on Swale  Page no. 45	Construction of a new dwelling with associated garage (re-submission of refused application 14/01203/FUL)  For: Mr Mark McColmont At: Westholme, Skipton on Swale  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	15/00961/MRC Mrs B Robinson Skutterskelfe  Page no. 51	Variation of conditions 7 (kitchen management plan) and 10 (number of marquee events) of planning permission 12/00019/FUL (change of use from dwelling to a country house hotel)  For: Mr Martin Johnson At: Rudby Hall, Skutterskelfe  <b>RECOMMENDATION: GRANT</b>
<b>7</b>	15/00145/MRC Mr T Wood Sowerby  Page no. 59	Variation of Conditions 34 and 35 of planning permission 10/02373/OUT - highway improvements and widening of mini roundabout  For: Mulberry Homes (Yorkshire) Ltd/Broadacres Services Ltd At: Land east and west of Topcliffe Road and south of Gravel Hole Lane, Sowerby  <b>RECOMMENDATION: GRANT</b>

<p><b>8</b></p>	<p>15/01109/OUT Mrs T Price Thornton-le-Moor</p> <p>Page no. 79</p>	<p>New dwelling</p> <p>For: Mr &amp; Mrs Brown At: The Hawthorns, Main Street, Thornton-le-Moor</p> <p><b>RECOMMENDATION: GRANT</b></p>
<p><b>9</b></p>	<p>15/01090/OUT Mrs H Laws Thrintoft</p> <p>Page no. 87</p>	<p>Outline application for a single dwelling</p> <p>For: Pilcher Homes Ltd At: Land Adjacent To West House, Thrintoft</p> <p><b>RECOMMENDATION: GRANT</b></p>

**Parish: Alne**  
Ward: Easingwold

Committee Date: 23 July 2015  
Officer dealing: Mr A J Cunningham

**1**

**15/01176/FUL**

**Demolition of dilapidated barn and construction of a detached two bedroom bungalow at Land West of Jack Hole Lane, Alne for Mr T Clark**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The proposed dwelling would be positioned to the south of an existing barn which has approval for conversion to a dwelling. The site is positioned to the western end of Jack Hole and Alne village.
- 1.2 The proposed bungalow would measure approximately 9.9m x 15.8m, with a total height of approximately 4.3m. It would include 2 bedrooms, a bathroom, lounge, kitchen/dining area, utility and w/c.
- 1.3 Materials for the proposed dwelling would comprise red clay pantiles and red facing brickwork, with timber windows and doors.
- 1.4 The curtilage to the dwelling would be provided to the west and south of the proposed structure and would be bound to the agricultural land beyond by a 1.2m high post and rail fence.
- 1.5 Half of the detached garage from the previous conversion proposal would be associated with the proposed dwelling.
- 1.6 The site is within the Alne Conservation Area.

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

- 2.1 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings; Withdrawn 20 January 2015.
- 2.2 14/01514/FUL - Construction of an agricultural workers dwelling and two agricultural buildings; Granted 2 April 2015.
- 2.3 15/00153/FUL - Conversion and replacement of existing buildings and demolition of 2 barns to form 4 dwellings; Granted 2 April 2015.
- 2.2 There is no planning enforcement history.

## **3.0 NATIONAL AND LOCAL POLICY**

- 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 CP19 - Recreational facilities and amenity open space

Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP2 - Securing developer contributions  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP28 - Conservation  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP37 - Open space, sport and recreation  
Development Policy DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework  
National Planning Practice Guidance

#### **4.0 CONSULTATIONS**

- 4.1 Alne Parish Council - Reflects on the history of developments relevant to this and the Village Farm site. Objects to the current scheme. Concerned about further development outside of development limits, and sustainability implications.
- 4.2 Highway Authority - Response awaited.
- 4.3 Environmental Health Officer - No objections or recommendations.
- 4.4 Internal Drainage Board - No observations.
- 4.5 Yorkshire Water - Response awaited.
- 4.6 Historic England - Do not consider the application should be notified to HE.
- 4.7 Scientific Officer (Environmental Health) - Recommends a preliminary assessment of land contamination be submitted or appropriate condition attached to assess land contamination. (An assessment was submitted on 27 May 2015 not identifying any contamination issues)
- 4.8 Ministry of Defence - No objections.
- 4.9 Two responses: (i) concerns regarding incremental applications particularly outside of development limits; (ii) requests the application go to Planning Committee and that neighbours be consulted; (iii) the application should be considered in conjunction with 15/00153/FUL; (iv) inappropriate scale of development, at odds with policy; and (v) how many dwellings are to be allowed in Alne outside of development limits and/or within the Conservation Area.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to (i) the principle of allowing the dwelling proposed in this location, outside development limits; together with (ii) an assessment of the likely impact upon the character and appearance of the Conservation Area and the village; (iii) highway safety; (iv) neighbour amenity; and (v) infrastructure.

##### Principle of development

- 5.2 The site falls outside Development Limits as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in

exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policies CP4 and DP9 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) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to the 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 updated settlement hierarchy of 2014 Alne is classed as a secondary village. The development is sufficiently close to the periphery of the existing settlement to support local services. Criterion 1 is therefore satisfied.

#### Character and appearance of the Conservation Area and the village

- 5.7 The extent of development would be small in scale and in its position adjacent the barn approved for conversion and the core of the built form in Alne would reflect the existing built form and local character. IPG criterion 2 is satisfied.
- 5.8 The positioning of the dwelling to the west of Jack Hole within the Conservation Area is noted and merits consideration as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 131 of the NPPF, which states:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

5.9 The context of the existing dilapidated building, and the character of the existing built form and surrounding agricultural land is noted. The proposal would not conflict with any constraints of the site and the development would not impact on the natural, built and historic environment. IPG criterion 3 is satisfied. The design, scale and materials of the proposed dwelling would blend well with the adjacent agricultural building and built form in the locality. Furthermore, the bungalow is considered to be a small-scale rounding off of development that would allow the character and appearance of the Conservation Area to be maintained.

5.10 The character of the site is not open as a result of the dilapidated barn in situ. It is acknowledged that the proposed dwelling would be of a greater mass than the dilapidated barn however the views of the site from public viewpoints on Jack Hole, given the positioning of the detached garage, surrounding settlement and existing building, are such that the degree of openness would not be detrimentally impacted. The isolated positioning of Alne and the scale of development are such that there would be no coalescence of settlements. IPG criterion 4 is satisfied.

#### Highway safety

5.11 There is ample space on site to accommodate vehicles associated with the proposal. Subject to any responses received from the Highway Authority it is considered that the scheme would not raise an adverse impact on highway safety. Any recommended conditions from the Highway Authority will be reported to the Committee meeting.

#### Neighbour amenity

5.12 The positioning of the proposed dwelling to the approved barn conversion and the internal layout and design of the structure are such that there would be no harmful impact on neighbour amenity. Additional boundary treatment between the curtilages of both dwellings has been supplied by the planning agent on 10 July 2015.

#### Infrastructure

5.13 No responses have been received to suggest that the development could not be accommodated within the capacity of existing or planned infrastructure. Criterion 5 is satisfied.

5.14 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling is now liable for payment of CIL at a rate of £55 per sq. m. The Agent has submitted the relevant information for the calculation of the CIL liability.

## **6.0 RECOMMENDATION**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance

with the drawings and details received by Hambleton District Council on 27 May 2015 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be 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 development commencing, details of the cross section of the window and door frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows and doors shall conform to that approved specification.
5. The site shall be developed with separate systems of drainage for foul and surface water.
6. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 6 above.
8. The development shall not be commenced 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. 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.
9. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with drawing number 3527-JH-04 received by Hambleton District Council on 27 May 2015. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that the appearance of the windows are appropriate to the character and appearance of the dwelling and the Conservation Area.

5. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance with Hambleton Local Development Framework policy DP43.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework policies CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework policies CP21 and DP43
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
9. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.



**14/02285/FUL**

**Construction of 116 dwellings with associated access, open spaces and landscaping.  
at Land to the East of Kellbalk Lane, Easingwold  
for Persimmon Homes (Yorkshire ) Ltd.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The proposal seeks to develop two sites that are allocated in the LDF for housing, the southern part of EH2 and all of EH3. EH2 and EH3 are greenfield sites, neither is active agricultural production. EH2 is an overgrown tract of land between housing estates. EH3 is a mix of grassland, scrub and unmaintained woodland that lies between housing on Kellbalk Lane and actively farmed land to the east of Easingwold.
- 1.2 The land is higher at the northern end, falling more gently at the southern end, but is however generally flat throughout. Many trees and hedgerows enclose and subdivide the land in to a series of 4 main parcels.
- 1.3 There are public rights of way to the southern edge of EH2, continuing across the northern edge of the site EH3. There are many informal walked routes through the body of EH3 and a route that breaches the eastern hedgerow to run parallel with the site boundary finally emerging on to Crabmill Lane through a narrow gap in the hedgerow. The line of Kellbalk Lane is grassed; a parallel tarmac path runs the length of EH2 and EH3 and links Crabmill Lane with Back Lane.
- 1.4 The application originally sought permission for 134 units but following revisions to address concerns about the layout, to protect trees on the boundaries, to provide parking close to dwellings and improve amenity the number of units has been reduced to 116. This results in a density of 33.4 dwellings per hectare.
- 1.5 Three areas of public open spaces would be provided within the site giving a combined area of 5,700 sq. m (0.57 hectares, 1.4 acres). An emergency link road is shown to be proposed to connect between the development of Meadow Springs Way across the Kellbalk Lane public footpath to Oxenby Place. There is currently a public footpath connection from Kellbalk Lane to the highway and footways in Oxenby Place.
- 1.6 The proposal would obstruct informal walking routes within the land to the east of Kellbalk Lane. Footpath connections are proposed to be retained to Kellbalk Lane and to the field edge path to the east of the development site. The definitive rights of way are not obstructed and no public rights of way need to be diverted.
- 1.7 A Tree Preservation Order 15/00009/TPO has been made to protect important 3 groups and 11 individual trees that have been identified as important to the site (and as defined within the submitted tree report) where these trees are within and close to the boundaries of the application site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is no relevant planning or enforcement history relating to the application site. To the north of the Crabmill Lane part of the application site a full planning application for the construction of 22 dwellings, associated access and provision of public open space was

approved on 31 July 2014. (14/00406/FUL) The scheme provided 11 affordable dwellings (50% of the total) and 2 bungalows. The construction works are underway.

### **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 CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP9A - Affordable housing exceptions  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP2 - Securing developer contributions  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP6 - Utilities and infrastructure  
Development Policy DP8 - Development Limits  
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  
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015  
Sustainable Development - Supplementary Planning Document - Adopted 7 April 2015  
Allocations Document Policy EH2 - Kellbalk Lane and East of Oxenby Place, Easingwold - adopted 21 December 2010  
Allocations Document Policy EH3 - North of Meadow Spring Way, Easingwold - adopted 21 December 2010  
National Planning Policy Framework  
National Planning Practice Guidance

### **4.0 CONSULTATION**

#### **4.1 Easingwold Town Council – Supports the principle of development of the site but notes great concern regarding the infrastructure and services to foul and surface water from this site. Support 50% policy for delivery of affordable houses for local people and request that at least 10% of all dwellings are bungalows.**

The Town Council wish to make further representations when we know the reports from the statutory consultations and any amendments made to the application. Given the current development we have concerns about the capacity of the school to accommodate these extra numbers and wish to see highway improvements at the junction on Stillington Road, Long Street and Crabmill Lane. There are 2 public right of ways 10.40/14 and 10.40/16 please retain these as public right of ways.

- 4.2 Highway Authority – Advises that the design standard applied is Manual for Streets and that the required visibility splays of 45 x 2.4 metres are available. A request has been made to provide an emergency access to the Crabmill Lane site or alternatively a widening of the carriageway to facilitate access from Crabmill Lane for emergency vehicles. In the absence of detailed highway designs for new estate roads it is anticipated that conditions are recommended.
- 4.3 Yorkshire Water – Advise that, further to recent communications, the submitted Geo-environmental Appraisal (prepared by Lithos Consulting dated March 2015) confirms sub-soil conditions do not support the use of soakaways because the water table was encountered at a shallow depth. Yorkshire Water asks the developer to give consideration to use of a watercourse which is understood to be located some 100m to the south-east of the site. If the watercourse can be proven not reasonably practical, then Yorkshire Water will have to consider disposal to sewer (at a restricted rate) in line with surface water disposal hierarchy.
- 4.4 Natural England – Provide advice and no objection to the proposal.
- 4.5 Historic England (Formerly English Heritage) – no objection.
- 4.6 NYCC Archaeology – identifies the need for additional survey work as there is potential for archaeology on the site noting the excavations for the Easingwold bypass found previously unidentified late Iron Age settlement and Romano-British field system.
- 4.7 North Yorkshire Police – Advise that rear parking courts should be removed and the areas should be overlooked. (Note: amendments to the layout have addressed many of these areas of concern.) Areas of open space close to homes provide a venue for anti-social behaviour and the distinction between private and public spaces is uncertain in some areas and can result in a loss of privacy (such as in the areas around plots 1 and 3). Recommends conditions on aspect such as secure cycle stores, lighting over external doors.
- 4.8 Environment Agency – Acknowledge proposal to direct foul and surface water to the public sewer and raise no objection to the approach due to the likely impermeability of the ground.
- 4.9 Forest of Galtres Society – Raise concern regarding overflowing sewers, flooding, path network, landscaping and site layout.
- 4.10 Public consultation. Comments have been received raising a range of issues as summarised below:
- Potential obstruction of public rights of way
  - Concern about the increasing number of homes and rate of development in Easingwold
  - Infrastructure has not increased in pace with development no additional shops, garages, schools, doctors, dentists, no upgrades to roads.
  - Wet and unstable ground conditions exist and query the need for large amounts of material to be brought in to provide suitable foundations
  - Land is liable to flooding and the development will increase the risk of flooding
  - Surface water drainage must be provided that can cope with the flows noting that the existing system results in flooding during heavy rain storms
  - The increase in discharge rates from 4.9 litres per second to 176.1 litres per second is significant and more should be done to control the disposal rates. More needs to be done to control the overland flows from Back Lane and Highland Court before they result in flooding of Meadowsprings.
  - Building will impact on the habitat of the diverse wildlife found on the site, hedgerows should be retained to protect wildlife habitat

- Traffic increases through Meadow Spring Way for the safety of existing residents very young and the old
- No vehicles should be allowed to use Kellbalk Lane track
- Trees particularly the large Oak should be protected
- Consideration should be given to the increasing use of Back Lane by pedestrians and the need to improve pedestrian safety
- Claims of an 90 year lease to provide land for dog walkers due to the rights of way and access that is afforded.
- Additional development will be likely to give rise to more dog fouling on neighbours gardens on Kellbalk Lane
- Boundary fencing to Highland Court and Orchard Close should be required to maintain security to those areas
- Close proximity of new dwellings to Orchard Close would compromise the boundary planting that is a characteristic of the site
- Side (west facing) windows would result in overlooking and a loss of privacy to dwellings on Orchard Close and should be obscurely glazed
- Suggest the inclusion of dormer bungalows with a bedroom at ground level

## 5.0 OBSERVATIONS

5.1 The site is allocated for housing development and as noted previously the proposal straddles two areas of allocation EH2 and EH3. There are a series of requirements of the allocation and these are discussed separately below. Therefore, the main issues in the consideration of this application are:

- Drainage;
- The density of development;
- Housing need, affordable housing and housing type;
- Access and traffic issues;
- Provision of open space within the site, suitably linked to existing and proposed footpath routes;
- Contributions towards off-site infrastructure, including cycle and footpath links and if required drainage and sewerage infrastructure, additional school places and local health care;
- Trees, hedgerows and ecology;
- Design; and
- Landscape impact.

### Drainage

- 5.2 As a result of consultation, and in common with other development proposals in the south and east of Easingwold, drainage is a very substantial issue of concern to all involved. The provision of a drainage system that is capable of accommodating foul water and surface water flows from the site whilst also dealing with issues of flooding is critical to the acceptability of this proposal.
- 5.3 Reports have been supplied by the developer to explain the means of providing foul sewage disposal and the measures proposed have not resulted in any objection from Yorkshire Water or the Environment Agency.
- 5.4 The surface water disposal arrangements propose to retain water on site in a piped system during periods of high flow rates for release into the system when flow rates are reduced, an approach indicated in Yorkshire water's consultation response.
- 5.5 Overland flow of water during high intensity rainfall is reported by neighbours to the site. The water is recorded to flow from Back Lane on to Highland Court where the existing

systems appear incapable of accommodating the flows such that water then runs between properties and onto the open ground to the north of Meadow Springs Way. Concern has been raised that if no improvements are made to the off-site surface water drainage system this could result in flooding of the new homes to the north of Meadow Springs Way and by changing the conditions of the land that overland flow could then affect properties on Meadow Springs Way and Hopwith Close.

- 5.6 Whilst dealing with pre-existing drainage problems is not the responsibility of the developer there is a requirement to ensure that the development does not give rise to additional flooding problems or transfer the impact of flood events from the open ground of the application site to the neighbouring dwellings.
- 5.7 The application includes a report that has considered the impact and advice by the agents (Alan Wood and Partners) states as follow:

“The new development will be protected from overland flow by the fact that the finished ground floor level of the properties will be a minimum of 150mm above the surrounding ground.

Should water run across the ground from off-site it will run to the lowest points first, and therefore the flow will follow the roads and footpaths which will be lower than the houses adjacent.

The site will have a surface water drainage system that is designed to a standard which Yorkshire Water will accept; Yorkshire Water will take on the responsibility for its operation, maintenance and management and the system will be designed and constructed to manage rainfall events up to the 1 in 100 year chance of occurrence, with an allowance for a 30% increase in intensity due to the impact of climate change over the next 100 years.

This makes the statistical chance of flooding less than 1%, and it is the highest standard that is expected of any new drainage system from a legal perspective.

Whilst the sewers will not be designed specifically to take overland flow, should it occur it will be intercepted by the new gullies and the system will deal with overland flow like it would deal with rainfall runoff from the site itself. The system can clearly not distinguish between flow caused by direct rainfall or overland flow from off-site: if there is capacity in the new system it will manage the flow.

The joint probability of having the peak 1 in 100 year (plus climate change) event occurring at the same time as overland flow is very low. With this in mind the proposed development layout, floor levels and drainage system affords a practicable and reasonable level of protection for the new residents and off-site third parties.”

- 5.8 Concern has been raised that construction works on the application site may change the way that the land drains and that this could cause flooding problems. This has also been addressed by the applicant’s agents (Alan Wood and Partners) who respond:

“A drainage system on the site is an improvement compared to the existing situation: now the rainfall can run off the site at an uncontrolled rate and manner. If the site is waterlogged (and therefore rainfall is not absorbed by the land on the site and can runoff, like it does from a roof or road), there is nothing to protect the residents in the surrounding area from water coming towards them. With a developed site that has surface water drainage collecting and effectively impounding the water and having a controlled rate of discharge, the surrounding area is afforded a level of protection that does not currently exist.”

- 5.9 It is considered that subject to planning conditions to require approval of the details of the drainage systems and to require the completion of those systems, and maintenance arrangements thereafter, the scheme is acceptable in this respect.

#### Density

- 5.10 The density of the scheme is lower than 40 dwellings per hectare, the approximate density identified in policies EH2 and EH3 and results in a lower number of dwellings than identified in those policies. The reduced density allows for an increased amount of open space around the site and is considered to add to the quality of the environment that can be achieved and is therefore an appropriate response to the policy requirements.

#### Housing need, affordable housing and housing type

- 5.11 The scheme proposes to that 50% of the dwellings are provided as affordable housing units. The proposal accords with the allocation policy requirements. As the development off Oxenby Place also achieved 50% affordable housing (11 units) the allocations at EH2 and EH3 has achieved the requirement and will provide a total of 67 affordable homes in Easingwold. A planning obligation is under preparation to secure the occupation of the dwellings for people who have a local need for affordable housing.
- 5.12 The mix of sizes and types of dwellings has been influenced by the needs explained by the Council's Housing and Planning Policy Manager. The mix achieves mainly 2 and 3 bedroom units in two storey dwellings and includes 5% bungalows. This is lower than the 10% provision sought in the consultation draft Size, Type and tenure of New Homes Supplementary Planning Document, however, the application pre-dates the SPD, which has yet to be adopted.

#### Access route and traffic assessment

- 5.13 The proposed vehicular access routes to the site accords with the Diagram EH2/EH3 in the Allocations DPD showing the main vehicular access from Crabmill Lane and Meadow Springs Way and emergency access from Oxenby Place.
- 5.14 Consideration has been given to the need to upgrade roads and junctions away from the site. The conclusion of NYCC Highways and the applicant's consultant is that there is no need for upgrades beyond the frontage of the site.
- 5.15 An emergency access route is shown linking the development to the north of Meadow Springs Way to Oxenby Place and subject to additional details relating to the crossing of land outside the site the provision of a link can be made a condition of approval. The Highway Authority have also expressed a view that the Crabmill Lane site should also have an emergency link road but acknowledge that if this cannot be achieved a widening of the carriageway may be an appropriate alternative. Amended drawings have been submitted on 14 July 2015 showing a widening of the spine road from Crabmill Lane. The final response from the Highway Authority is awaited.

#### Open space within the site and links to existing and proposed footpath routes

- 5.16 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards set out in the policy (further explained in the Open space, sport and recreation Supplementary Planning Document of February 2011).
- 5.17 The policy identifies 5 different types of open space and requires assessment of the level of need by each of the 5 types before calculating how much should be provided on site and

then establishing the level of facilities to be provided off site and the calculation of the level of contribution and arrangements for on-going maintenance.

- 5.18 The SPD guides that a development of 116 homes should provide on-site facilities for amenity green space, play areas for children, facilities for young people and teenagers and may require allotments. The open space audit for Easingwold shows that there is no shortfall of space for young people and teenagers facilities but improvements to quality may be necessary, there is not shortfall in allotment provision and so the priority to provide allotments is reduced. The SPD guides that a scheme of 116 dwellings is too small to make on-site provision of outdoor sports facilities appropriate.
- 5.19 The development can be anticipated to give rise to a population of about 275 people (116 dwellings x standard occupancy of 2.37 people per dwelling).
- 5.20 The proposal shows that a total of about 5,700 sq. m of open space within the 3.47 hectare site. The open space shown is suitable as amenity green space and could accommodate play areas for children. Some of the 5,700 sq. m is occupied by trees (some subject to Tree Preservation Orders) and hedgerows within the site and make both a contribution towards the maintenance of the landscape of the town and site as well as providing amenity space.
- 5.21 No details are currently shown of equipped children's play space, but this can be sought by means of a planning obligation and/or planning condition.
- 5.22 The layout of the site shows that suitable links can be provided to the existing network of paths to enable the walking as a sustainable means of travel within the town as well as an amenity to the area.

#### Contributions towards off-site infrastructure

- 5.23 The allocations document refers to contribution to a range of infrastructure and more recently the Council has identified and prioritised infrastructure projects through the adoption of the Community Infrastructure Levy (CIL). The site provides links to the existing footpath network. There are no dedicated cycle track links within the vicinity of the site and no proposals for creation of cycle tracks that require funding have been notified.
- 5.24 The scheme requires additional drainage infrastructure as noted above.
- 5.25 The provision of funding towards additional school places falls within CIL and is on the Regulation 123 List, no further funding can be sought via planning obligation as this would result in doubling the contribution made by the developer.

#### Trees, hedgerows and ecology

- 5.26 The tree survey submitted with the application identifies the condition of each of the trees within and around the site. A Tree Preservation Order has been made in respect of all of the trees that are identified to be the highest quality.
- 5.27 Additionally there are 17 hedgerows within the site that have been assessed for their importance in the context of the Hedgerow Regulations 1997 and for their value as a hedgerow network with regard to the mix of species present, as wildlife corridors and supporting faunal groups.
- 5.28 The survey work (29 April 2015) and report by Brooks Ecological found that one hedgerow was important under the terms of the Hedgerow Regulations and noted that this hedgerow is retained as part of the scheme. Hedgerow 3 lies on the eastern boundary of the site running for 62 metres northwards from Crabmill Lane, it is important (by virtue of containing

at least 5 woody species and at least 3 associated features). 5 other hedgerows (hedges 4, 6, 6A, 12 and 13 (combined length 357 metres)) fall just short of definition as important under the Regulations.

- 5.29 The UK Biodiversity Action Plan identifies hedgerows as a Priority Habitat and one of the aims of the plan is for no net loss of hedgerow and Brooks Ecological advocate that where possible hedgerows should be retained and loss resulting from the development should be compensated through new planting and gapping up of retained hedgerows (particularly hedge 15). Brooks Ecological find that there is potential with suitable mitigation and long term management to create a greater length of high value hedgerow and to maintain wildlife corridor function of the network.
- 5.30 Brooks Ecological recommend that adequate protection should be installed during construction to ensure no detrimental effect on hedgerow 3.
- 5.31 A protected species survey has been undertaken. An inspection of the trees that are proposed to be felled has been undertaken and concludes that none of the trees are used as bat roosts.
- 5.32 There is scope to safeguard the bio-diversity of the site by protecting areas during construction phases and by careful design of a soft and hard landscaping. Both these aspects can be secured by planning condition.

#### Design

- 5.33 The site has a series of different characters, from the higher density of the housing on Kellbalk Lane set off from the site by the tree lined Kellbalk Lane, the lower density housing areas on Crabmill Lane, Highland Court and Orchard Close and finally the countryside edge to the east of the site.
- 5.34 The layout of the housing on the site has varying levels of density with the use of detached dwellings on the south edge facing Crabmill Lane and facing the central open space with a mix of detached, semi-detached and terraces of three units across the site.
- 5.35 Fifteen house types are proposed, including some bungalows and some in two-storey form with a third floor in the roof space. Most dwellings are 2 storey (78 of the 116 proposed).
- 5.36 The layout of the dwellings provides an appropriate legible street running north-south with secondary cul-de-sac arrangements and developments facing on to the open space areas. The scheme has evolved following input from consultees and advice from officers of the Council to a point where it is considered that the scheme achieves an acceptable quality of design.
- 5.37 The applicants undertook a pre-application community consultation event. Following that event a report was prepared that identified 10 issues to be addressed, one of these related to design and challenged the developer that the scheme proposed did not reflect the historic character of Easingwold. The resulting scheme is one of that uses design details doors and fenestration that do not reflect the history of Easingwold. The elevations of the dwellings are however reasonably varied and would provide an appropriate street scene that is not out of keeping with the varied character of the surrounding that include the modern terraces of Kellbalk Lane and varied character of the homes on Crabmill Lane. Overall the scheme is considered to meet the requirements of DP32.

#### Landscape impact

- 5.38 The allocation sites are in a position that is not widely visible from public roads. The development proposals are made to enable the retention of the trees and hedgerows on



the boundaries of the site. This would substantially reduce the visual impact of the development from views outside of the town and would enable the scheme without undue harm to the landscape.

- 5.39 It is considered that the proposal is an appropriate response to the requirements of the Allocations DPD and the relevant Development Plan policies.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations and the completion of a Planning Obligation to secure affordable housing the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  3. No development shall commence on site other than investigative works or the depositing of material on the site until a detailed scheme(s) of highway construction and related works have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken and maintained in full compliance with the approved drawings and details, including the programme of work, unless otherwise approved in writing by the Local Planning Authority. (The minimum requirements of the scheme(s) likely to be necessary to meet this condition are set out in Informative 1 to this decision.)
  4. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
  5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garages on plots 1, 17, 43, 44, 45, 52, 53, 80, 88, 94 and 95 shall not be converted into habitable accommodation and shall be kept available for the parking of vehicles.
  6. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
  7. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees and hedges which are to be felled or retained together with the positions, height and design of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. The development shall not be commenced until tree and hedge guards, at least 1.5 metres high, have been erected on

the perimeter of the branch spread of trees and hedgerows (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.

8. No dwelling shall 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. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling or between that dwelling and the boundary of the site or areas of open space have been implemented. 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.
9. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure to that dwelling have been constructed in accordance with the details approved in accordance with drawing number 686/001 Rev D, or any amended version or additional detail that has been approved by the Local Planning Authority. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
10. No development above ground shall commence until details that show how 'Secured by Design' principles have been incorporated into the scheme have been submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
11. Additional conditions relating to drainage, ecology etc.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In accordance with Policy CP1, CP2, DP3 and DP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. In accordance with Policy CP1, CP2, DP3 and DP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In accordance with Policy CP1 and DP1 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.
6. In accordance with Policy CP1 and to protect pedestrians and other highway users.

7. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To protect the amenity of the residents and their neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings and to provide security to the new dwellings.
10. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Attention is drawn to the following Informatives:

1. The minimum works required to be submitted in pursuit of condition 3 are as follows:
  - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
    - the proposed highway layout including the highway boundary;
    - dimensions of any carriageway, cycleway, footway and verges;
    - visibility splays including measures to give clear visibility of 45m measured along both channel lines of the major road Crabmill Lane from a point measured 2.4m down the centre line of the access road, and pedestrian visibility splays giving visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. (In both cases the eye height will be 1.05 and the object height shall be 0.5m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.);
    - the proposed buildings and site layout, including levels; accesses and driveways including initial site access; drainage and sewerage system including measures to prevent surface water discharging on to the highway; lining and signing; traffic calming measures; and all types of surfacing (including tactiles), kerbing and edging.
  - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing the existing ground level; the proposed road channel and centre line levels; and full details of surface water drainage proposals.
  - c. Full highway construction details including: typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycle ways and footways/footpaths; when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; kerb and edging construction details; and typical drainage construction details.
  - d. Details to prevent the deposit of mud and other debris on the public highway during construction and details of the timing and routing of construction traffic that exceeds 7.5 tonnes in weight and site compound, staff and visitor parking layout and all other matters relating to construction site management.
  - e. Details of all proposed street lighting.
  - f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
  - g. Full working drawings for any structures which affect or form part of the highway network.

- h. A programme for completing the works including any repairs to the highways over which access is taken.

**Parish: Morton-on-Swale**  
Ward: Morton on Swale  
**3**

Committee date: 23 July 2015  
Officer dealing: Mr Peter Jones  
Target date: 30 July 2015

**15/00741/FUL**

**Residential development of 48 dwellinghouses.  
at Land adjacent to Danville, Morton on Swale  
for Shepherd Homes Ltd & Landowners Mrs J Ridley, Mr R White and Mr A Sedgwick**

## **1.0 SITE DESCRIPTION AND LOCATION**

- 1.1 The application site is an allocated housing site covering 1.95 hectares at the western edge of Morton on Swale to the west of St Helens Close and to the northern side of the A684.
- 1.2 The application is submitted for 48 houses, including 19 affordable housing units (12 two-bedroom houses and 7 three-bedroom houses). The tenure mix proposed would be 13 houses for rent and 6 for shared ownership. The properties for sale would be a mix of 3 and 4 bedroom properties. All properties would be 2 storeys in height.
- 1.3 The application proposes an area of green space in the south-western corner fronting the application site with larger housing fronting the greenspace.
- 1.4 The principal vehicle access would be from the A684 with a pedestrian access onto St Helen's Close. There is a secondary access to the east of the main entrance, servicing two dwellings. The pedestrian access would be controlled by a barrier to prevent cars and other motor vehicles using it.
- 1.5 The application has been supported by a range of documents including a Design and Access Statement, Flood Risk Assessment, and Tree Report.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 None relevant.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

National Planning Policy Framework - published 27 March 2012  
National Planning Practice Guidance  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP5 - The scale of new housing  
Core Strategy Policy CP5A - The scale of new housing by sub-area  
Core Strategy Policy CP6 - Distribution of housing  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP9 - Affordable housing  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP11 - Phasing of housing

Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP15 - Promoting and maintaining affordable housing  
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 DP43 - Flooding and floodplains  
Allocations Document Policy NH5 - North of A684, Morton on Swale - adopted 21 December 2010  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
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 forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions

#### **4.0 CONSULTATIONS**

- 4.1 Environmental Health officer (Contaminated Land) - The application is supported by a Geotechnical and Geo-Environmental site investigation report (Eastwood & Partners, 37349-001) which has considered the potential for contamination to affect the development and end user. The report has not identified any contamination in the soil samples taken and no remediation works are proposed. I accept the report findings and therefore do not have any objections to the development.

The officer recommends conditions to secure the further investigation and remediation of any discovered contamination and to address any imported soils onto the development site to prevent contamination from off-site sources impacting on the development.

- 4.2 Highway Authority - amendments are required to internal turning head and visibility splays; otherwise no objection.
- 4.3 Yorkshire Water - no objection.
- 4.4 Lead Local Flooding Authority - No objection subject to conditions.
- 4.5 Housing and Planning Policy Manager – the size, type and tenure of the dwellings are acceptable.
- 4.6 NYCC Historic Environment Team - Requires an assessment of archaeology.
- 4.7 NYCC Education - seeks contributions.
- 4.8 Environment Agency - No objection. The applicant has stated that surface water will discharge to the ditch bounding the site. They should ensure that the relevant authorities (i.e. the drainage board) agree to this method of surface water disposal. Please ensure that your drainage engineer is satisfied with the proposed arrangement.
- 4.9 Historic England - no comment; determine in line with own local advice.
- 4.10 North Yorkshire Police - No objection; the design is acceptable.
- 4.11 Wensleydale Railway and Network Rail - No objection.

4.12 Site Notice displayed with neighbouring and nearby residents notified. 8 letters have been received raising the following grounds of objection:

- Loss of green space and village character;
- Number of houses is excessive, in particular the number of houses that back onto the end adjacent to St Helens Close;
- The play area and its proximity to the A684 is a risk for children;
- Access, highway safety, amount of traffic and junction safety;
- No demand for the development;
- Loss of view of the paddock;
- Disruption from construction traffic;
- Contamination from former slaughter house;
- Overdevelopment of the village;
- 3 storey development is out of keeping;
- Effect on surface water drainage (and consequent blocked sanitation drainage from neighbouring houses), especially given the history of flooding;
- Potential effect on slow internet access for existing properties; and
- 1 letter of general comment noting that prevention of motorbikes to the pedestrian access St Helens Close should be incorporated (e.g. "kissing gates")

## 5.0 OBSERVATIONS

5.1 The application is an allocated site within the Allocations DPD and therefore the principle of development of the site is established and supported within the Local Plan. This means that the issues of principle raised in some of the public comments cannot be revisited now. The principal issues in the determination of the application are therefore:

- Density, design and layout
- Impact on the landscape and the character of the area
- Relationship to neighbouring residents
- Access and parking
- Impact on the historic environment
- Flood risk and drainage
- Infrastructure and affordable housing

### Density, design and layout

5.2 Officers have worked with the applicant to achieve a high quality development form, incorporating a variety of house types, affordable housing and on-site public open space. House plots have been amended in order to create more interest in the street scene at nodal points on the layout. The layout makes good use of the shape of the site, allowing reasonable sized gardens throughout the development. A pedestrian link would be created through to the existing housing to the east of the site.

5.3 The green open space is central to the design ethos of the site, reminiscent of a village green and providing a focal point on the main road route which would help to identify this development and create punctuation within the village form. The public open space would be maintained by a Management Company.

5.4 Seven main house types are proposed, although there are a number of similarities between house types. This would provide for an interesting mix across the site and create an active and interesting street scene. The main public road frontage would be dominated by the public open space, with only three units facing onto the A684. The proposed development is considered to be in accordance with LDF Policies CP17 and DP32 and would result in a high standard of development.

### Landscape and the character of the area

- 5.5 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings and not have a detrimental impact on the immediate environment and on any important long distance views.
- 5.6 The areas to the south and east of the site are already dominated by residential development. To the west of the site is a gap containing one or two individual houses before a small area of linear residential development on the north and south of the A 684. The public open space to the road frontage would reflect the present open, countryside character of the area.
- 5.7 The scheme proposes to retain much of the existing tree and hedge planting to the north and north west boundaries of the site. These provide a good landscape buffer and their retention is welcomed. Some localised cutting back would be necessary to install the boundary fence but this would be within acceptable limits.
- 5.8 The proposed development is considered to fit well within the framework of the built development in the area, without adverse impact on the overall character or appearance of the area.

### Relationship to neighbouring residents

- 5.9 The proposed layout is considered to relate well to the existing neighbouring residential development. The proposed scheme respects the orientation and relationship of houses on the neighbouring site. The closest properties to the site, to the east, are generally in a gable to gable orientation or gable to garden orientation with good separation distance. The proposed development is not considered to have any detrimental impact on the residential amenity of the occupiers of these homes.
- 5.10 The proposed development will have some impact in terms of the views from neighbouring homes. This impact is not considered to be substantial and is largely a matter that relates to the principle established by the allocation. The loss of a private view is not a material planning consideration in itself.

### Access and parking

- 5.11 Access would be taken from two points on the main road frontage through the village. The first, to the centre of the site, would provide access to the majority of the site. This would mostly be adoptable highway, with small elements of private access to the more discreet elements of the development. The proposed road layout curves through the site to a turning head in the north sector of the site and a private access spur across the north of the public open space which would serve five larger homes. A second access point would provide access to two additional dwellings, limiting the amount of road required on the site itself.
- 5.12 Seventeen of the 48 units would have only one car park space per unit, the remaining units having 2 spaces per dwelling. The Council does not have a minimum parking standard, instead relying on an assessment of the impact of the likely scale of parking given the nature and form of the development and the location of the site in relation to services and public transport. The Highway Authority has raised concerns with regard to the turning head to the north side of the site as it could become blocked by on-street parking. At the time of writing the applicant is endeavouring to resolve this matter with the Highway Authority. From a general planning perspective it is the smaller units which have more limited off street parking. However, in the absence of an objection from the Highway



Authority, this level of parking, close to the main road and public transport links is considered to be acceptable.

- 5.13 The applicant has sought to answer these queries through a revised layout and the detailed response of the Highway Authority is awaited. It may be that further minor amendments to the layout are required. Members will be provided with an update on highways matters at Committee meeting.

#### Historic Environment

- 5.14 A desktop study has been submitted during the course of the application. This has not identified any likelihood of the presence of important archaeology. However, given the proximity of the site to the village the County Archaeologist still has residual concerns and considers that on-site investigations should be carried out prior to any decision being made. This has been passed to the applicant who is in discussion with the County Archaeologist. Given that no evidence of the likely presence of important archaeology was identified through the desk top study it is considered that this matter can be adequately dealt with by way of pre-commencement condition. A pre-permission survey is not required and cannot be justified in view of the allocation of the site for development and the relatively low archaeological potential. The County Archaeologist has suggested an appropriate condition to cover this matter.

#### Flood risk and drainage

- 5.15 A flood risk assessment has been submitted with the application and the Environment Agency was consulted on the scheme. The Environment Agency has raised no concerns in terms of flooding and as such the proposed scheme is considered to be low risk in these terms.
- 5.16 Some discussion has taken place with regard to drainage details on the site and conditions have been recommended with regard to the maintenance of the ditch to which surface water will be discharged. Whilst the Swale & Ure Drainage Board has been consulted on the application it has not commented.

#### Infrastructure and affordable housing

- 5.17 The proposed development is chargeable development under the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015. At the time of writing a rate of £55 per sq. m would apply. The affordable housing element of the scheme is excluded from this calculation.
- 5.18 The applicant proposes 19 affordable housing units. This equates to a 39.6% affordable housing contribution. The allocation seeks 40% affordable housing. The layout of the site has grouped the affordable units into four locations around the site. This is in part dictated by the house types and the shape and form of the site. Due to the high percentage of affordable units achieved and the chosen house types it is difficult to see how the site could be better broken up in these terms.
- 5.19 The affordable units comprise 12, two-storey, two-bedroom units in terraced formats (70 sq. m) and 7, two-storey, three-bedroom units again in terraced formats (90 sq. m).
- 5.20 The proposed layout and affordable housing provision is considered to be acceptable in terms of the allocation requirements and the affordable housing SPD.

#### Other Matters raised through representation and not addressed above

- 5.21 The issue of child safety with regard to the use of the public open space was raised through representations. Given a suitable boundary treatment and landscaping of the public open space, this is not considered to be an issue. The Highway Authority has raised no concerns in this respect.
- 5.22 The previous use of the site as a slaughterhouse raised contamination concerns. However, a detailed survey has been submitted and the Environmental Health Officer is satisfied that the soil samples tested showed no signs of contamination.
- 5.23 The impact on internet speeds is not considered to be a matter for the Local Planning Authority.

#### Conclusion

- 5.24 The principle of the development of this site has been established through the allocation process. It is considered that the proposed scheme as amended would achieve a high quality of development in line with the allocation. The proposed development is considered to accord with Policies within the Local Development Framework Core Strategy and Development Policies document, in that the proposed housing development would have no adverse impact on the landscape character, residential amenity or highway safety in the vicinity of the application site.
- 5.25 The proposed development is considered to comply with the Local Development Framework housing allocation for this site along with the requirements of relevant Development Policies within the adopted Development Policies Document and Supplementary Planning Guidance.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations and the satisfactory completion of a Section 106 Agreement for the delivery of the affordable housing element of the scheme, the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The external surfaces of the development shall not be constructed other than of materials, the details of which have been submitted to and approved in writing by the Local Planning Authority prior to the construction of any development above foundation level.
  3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by Hambleton District Council on \*\*\*\* unless otherwise approved in writing by the Local Planning Authority.
  4. The development shall not be commenced 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. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
  5. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. The site shall be developed with separate systems of drainage for foul and surface water.
8. Surface water from the plots shall not discharge on to the existing and/or proposed highway. Full details of any measures required to prevent such discharges shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the occupation of the associated dwelling and thereafter be maintained to prevent such discharges.
9. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
10. No part of the existing boundary hedge along the boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
11. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
12. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
13. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition above.
14. 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 works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
15. No soils shall be imported onto the development site other than in accordance with a soil testing and analysis scheme that has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied until a verification report has been submitted to and approved in writing by the local planning authority.

16. Prior to the commencement of development a detailed Sustainable Drainage Scheme (SuDS) design, construction details and a construction management plan are required to be submitted to the Local Planning Authority for approval. The scheme shall then be implemented to the satisfaction of the Local Planning Authority prior to the occupation of the first dwelling. These details must include: (i) a calculation must be submitted demonstrating that the onsite attenuation has been sized for the 1 in 100 year 6 hour rainfall event; (ii) a demonstration that sufficient pollution control is provided by the proposed SuDS design; (iii) a design drawing showing that for rainfall in excess of the design standard surface water runoff is directed away from houses, including those on neighbouring streets; and (iv) details of the maintenance arrangements that are in place for the ditch into which the site drains.

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 the interest of maintaining the character of the area and conservation of existing building materials in accordance with the Hambleton Local Development Framework Policy 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Hambleton Local Development Framework Policy DP32 and DP1.
7. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance with Hambleton Local Development Framework Policies DP31 and DP36.
8. To prevent discharge of surface water from the site on to the highway in the interest of highway safety and pursuit of a sustainable drainage solution.
9. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Hambleton Local Development Framework Policies DP30 and DP31.
10. The existing wall/hedge is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with Hambleton Local Development Framework Policies DP30 and DP31.
11. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
12. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

13. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
14. In the interests of the amenity and safety of any future occupier of the development.
15. In the interests of the residential amenity and safety of future occupiers of the site.
16. In order to provide a sustainable drainage solution and avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

**This page is intentionally left blank**

**Parish: Pickhill With Roxby**

Ward: Tanfield

**4**

Committee Date : 23 July 2015

Officer dealing : Mrs H M Laws

Target Date: 16 July 2015

**15/01118/OUT**

**Outline application for the construction of 5 no dwellings, alterations to access and modifications to existing workshop and buildings.  
at Pickhill Engineers Ltd Street Lane Pickhill North Yorkshire  
for Pickhill Engineers Ltd.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The site lies within the village of Pickhill at the north western end of the village and covers an area of 0.45 hectares. The site forms part of an agricultural field currently used for grazing sheep and a building currently occupied by several small businesses. A row of trees lies along the northern boundary of the application site abutting the highway known as Street Lane. Banking leads down from the trees to the road, which lies at a lower ground level than the application site (approximately 2.8m lower at road level than the highest point on the southern edge of the application site). Across the road to the north lie 2no. two storey detached dwellings and a terrace of 3no. two storey dwellings. To the west lies the remainder of the field; to the east lies the building and parking area associated with Pickhill Engineering and the access road that follows the boundary of the application site and which serves the building within the southern part of the application site. This building currently accommodates several small businesses, including vehicle repairs and furniture making. The application site is bounded to the east and south with post and wire fencing.

1.2 A public right of way lies parallel to the western boundary of the application site.

1.3 The application is for outline permission with all matters reserved for the construction of 5 dwellings. An indicative layout has been submitted illustrating a terrace of five two storey properties fronting onto the village street, facing northwards. Access to the site, shown indicatively, would be via the existing access to the commercial buildings to the south with parking provided at the rear.

1.4 The application also includes a proposal to re-route the access that currently serves the commercial uses to the southern side of that building. Also proposed is the blocking up of the existing openings in the northern elevation of the building.

**2.0 PLANNING & ENFORCEMENT HISTORY**

2.1 06/00619/OUT - Outline application for the construction of eighteen dwellings. Permission refused 2/6/2006 for the following reasons:

1. The proposal is contrary Hambleton District Wide Local Plan 1999 Policy L1 and H23 as the development is outside the Development Limits of Pickhill. Outside Development Limits residential development is limited to that required for agriculture, forestry or required to meet the social and economic needs of rural communities or other purposes when a dwelling is essential and fulfils the requirements of Policy H23 and H23 as amended. The justification put forward for this development is not of sufficient weight to set aside the presumption against residential development outside Development Limits.

2. Sufficient sites have been completed since 1991 or have been granted planning permission to meet the housing land requirement set out in Policy H1 of the Hambleton District-Wide Local Plan and the North Yorkshire County Structure Plan. To grant planning permission for additional sites would prejudice the aims of the Structure Plan and the Local Plan to restrain housing growth as set out in Guiding Principle 2: The Scale and Nature of Development and Policy H1 of the Hambleton District-Wide Local Plan by adding to the over-provision of housing in the District, contrary to advice in Planning Policy Guidance Note 3 (PPG3) to "plan, monitor and manage" the release of housing land and PPG3 Paragraph 42(a) updated January 2005.

3. The proposal development would be prejudicial to the emerging Local Development Framework as the approval of 18 dwellings on 0.37 hectares of land would undermine the ability of the Local Planning Authority to manage the supply of housing land and to undertake appraisal of options for future developments.

4. The proposed development is not of a scale and density appropriate to the size and form of Pickhill contrary to Policy H8 and H7/8 (Alteration No.1) of the Hambleton District Wide Local Plan.

### 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 CP19 - Recreational facilities and amenity open space
- 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 DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP43 - Flooding and floodplains
- Interim Guidance Note - adopted by Council on 7th April 2015

### 4.0 CONSULTATIONS

4.1 Parish Council - no objections

4.2 NYCC Highways - conditions recommended

4.3 Yorkshire Water - conditions recommended to protect the local aquatic environment and YW infrastructure.

4.4 The Ramblers - no objections

4.5 Historic England - no comments required

4.6 MOD - no safeguarding objections

4.7 HDC Environmental Health Officer - no objection in principle to the proposals. I note that it is acknowledged that there is a potential for the amenity of proposed dwellings to be affected by adjacent commercial uses and the reserved matters will need to address these issues.

4.8 Site notice/advert/local residents - correspondence has been received from 1 local resident, whose comments are summarised as follows:

1. I am not against the development of housing directly opposite my property. However, I am against its current proposed layout.
2. After seeing the planned layout of the houses and parking my family and I feel that being directly overlooked by five new houses only 20 metres away would have a detrimental affect on our lifestyle and living conditions. We have two bedrooms and a landing window on our upper floor and two large bay windows (lounges) on our ground floor which look straight out onto this proposed housing



3. This is not too bad in the summer months when there are leaves on the trees but in winter we, and the proposed new tenants, would be looking right into each others houses.
4. The land opposite is also elevated which adds to this problem. We do not wish to live with blinds or curtains drawn to prevent this when there is, in my opinion a workable solution to both parties
5. I would propose that the whole development is rotated through 90degrees with front elevation of the proposed houses facing the West meaning I would only be looking at a windowless end elevation. The front elevation of these new houses would then have a much more desirable outlook and the sun all day. The back gardens would be their own with no shared access needed and the same at the front... This would mean though that two access points would be needed for front and rear. I feel the above idea would benefit all involved...the existing affected households, future occupiers of the houses and the developer

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, neighbour amenity, highway safety and developer contributions.

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 development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

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

5.5 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 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill which has facilities including a school, church and pub. Criterion 1 would be satisfied.

5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on undeveloped agricultural land that lies between residential and commercial uses on three sides.

5.8 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. This part of Pickhill is characterised by linear, frontage development; the indicative layout illustrates frontage development immediately opposite existing dwellings.

5.9 The scale of the development would be small in scale as suggested by the Interim Policy Guidance (up to 5 dwellings) as the proposal illustrates a scheme of 5 dwellings, in a terrace, similar to the terrace of dwellings on the opposite side of Street Lane.

5.10 In this case the site has a rural character although without being sited within the open countryside, which lies beyond. 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."

5.11 As such it is considered that the development proposed, without the loss of rural landscape, as it is sited between existing built development, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.12 The Highway Authority has no objections regarding the proposed development although access is a matter reserved for future consideration. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

5.13 The indicative layout illustrates the use of the existing access from Street Lane with dwellings to one side. There is concern from the existing resident opposite that the position of the dwellings as shown on the indicative layout would result in overlooking, particularly due to the application site being at a considerably higher ground level. The layout shows the front elevation of the new dwellings to be a distance of approximately 23m from the front elevation of the dwellings opposite. It is suggested that, with the presence of the trees, this is likely to be an adequate distance between the existing and proposed dwellings for there to be no loss of amenity as a result of overlooking or overshadowing, so although the layout is indicative and would not be formally approved, it suggests that a layout to protect residential amenity could be achieved. It is recommended that a section should also be provided at the reserved matters stage to illustrate the differential in height between the properties to ensure there would be no overbearing impact or increased sense of enclosure for existing residents as a result of the proposed development at a higher ground level.

5.14 The alterations to the access currently serving the commercial uses, and the proposal to reposition all openings to the southern side of that building, would reduce any potential for impact on the amenity of future residents. The Council's Environmental Health Officer considers there is a potential for an adverse effect on amenity but considers this could be addressed at the reserved matters stage.

5.15 A mature belt of trees lies along the northern boundary of the application site adjacent to the roadside. A tree assessment submitted with the application concludes that several of the trees are of moderate quality but most are of low quality. Some of the trees, such as those along the eastern boundary are relatively young and therefore it is suggested should be retained and incorporated into the proposed development. The indicative scheme shows that there is adequate space within the site for development to take place beyond the canopies.

5.16 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.

5.17 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of layout, scale, design, materials and access would have no adverse impact on landscape character, residential amenity and highway safety.

## **6.0 RECOMMENDATION: That subject to any outstanding consultations the application be GRANTED subject to the following conditions**

1. Applications for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. All areas of hard surfacing within the application site hereby approved shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the

development and the relationship of the proposed development to the existing dwellings to the north. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

6. No development shall take place above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.

7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

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

9. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

10. 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.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority. d. The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6 var. e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. f. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Street Lane 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.

13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access

road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: b. vehicular and pedestrian accesses c. vehicular parking d. vehicular turning arrangements e. manoeuvring arrangements f. loading and unloading arrangements.

14. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

15. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

16. 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 in writing to their withdrawal.

17. 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.

18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 20 May 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development commences.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
9. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 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.
12. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
13. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with Policies CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
15. In accordance with Policies CP2 and DP4 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.
16. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
17. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

**5**

**15/01349/FUL**

**Construction of a new dwelling with associated garage (re-submission of refused application 14/01203/FUL) at Westholme, Skipton On Swale, North Yorkshire for Mr Mark McColmont**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks planning consent for the construction of a dwelling and garage at land to the east of Westholme, Skipton on Swale.
- 1.2 The proposed detached dwelling would be served by an access which would sit immediately to the east of the existing access serving Westholme. It would comprise 3 storeys and accommodate a kitchen/dining area, utility, study, dining room, lounge and hall at ground floor level, 3 bedrooms, bathroom dressing area, and 2 en-suites at first floor level, and 2 further bedrooms at second floor level.
- 1.3 The dwelling would have maximum dimensions of approximately 13.9m x 9.3m, with a total height of approximately 9.2m. The detached garage would be sited to the rear (north) of the plot and would measure approximately 6.1m x 6.1m, with a total height of approximately 5.1m.
- 1.4 Materials for the proposed structures would comprise facing brickwork and concrete roof tiles with UPVC windows and doors.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/79/133/0011 - Extension to existing dwellinghouse; Granted 1979.
- 2.2 2/80/133/0011A - Extension to existing dwellinghouse; Granted 1980.
- 2.3 2/94/133/0034 - Outline application for the construction of a dwellinghouse; Granted 1994.
- 2.4 2/97/133/0034A - Details of the construction of a detached dwellinghouse and domestic double garage; Granted 1997.
- 2.5 2/03/133/0034B - Construction of a detached dwelling and garage; Withdrawn 2004.
- 2.6 14/01203/FUL - Construction of dwelling and garage and alterations to existing access; Refused 6 August 2014; Appeal Dismissed 19 January 2015.
- 2.7 There is no planning enforcement history.

**3.0 NATIONAL AND LOCAL POLICY**

- 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 CP19 - Recreational facilities and amenity open space  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework  
National Planning Practice Guidance

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council; expires 15.07.2015 - Response awaited.
- 4.2 Highway Authority; expires 15.07.2015 - Response awaited.
- 4.3 Yorkshire Water; expires 15.07.2015 - Response awaited.
- 4.4 Environmental Health Officer - no objection in principle; however, the dwelling is adjacent to the A61 and could be subject to high noise levels from road traffic. I am concerned that the noise levels recommended by the World Health Organisation and BS8233:1999, that have been adopted by this department for new residential developments would need to be achieved. I therefore recommend a full noise assessment is carried out by a competent person, including any mitigation measures.
- 4.5 Neighbours notified and site notice posted; expires 30.07.15 - Response awaited.
- 4.6 Ministry of Defence - No objections.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, outside Development Limits, together with an assessment of the likely impact upon the character and appearance of the village, highway safety and neighbour amenity.
- 5.2 The site falls outside Development Limits as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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



- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure 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 updated Settlement Hierarchy of 2014 Skipton on Swale is classed as an 'other settlement'. Given its positioning Sandhutton and Carlton Miniott, Skipton on Swale would be capable supporting the services in these. Criterion 1 is therefore satisfied.
- 5.7 The development of a single dwelling is small in scale and in its position adjacent Westholme and the core of the built form in Skipton on Swale would reflect the existing built form and local character. Criterion 2 is satisfied.
- 5.8 The positioning of the dwelling in the curtilage of Westholme and the known constraints of the site would mean that the development would not impact on the natural, built and historic environment. Criterion 3 is satisfied.
- 5.9 The character of the central part of Skipton on Swale is not open, nor is the site itself. The introduction of built form to the east of the existing dwelling would not impact on the open character and appearance of the surrounding countryside. As the site is an 'infill' plot it would not lead to any coalescence of settlements. Criterion 4 is satisfied.
- 5.10 The evidence suggests that the development could be accommodated within the capacity of existing or planned infrastructure. Criterion 5 is satisfied.
- 5.11 The dwelling and garage are of a style which would be in keeping with the surrounding street scene. The overall design of the property, and its recessed position from the public highway would mean that the structure would satisfy the requirements of policies DP1 and DP30 of the LDF.
- 5.12 The size of the plot, the orientation of the proposed dwelling to the existing dwelling at Westholme, the proposed boundary treatment between the two properties and the overall design of the proposed dwelling are such that there would not be an adverse impact on

neighbour amenity. Environmental Health has noted the noise impact of standing traffic. It is considered that a noise survey and mitigation measures to protect the occupants of the property from excessive noise pollution could be requested and implemented via a planning condition. In conclusion the proposal is compliant with policy DP1 of the LDF.

- 5.13 The proposed dwelling and garage would utilise an extended existing access to the public highway. Subject to the recommended conditions from the local highway authority there would not be an adverse impact on highway safety.
- 5.14 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling is now liable for payment of CIL at a rate of £55 per sq. m. The Agent has submitted the relevant information for the calculation of the CIL liability.

## **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 drawings and details received by Hambleton District Council on 15 June 2015 unless otherwise approved in writing by the Local Planning Authority.
  3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be 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 development commencing a noise survey shall be undertaken from the application site and should include mitigation measures for how the design of the proposed dwelling will mitigate against noise levels found to exceed the levels stated below.  
Daytime Noise (07:00 - 23:00)  
Outdoors recreations areas and gardens 50 LAeq, T, dB  
Indoor Living areas 30 dB LAeq, T  
Night-time Noise (23:00 - 07:00) in bedrooms 30 dB LAeq, 45dB LAmx, fast
  5. The site shall be developed with separate systems of drainage for foul and surface water.
  6. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
  7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 6 above.
  8. The development shall not be commenced 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. 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.

9. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with drawing number PL02 received by Hambleton District Council on 15 June 2015. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
10. 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.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii)(b) The existing access shall be widened and constructed in accordance with drawing number PL02 and Standard Detail number E6; (iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; (vi) The final surfacing of any private access and parking area within 2 metres of the public highway 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.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference PL02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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 CP1, CP17, DP1 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To safeguard the amenities of occupiers of the proposed dwelling in accordance with policy DP1 of the Hambleton Local Development Framework.
5. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance with Hambleton Local Development Framework policy DP43.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
9. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
10. In the interests of highway safety.
11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

**Parish: Skutterskelfe**  
Ward: Hutton Rudby  
**6**

Committee Date : 23 July 2015  
Officer dealing : Mrs B Robinson  
Target Date: 1 July 2015

**15/00961/MRC**

**Variation of conditions 7 (kitchen management plan) and 10 (number of marquee events) of planning permission 12/00019/FUL (change of use from dwelling to a country house hotel) at Rudby Hall Skutterskelfe North Yorkshire TS15 0JN for Mr Martin Johnson.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Rudby Hall is a 3 storey former country house set in extensive gardens and located between Hutton Rudby and Stokesley. The building is Listed Grade II and is currently a hotel and events venue. There is a large car park to the west of the house. Former outbuildings immediately to the east are converted to residential use. There are residential properties across the road, to the north, and to the south west (approximately 150 metres).
- 1.2 The current proposal is to vary condition 7 of application ref 12/00019/FUL. As previously amended under application ref 13/01018/MRC, the condition restricts provision of meals to guests staying at the hotel and attending functions, in accordance with a specific kitchen management plan. Amongst other matters, the kitchen management plan restricts provision of food for events by outside caterers only, no operation of an ancillary restaurant open to the public, and sets maximum numbers of guests within the Hall to 72 for a seated meal and to 150 for a buffet. Functions using a marquee in the grounds, allowed for by condition 10, are restricted to 150 guests.
- 1.3 The restriction on seated meals within the Hall to 72 guests reflected the largest number that can be accommodated at tables within a single room. However, it has since transpired that the organisers of some events are willing to spread their guests over more than one room, hence this request to amend the kitchen management plan to allow the same number that can be present for a buffet to be seated.
- 1.4 It is also proposed to vary condition 10, which made independent reference to marquee events and to other events in the wider grounds, to reduce the maximum number of events from 12 to 8 days per calendar year.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 12/00019/FUL - Change of use from dwelling to a country house hotel; Granted 17 September 2012).
- 2.2 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to form a hotel; Granted 17 September 2012.
- 2.3 12/02367/MRC - Application to vary condition 7 of planning permission 12/00019/FUL to no food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the premises or for events held within the hall; Withdrawn 23 January 2013.
- 2.4 13/01018/MRC - Application to vary condition 7 of planning permission

12/00019/FUL relating to use of the existing kitchen facilities to include preparation of food for guests attending functions held at the hotel and within the grounds; Granted 8 August 2013.

- 2.5 13/01275/LBC - Application for listed building consent to install a new ventilation and fume extraction system including internal flue and replacement extractor grill; Granted 15 August 2013.

### **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policy DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policy DP25 - Rural employment  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council - recommend refusal, no reasons given.

- 4.2 Neighbours and site notice - one response received (on behalf of several named parties), summarised as follows:

- The application is not about the kitchen management plan but about how the whole operation of events at the Hall will take place.
- There would be substantially more guests attending with potentially greater frequency than would be the case with the previous marquee based events.
- The Council need to consider what conditions now need to be applied to adequately control the continuing development of what was previously to be a boutique hotel with 13 bedrooms and limited eventing.
- The opportunity should also be taken to review those conditions that are not controlling operations at the hall effectively and which have led to complaints to the Council particularly relating to activity outside the hall premises and the transmission of noise.
- In cases where conditions are no longer adequate, they should be altered and where no longer relevant they should be changed.

The letter goes on to make specific points about the need for additional noise regulation to meet current advice, a ban on all outside activity after 6pm, including smoking, an overall cessation time of 11pm, and an overall control over the number of events, suggested to be the same as the number of previously approved marquee events (i.e. 12) "until such time that the management demonstrates that events can be held without giving rise to local nuisance". A further point is made about the need to surface the car park with tarmac.

- 4.3 Historic England - No comments, determine in accordance with national and local guidance.

- 4.4 Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no

objections.

4.5 Highway Authority - No objection.

## **5.0 OBSERVATIONS**

5.1 The principle of allowing events to take place within the approved hotel is established by previous consents. Whilst neighbours have suggested that other conditions should be reviewed or new ones imposed, particularly in respect of noise and activity outside the building, this would be beyond the scope of the application. The Environmental Health Officer has stated that to date complaints to the Council have only been received from one property, and these have not been substantiated. In the absence of evidence or objection from the Environmental Health Officer, such additional restrictions cannot be justified.

5.2 The issues to consider in relation to condition 7 are whether the increased provision for seated dining would have any material impact on (i) the amenities of nearby residents, by virtue of increased disturbance resulting from the number of attendees, or arising from the nature of the change to the meals provided; and (ii) any features of historic importance of the Listed Building, or on its setting. Also to be taken into account are the policies of the National Planning Policy Framework, which supports (paragraph 28) rural enterprise of all kinds, and tourism and leisure developments that benefit businesses in rural areas and which respect the character of the countryside. Any likely benefits from the reduction in the number of marquee events by a third in the proposed variation of condition 10 should also be taken into consideration.

5.3 The proposal would allow a larger area of the Hall to be used for seated meals and would have the effect of widening menu options for the same number of attendees that was previously approved in respect of buffet meals. The number of events inside the Hall was not restricted and while it is likely that the Hall would become more attractive and thus give rise to more business, there is no reason to suppose that 150 people eating at tables would give rise to material additional harm to the nearby residents than they would if stood at a buffet.

5.4 There is scope to consider that the serving of more seated meals could result in a wider menu range, possibly including more hot food, and consequent cooking smells. However, other provisions of the kitchen plan would continue to ensure that catering is by outside caterers only, which limits the food preparation that needs to take place inside the Hall, with most food prepared off site. In these circumstances, the controls over external plant or equipment in condition 6 are considered sufficient to deal with this aspect. The Environmental Health Officer has confirmed they do not object to the changes on this account. Overall it is considered that the additional numbers of seated meals would not be materially harmful to the amenities of nearby residents.

5.5 The requested change to condition 10 would reduce the number of events that can be held within a marquee in the grounds of the Hall (which can be attended by up to 150 guests) from 12 to 8, in recognition of the greater capacity to accommodate such events inside the Hall if condition 7 is varied as requested. It is considered that this change would be beneficial in terms of neighbour amenity as a marquee offers far less acoustic insulation and events held there must inevitably involve greater activity within the grounds, with staff and guests moving between the marquee and the Hall to access the kitchen and toilets there. Approving this variation in isolation would reduce the capacity of the business and would thus run counter to LDF policies CP15 and DP25 and the support for rural enterprise in NPPF paragraph 28.

5.6 With regard to the effects of the proposal on the Listed Building, there will be no

effect on the building fabric and the reduction in the number of outside events will tend to enhance the setting rather than otherwise.

## 6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered as followed, unless otherwise agreed in writing by the Local Planning Authority:  
11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012  
11.026 001 (Location Plan) received on 6th January 2012  
11.026 001 (Marquee Location) received on 24th February 2012  
11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012  
12010. F01 Rev.B (Access) received on 6th June 2012
3. Prior to first use of the development hereby approved, details of the proposed means of disposal of foul water drainage shall be submitted to and approved by the local planning authority. The discharge of foul drainage to the main sewer should be investigated as a preferred option. Thereafter, the approved means of foul water drainage shall be implemented and maintained in accordance with the approved details.
4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a hotel (Use Class C1) and including use as a private function venue.
5. The disposal of waste shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
6. Prior to first use of the hotel and private function venue hereby approved, the new ventilation and fume extraction system, as detailed within the Kitchen Extract Fan 'Noise Impact Assessment' and the 'Odour Assessment & Ventilation and Fume Extraction Report' both received on 14th May 2013 and Mr Sebastian Stevens clarification email (noise attenuation) of 10th July 2013, shall be installed and thereafter be maintained in accordance with the approved details. No additional external plant or equipment shall be installed without the prior written approval of the local planning authority.
7. No food shall be prepared and/or cooked on the application site other than for consumption by staff, guests staying overnight at the hotel and guests attending functions held at the hotel and within the grounds except in accordance with the Kitchen Management Plan received by Hambleton District Council on 1 July 2015, unless otherwise agreed in writing by the local planning authority.
8. The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.



9. The courtyard to the east of the Hall shall not be used by staff (other than for access or maintenance), or customers and no deliveries shall be made via this courtyard.
10. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, and any marquee erected within the grounds, shall not be used for events on more than 8 days in a calendar year unless otherwise agreed in writing by the Local Planning Authority.
11. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, shall not be used for events outside the hours of 12 midday and 6pm unless otherwise agreed in writing by the Local Planning Authority.
12. Events held within the grounds of the Hall shall only be held in a marquee, the location of which is shown on drawing 11.026 001 (Marquee Location) received by Hambleton District Council on 24th February 2012 and within the red-edged area shown on Plan A received by Hambleton District Council on 4th May 2012, unless otherwise approved in writing by the Local Planning Authority.
13. No marquee shall be erected within the grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, other than in accordance with details previously approved under application reference 12/02597/DIS. Thereafter, any marquee erected shall comply with the approved details unless otherwise approved in writing by the Local Planning Authority.
14. No sound amplification equipment shall be used within the grounds of the Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) or in any building other than within the bar and dining room(s) without the prior written approval of the Local Planning Authority.
15. No live music shall be performed within the grounds of Rudby Hall as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) without the prior written approval of the Local Planning Authority.
16. Preparations for events and clearing up after events (including within any marquee) shall not take place outside of the hours of 11am to 7pm other than for erection and dismantling of any marquee.
17. Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and shall not take place at any time on Sundays and Public Holidays.
18. No temporary structures, other than as permitted by condition 13, are to be erected in the grounds of the Hall unless otherwise approved in writing by the Local Planning Authority.
19. No noise emanating from events held in the Hall shall exceed 28(LAeq, 5min) at any point on the red line shown on drawing 12010.P01 (Acoustic Boundary Layout Plan) received by Hambleton District Council on 26th June 2012.
20. A noise limiter shall be installed on any amplification equipment in the bar and dining room(s) which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference

3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.

21. No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.
22. Prior to first use of the development hereby approved, the secondary access to the east of the Hall shall be closed in accordance with details previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details.
23. No part of the development shall be brought into use until the alterations to the vehicle access have been constructed in accordance with the submitted drawing (Reference Drawing No. 12010.F01 Rev B). Once constructed these areas shall be maintained clear of any obstruction and retained at all times.
24. The hotel and function venue hereby approved shall continually operate in accordance with the provisions of the approved 'Kitchen Management Plan' received by Hambleton District Council on 1st July 2015 unless otherwise approved in writing by the local planning authority.
25. The number of guests visiting the hotel and function venue hereby approved, including any event within the grounds, shall not exceed 150 persons at any one time.

The reasons for the above conditions are:

1. To ensure compliance with 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 the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage.
4. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1, CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.
5. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
6. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
7. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
8. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
9. In order to protect residential amenity in accordance policies CP1 and DP1 of the

Hambleton Local Development Framework.

10. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
11. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
12. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
13. In order to protect the character and appearance of the listed building in accordance with policies CP16 and DP28 the Hambleton Local Development Framework and in order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
14. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
15. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
16. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
17. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
18. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
19. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
20. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
21. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
22. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
23. In accordance with Policy DP4 of the Local Development Framework and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
25. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

**This page is intentionally left blank**

15/00145/MRC

**Variation of conditions 34 and 35 of application reference number: 10/02373/OUT- relating to highway improvements and widening of mini roundabout as amended by details received 2 July 2015 at land east of Topcliffe Road and south of Gravel Hole Lane, Topcliffe Road, Sowerby for Mulberry Homes (Yorkshire) Limited/Broadacres Services Ltd.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 At the Planning Committee meeting on 28<sup>th</sup> May 2015 members resolved to grant planning permission varying the trigger dates for conditions 34 and 35 relating to off-site highway works for the development known as Sowerby Gateway. The conditions relate to the highway works within the Market Place of Thirsk, on Topcliffe Road, Sowerby and at the junction of the B1448 and the A168 dual carriageway.
- 1.2 That decision was based on a proposed mix of uses comprising, in part, 207 dwellings and 6,968 sq. m of employment floor space. Combined with other uses specified in the application, this constituted the maximum development that could be accommodated by the highway network before the improvement of the A168/B1448 junction.
- 1.3 Following Committee's resolution the applicants have reviewed the likely pattern of development and have amended the application to seek a different mix of uses. The changes are to increase the number of dwellings from 207 to 249 and reduce the employment floor space from 6,968 sq. m to 2,665 sq. m. The supporting traffic modelling submitted by the applicant's agent shows that the proposed mix would result in the same number of movements as the mix previously proposed.
- 1.4 Conditions 34 & 35 currently read as follows:
  34. No further development shall take place within the application site unless, within 6 months of the occupation of the first dwelling on the site (or 1,500 sqm of commercial floor space has been occupied, whichever occurs first), the highway improvement scheme on the A168/B1448 junction, to allow 'northbound on' and 'southbound off' movements is constructed, and brought into use.

Reason: To ensure the continued safe operation of the A168 Trunk Road in the area.
  35. No further development shall take place within the application site unless, within 6 months of the occupation of the first dwelling on the site (or 1,500 sqm of commercial floor space has been occupied, whichever occurs first), the highway improvement works listed below have been completed and made available for use. The required highway improvements shall include:
    - (a) Improvement works to B1448 Topcliffe Road including:
      - (i) access roundabouts
      - (ii) drainage
      - (iii) lighting
      - (iv) footways
      - (v) pedestrian islands
      - (vi) toucan crossing

- (vii) zebra crossing
  - (viii) bus infrastructure
  - (ix) parking bays adjacent Melbourne Place
  - (x) 'Keep Clear' road markings adjacent Sowerby Road
  - (xi) Provision of missing footpath link on western side of road railway bridge and 'Thorpefield'
- (b) Widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide two dedicated approach lanes from Topcliffe Road and Westgate
- (c) Widening at the Kirkgate / A61 junction to provide two dedicated approach lanes from Kirkgate.

The works shall be undertaken in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and following the completion of an independent Stage 2 Safety Audit which has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

Reason: In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion.

- 1.5 The proposal seeks to vary not the extent of the works required but the trigger for the completion of the off-site highway works. A revised version of the condition was provided in the application form:

"No more than 207 dwellings (C3), 90 bed sheltered accommodation (C2), 1486 sq. m net retail sales area for food store (A1) and 6,968 sq. m of employment floor space (B1c, B2 and B8) inclusive or a combination of these uses not exceeding the vehicle trip generation as set out in table 1.4 of Optima Highways Technical Note dated 23rd January 2015 until the highway improvement scheme on the A168/B1448 junction to allow "northbound on" and "southbound off" movements is constructed and brought into use."

- 1.6 The applicant's version further revised version of the conditions 34 and 35 are proposed as follows:

34) No more than the following quantum of development shall be occupied or brought in to use unless the highway improvements scheme at the junction of the A168/B1448 to allow "northbound on" and "Southbound off" movements is constructed and brought in to use.

249 dwellings  
 90 bed extra-care apartments  
 1486 sqm net retail sales area foodstore  
 2665 sqm of employment floorspace

**Reason:** To ensure the continued safe operation of the A168 Trunk Road in the area.

35) The following off-site highway works shall be undertaken in accordance with the details previously submitted to and approved in writing by the Local Planning Authority and following the completion of an independent Stage 2 Safety Audit which has been carried out in accordance with HD19/03 – Road Safety Audit or any superseding regulations and shall be completed by 31<sup>st</sup> March 2016 unless otherwise agreed in writing by the Local Planning Authority and in any event no later than 30<sup>th</sup> September 2016.

- (a) Improvement works to B1448 Topcliffe Road including:  
 (i) toucan crossing

- (ii) zebra crossing
- (iii) parking bays adjacent Melbourne Place
- (iv) Keep Clear road markings adjacent Sowerby Road
- (v) Provision of missing footpath link on western side of road railway bridge and "Thorpefield"

(b) Widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide two dedicated approach lanes from Topcliffe Road and Westgate.

(c) Widening at the Kirkgate/A61 junction to provide two dedicated approach lanes from Kirkgate.

**Reason:** In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion.

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

- 2.1 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8), neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (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). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered; Granted 21 August 2012 subject to conditions and a section 106 agreement.
- 2.2 13/02427/REM - Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works; Approved 17 March 2014.
- 2.3 14/01945/REM - Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links; Approved 26 March 2015.
- 2.4 15/00005/CAT3 - Breach of planning condition relating to the timescale for the completion of the off-site highway works. Planning Committee resolved on 13 November 2014 to press the developers to submit an early application for a variation of the highway conditions 34 and 35 for the Sowerby Gateway development; and the need for enforcement action be deferred until the outcome of the application.
- 2.5 15/00146/MRC - Variation of Condition 9 of Application 11/01435/FUL – approved 8<sup>th</sup> June 2015
- 2.6 15/00274/REM - Reserved Matters application for food store and associated landscaping and car parking; approved 19<sup>th</sup> June 2015

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all

Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2D - South West Thirsk Area - East of Topcliffe Road, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2E - South West Thirsk Area, Gravel Hole Lane, Sowerby - adopted 21 December 2010  
National Planning Policy Framework  
National Planning Practice Guidance

#### **4.0 CONSULTATIONS**

- 4.1 Sowerby Parish Council - Wish to see refused because planning permission was granted in the first place based on the infrastructure being in place as per Conditions 9, 34 and 35. Councillors would wish to see compliance at the earliest opportunity.

No further comments have been received in respect of the revised proposals.

- 4.2 NYCC Highways – Requested and agreed a revised methodology for undertaking additional assessments. The outcome of the additional modelling work confirms that the traffic flows of the revised mix can be accommodated within the highway network.
- 4.3 Highways Agency – Offers no objection
- 4.4 Network Rail - has no observations to make.
- 4.5 Publicity, site notices, press notices and neighbour notifications – One response received objecting to the application as they considered that the junction would not be developed.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues in the determination of this application are (i) whether the planning conditions that have the aim of securing improvements to the highway network are still required; and (ii) whether the change to the trigger point can be made whilst satisfying the reasons for the conditions and meeting the 6 tests for planning conditions laid down by Government in the NPPF paragraph 206, namely:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

A further consideration is how the revisions to the trigger dates from the completion of the off-site highway works can influence the pace of development in South West Thirsk and the economic benefits that may accrue from the development and the other infrastructure that will be delivered by the development of new homes and business premises.

- 5.2 The need for the improvements and stated reasons for the conditions are matters of safety and capacity of the highway network. There is no reason to conclude that the need for the works to increase highway capacity and secure safety improvements have changed significantly since the determination of the application 2012.



- 5.3 However, the trigger point in the conditions was not based on evidence from the traffic modelling work but sought to achieve the early delivery of the off-site highway works, as noted in the report to the November 2014 meeting of Planning Committee:

“It is relevant to note that the trigger point referred to in the conditions did not come from the findings of the modelling work or the Traffic Assessment submitted with the application. Rather it arose from assurances given by the original developer about how soon the junction could be delivered and a desire from Members to achieve an early delivery in response to concerns from Sowerby residents. The specific highway improvements, however, were derived from the Traffic Assessment and modelling.”

- 5.4 The application, in both the initial and revised forms, is supported by modelling work that provides evidence for alternative trigger points that shows the level of growth of traffic flows can be accommodated within the highway network.
- 5.5 The level of queueing at junctions is shown to increase overtime though the improvements to the network within Thirsk town centre reduce the severity of the increases. The conclusions reached by the applicants’ consultant highway engineer is that the development will not exceed the capacity of the highway network in 2015 or 2016 and that in the “design year” of 2017 the traffic is still being accommodated within the highway network by the time of the completion of the B1448/ A168 junction improvements.
- 5.6 The detailed advice of North Yorkshire County Council as Highway Authority was provided prior to the 28th May 2015 Planning Committee and noted that on the basis of the modelling work and scrutiny of the work and conclusions drawn that:

“...there is no defensible reason to reject the proposed triggers, subject to the proposed food store being granted permission as outlined in the planning application. However, it should be noted that the proposed food-store positively impacts on the volume and routing of traffic in the analysis; therefore, should the details of the food-store change as a result of any planning permission being granted, some additional analysis will be required and the suitability of the trigger will need to be revisited.”

The reserved matters proposal for the food store was approved on 19<sup>th</sup> June 2015 on the basis of the drawings that had been scrutinised by officers at Highway Authority.

- 5.7 On the basis of the data supplied in the traffic modelling it is reasonable to conclude that the works required by the condition continue to meet the 6 tests.
- 5.8 Changing the threshold to 249 dwellings will allow several house builders to construct simultaneously on the site, which should mean that the B1448/ A168 junction improvements will be provided sooner and payments towards other elements of infrastructure will come forward sooner. The variation of the conditions will therefore enable investment to be made and for housing, commercial and retail developments to continue at the site. Development investments will help to support the economy both locally and more widely. The continuation of developments on the land will also result in provision of more affordable housing; investments in the local bus services, cycle provision, footpath and cycleway networks, public art, education facilities and sports and recreation facilities. It is considered that the planning balance falls firmly in favour of approving the scheme.
- 5.9 The approved version of condition 34 as set out at paragraph 1.2 above is, in the revised proposals of the applicant, to be replaced by:

No more than the following quantum of development shall be occupied or brought in to use unless the highway improvements scheme at the junction of the A168/B1448 to allow 'northbound on' and 'southbound off' movements is constructed and brought in to use

249 dwellings	(previously 207 an increase of 42)
90 bed extra-care apartments	(no change)
1,486 sq. m net retail sales area foodstore	(no change)
2,665 sq. m of employment floor space	(previously 6,968 a reduction of 4,303)

- 5.10 The approved version of condition 35 as set out at paragraph 1.2 above is, in the revised proposals of the applicant, to be replaced by:

The following off-site highway works shall be undertaken in accordance with the details previously submitted to and approved in writing by the Local Planning Authority and following the completion of an independent Stage 2 Safety Audit which has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and shall be completed by 31<sup>st</sup> March 2016 unless otherwise agreed in writing by the Local Planning Authority and in any event no later than 30<sup>th</sup> September 2016 (*previously 31st August 2015*)

(a) Improvement works to B1448 Topcliffe Road including:

- (i) toucan crossing
- (ii) zebra crossing
- (iii) parking bays adjacent Melbourne Place
- (iv) 'Keep Clear' road markings adjacent Sowerby Road
- (v) Provision of missing footpath link on western side of road railway bridge and 'Thorpefield'

*The following works have been completed and are proposed to be removed from the conditional requirements*

*access roundabouts  
drainage  
lighting  
footways  
pedestrian islands  
bus infrastructure*

- (b) Widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide two dedicated approach lanes from Topcliffe Road and Westgate
- (c) Widening at the Kirkgate / A61 junction to provide two dedicated approach lanes from Kirkgate.

- 5.11 Approval of an application to vary a condition of an earlier approval results in a new decision being made, so a new decision notice describing the whole development and listing all conditions would be required. In the event that the decision on this application is to approve the development the description of the development would be the full title as set out in the 2010 application. All the conditions would be required to be restated subject to any amendments that are necessary. A deed of variation would be required to the previously completed Section 106 Agreement prior to the issue of an approval in order to ensure that the provisions of the Agreement (relating to the provision of affordable housing,

open space provision, community land, sustainable travel initiatives, public art and other matters) continue to bind the permission.

- 5.12 The Community Infrastructure Levy (CIL) applies to the grant of new planning permissions except in the case of applications, such as this, made under Section 73 of the Planning Act where the provisions of Regulation 128a of the CIL apply. The Planning Guidance states that:

“There may be transitional cases, where the original planning permission was granted before a levy charge came into force in the area, and a section 73 permission is granted after the charge comes into force. In these circumstances, regulation 128A (as amended by the 2014 Regulations) provides for the section 73 consent to only trigger levy liability for any additional liability it introduces to the development. The Government’s intention is that the provisions set out in regulation 128A should apply to all subsequent section 73 permissions granted in respect of such a development where these transitional circumstances have arisen.”

As the proposed variation in the conditions would not alter the quantum of development, there is no additional liability to be dealt with through CIL.

- 5.13 Regulation 128a enables the continued use of Section 106 Agreements where the application made is to vary a condition of a permission that was previously the subject of a Section 106 Agreement. A draft of the Deed of Variation has been submitted to the Council.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations and the completion of a Deed of Variation to the Section 106 Agreement the application is **GRANTED** subject to the following conditions.

### **Submission of Reserved Matters**

1. Application for the approval of all of the reserved matters for all phases of the development shall be made to the Local Planning Authority not later than 21 August 2025 and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) 21 August 2027; (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.

**Reason:** To ensure compliance with Section 92 of the Town and Country Planning Act 1990.

### **Reserved Matters to be submitted**

2. No development shall commence on any part of the development other than the formation of access roads and the works specified in phase 1 (107 dwellings and 4412 sqm of commercial buildings) until the following reserved matters have been submitted for approval by the Local Planning Authority:
- (i) Appearance
  - (ii) Landscaping
  - (iii) Layout
  - (iv) Scale

**Reason:** 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.

### **Commencement of Phase 1**

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

**Reason:** 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.

### **Approved Plans – Outline**

4. The development of the outline planning permission hereby granted shall not be undertaken other than in complete accordance with the drawing detailed below unless otherwise agreed in writing by the Local Planning Authority.

s2251/08 – 20A received on 20<sup>th</sup> September 2011 – Site Boundary  
s2251/08 – 21B received on 20<sup>th</sup> September 2011 – Coordinated Masterplan  
s2251/08 – 22B received on 20<sup>th</sup> September 2011 – Site Movements  
s2251/08 – 23A received on 20<sup>th</sup> September 2011 – Phasing & Density

**Reason:** 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 noted above.

### **Approved Plans – Phase 1**

5. The development of Phase 1 of the planning permission hereby granted shall not be undertaken other than in complete accordance with the drawing detailed below unless otherwise agreed in writing by the Local Planning Authority.

#### **Phase 1 Employment**

11207-001 Rev.F received on 30<sup>th</sup> September 2010 - Site Layout  
11207-002 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
11207-004 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
11207-005 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
11207-006 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
11207-007 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
11207-008 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
11207-009 Rev.A received on 30<sup>th</sup> September 2010 - Elevations

#### **Phase 1 Housing**

3424-10Q received on 7<sup>th</sup> October 2011 - Site Layout  
SG/LD01 received on 30<sup>th</sup> September 2010 - Boundary Treatments  
3424/PD/20 Rev.A received on 30<sup>th</sup> September 2010  
3424/PD/21 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/22 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/23 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/24 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/26 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/27 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/28 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/29 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/30 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/31 received on 30<sup>th</sup> September 2010 - Elevations

3424/PD/32 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/33 Rev.A received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/34 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/35 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/36 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/37 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/38 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/39 received on 30<sup>th</sup> September 2010 - Elevations  
3424/PD/45 received on 30<sup>th</sup> September 2010 – Garages

**Reason:** 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 noted above.

### **Materials**

6. Prior to development of each phase of this development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development of that phase shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development of each phase shall be constructed of the approved materials for that phase in accordance with the approved method.

**Reason:** 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.

### **Boundary Treatment - Details**

7. The development of each phase of the development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of that phase of the development have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

### **Boundary Treatment - Construction**

8. No dwelling or other building shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with 7 condition above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

### **Landscaping Masterplan**

9. No part of the development shall commence until a landscaping masterplan indicating the location and extent of all new structural trees and shrub planting, has been submitted to and approved by the Local Planning Authority. The masterplan shall include (but is not limited to):-
  - (i) The type of landscape and habitat creation (structure planting, hedgerows and dry and damp species rich grasslands).

- (ii) The distribution of those landscapes and habitats (peripheral, open space related and road and footpath/cycleway network related).
- (iii) The extent of the landscapes and habitats (widths, lengths and areas).
- (iv) The species mixes and structure for each landscape and habitat creation type.
- (v) The sizes, heights and densities of plant species to be used for the different landscape and habitat types.
- (vi) The management requirements (establishments and long term management).

**Reason:** In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP1, CP17, DP32 and DP33.

### **Landscape Habitat Creation**

10. No phase of the development shall be commenced until the details of the landscape and habitat creation have been submitted to and approved in writing by the Local Planning Authority. Such details shall include species, densities, heights and specifications, proportions and detailed locations for each phase of development. The details shall be in accordance with the masterplan previously approved unless otherwise approved and agreed in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscape habitat creation scheme, unless the approved scheme has been completed. Any trees or plants which, within a period of five years of planting, die or are removed, or become seriously damaged or diseased, shall be replaced with others of a similar size, species and specification.

**Reason:** In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP1, CP17, DP32 and DP33.

### **Levels**

11. No phase of the development shall commence unless detailed cross sections has been submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for that phase of the development. The levels shall relate to a fixed Ordnance Datum and the levels for the main roads served by junctions on to Topcliffe Road. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

**Reason:** To ensure that the development is appropriate in terms of amenity and meeting sustainability objectives in accordance with Local Development Framework Policies CP1 and DP1.

### **Working Hours**

12. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried within 100 metres of the boundary of the site with Cocked Hat Park except between 0730 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.

**Reason:** In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.

### **Noise Mitigation Scheme**

13. A scheme of noise mitigation for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase of development. The measures in the approved noise mitigation scheme shall be implemented at all times until the completion of the phase unless varied by alternative details which have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.

#### **Vibration Monitoring Scheme**

14. A scheme of vibration monitoring for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase of development. The measures in the approved vibration monitoring scheme shall be implemented at all times until the completion of the phase unless varied by alternative details have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.

#### **Noise Control Scheme**

15. A scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for each phase of the development, where such devices are to be installed, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase of development. The measures in the approved scheme shall be implemented at all times and devices shall be maintained in accordance with the manufacturer's specification.

**Reason:** In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.

#### **Land Contamination**

16. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. No part of the development shall be occupied until the approved remediation scheme has been implemented and a verification report detailing all works has been carried out has been submitted to the Local Planning Authority in respect of that phase of the development within which the land or building, which is to be occupied, lies.

**Reason:** 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 the Hambleton Local Development Framework CP21.

#### **Foul & Surface Water Drainage**

17. No development of any phase of the development hereby approved shall be commenced until details of the foul sewage and surface water disposal facilities in respect of that phase have been submitted and approved in writing by the Local Planning Authority.

**Reason:** In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

### **Foul & Surface Water Drainage Implementation**

18. No use of the development shall commence until the foul sewage and surface water disposal facilities have been constructed and brought into use in respect of that phase of the development in accordance with the details approved under condition above.

**Reason:** In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

### **External Lighting Scheme**

19. No external lighting shall be installed either during construction or operational stages of any of the development, except in respect of the occupation of dwellings, other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

**Reason:** In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.

### **Railway Undertaker's Assets**

20. Prior to the commencement of development of each relevant phase of the development, a scheme to protect the railway undertaker's assets from vibration, excavations, earthworks, the collapse or failure of plant and equipment and surface water discharge both during and after the construction of each phase shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved scheme shall be implemented at all times until the completion of the phase unless varied by alternative details submitted to and approved in writing by the Local Planning Authority

**Reason:** To ensure the safe operation of the railway.

### **Archaeological Works**

21. No development shall take place until the developer has secured a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority in respect of the relevant phase of development.

**Reason:** The site is of archaeological importance and as such warrants the recording of any relevant materials found at the site in accordance with the Local Development Framework Policies CP16 and DP29.

### **Energy Saving Measures & Sustainable Construction Techniques**

22. The development shall incorporate the energy saving measures and sustainable construction techniques as set out in the Energy report or alternative measures that may, following submission to the Local Planning Authority, be approved for any building or use. The measures shall be implemented and maintained in accordance with the approved details.

**Reason:** In accordance with the objective of sustainable construction and the Local Development Framework Policies CP18 and DP34.



### **Control of Dust and Emissions from Construction**

23. The scheme shall be implemented in accordance with a Construction Environmental Management Plan that shall have been submitted to and approved in writing by the local planning authority for the whole scheme and each phase of development within the whole scheme.

**Reason:** In accordance with the objectives of sustainable construction and environmental management and the Local Development Framework Policies CP1, CP17, DP1 and DP32.

### **Secured By Design**

24. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority for that phase of the development and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the phase of the development hereby approved.

**Reason:** In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

### **Ecological Mitigation**

25. Details of ecological mitigation included within the landscape and habitat creation masterplan for each phase of work shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase. The mitigation measures shall be undertaken in accordance with the approved scheme unless alternative details are submitted to and approved in writing by the Local Planning Authority.

**Reason:** In accordance with the objectives of mitigating impacts on ecological interests and enhancing bio-diversity and Local Development Framework Policies CP16 and DP31.

### **Wintering Birds Survey**

26. No development shall commence until a winter birds survey has been undertaken, report prepared and any mitigation measures required have been included in the habitat creation and management masterplan or other mitigation scheme. The mitigation measures shall be undertaken in accordance with the approved scheme unless varied by alternative details have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In accordance with the objectives of mitigating impacts on ecological interests and enhancing bio-diversity and Local Development Framework Policies CP16 and DP31.

### **Bat Surveys**

27. The phase (or phases) of development which includes the farm house and its associated outbuildings shall not commence until all the buildings and outbuildings are reassessed for the presence of bats. It after this initial assessment further emergence and activity surveys are deemed necessary the phase (or phases) of development shall not take place until these further surveys have taken place, reports prepared and any mitigation measures required have been included in the habitat creation and management masterplan or other mitigation scheme. The mitigation measures shall be undertaken in accordance with the approved scheme unless alternative details are submitted to and approved in writing by the Local Planning Authority.

**Reason:** In accordance with the objectives of mitigating impacts on ecological interests and enhancing bio-diversity and Local Development Framework Policies CP16 and DP31.

### **Habitat Creation and Management Plan**

28. No development shall commence until Habitat Creation and Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the approved details unless varied by approval of the Local Planning Authority.

**Reason:** In accordance with the objectives of mitigating impacts on ecological interests and enhancing bio-diversity and Local Development Framework Policies CP16 and DP31.

### **Highway Engineering Drawings**

29. Unless otherwise approved in writing by the Local Planning Authority, and in relation to Phase 1 and subsequent Phases thereafter, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site relating to that Phase under consideration, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) the proposed highway layout including the highway boundary
- (b) dimensions of any carriageway, cycleway, footway, and verges
- (c) visibility splays
- (d) the proposed buildings and site layout, including levels
- (e) accesses and driveways
- (f) drainage and sewerage system
- (g) lining and signing
- (h) traffic calming measures
- (i) all types of surfacing (including tactiles), kerbing and edging.
- (j) details of all measures to ensure the phasing of the works does not compromise compliance with highway design standards.

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- (a) the existing ground level
- (b) the proposed road channel and centre line levels
- (c) full details of surface water drainage proposals.

(3) Full highway construction details including:

- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) kerb and edging construction details
- (d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

**Reason:** To secure an appropriate highway construction to an adoptable standard, in the interests of highway safety and the amenity and convenience of highway users.

#### **Construction of Carriageway, Footway/Footpath & Street Lighting**

30. No part of any phase of the development to which this permission relates shall be brought into use or dwelling occupied until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before any part of the phase of development is brought into use.

**Reason:** To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

#### **No Movement of Vehicles Prior to Construction of the Carriageway**

31. In relation to each phase of the development there shall be no movement by construction or other vehicles between the highway and any part of the site in that phase (except for the purposes of constructing the initial site access) until that part of the access(es) extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and the published Specification of the Local Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

**Reason:** In the interests of highway safety.

#### **Visibility Splays – Initial Site Access**

32. 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 90 metres from the residential priority junction for phase 1 measured along both channel lines of Topcliffe 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.

**Reason:** In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.

#### **Visibility Splays – Each Phase**

33. No part of any phase of the development to which this permission relates shall be brought into use until visibility splays relating to that phase are provided giving clear visibility of 43 metres measured along both channel lines of the access road from a point measured 2.4 metres down the centre line of the adjacent side road, to which the phase relates. 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.

**Reason:** In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.

#### **Highway Improvement Works**

34. No more than the following quantum of development shall be occupied or brought in to use unless the highway improvements scheme at the junction of the A168/B1448 to allow 'northbound on' and 'southbound off' movements is constructed and brought in to use

249 dwellings  
90 bed extra-care apartments  
1,486 sq. m net retail sales area foodstore  
2,665 sq. m of employment floor space

**Reason:** To ensure the continued safe operation of the A168 Trunk Road in the area.

#### **Highway Improvement Works 2**

35. The following off-site highway works shall be undertaken in accordance with the details previously submitted to and approved in writing by the Local Planning Authority and following the completion of an independent Stage 2 Safety Audit which has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and shall be completed by 31<sup>st</sup> March 2016 unless otherwise agreed in writing by the Local Planning Authority and in any event no later than 30<sup>th</sup> September 2016

(a) Improvement works to B1448 Topcliffe Road including:

- (i) toucan crossing
- (ii) zebra crossing
- (iii) parking bays adjacent Melbourne Place
- (iv) 'Keep Clear' road markings adjacent Sowerby Road
- (v) Provision of missing footpath link on western side of road railway bridge and 'Thorpefield'

(b) Widening at the Topcliffe Road/Station Road/Westgate mini roundabout to provide two dedicated approach lanes from Topcliffe Road and Westgate

(c) Widening at the Kirkgate / A61 junction to provide two dedicated approach lanes from Kirkgate.

**Reason:** In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion.

#### **Construction Phase Management Plan**

36. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until a Construction Phase Management Plan in association with each phase of the development has been submitted and approved in writing by the Local Planning. The measures shall include but not be limited to:

- a. Details of the routes to be used by HCV construction traffic.
- b. Traffic Management Plan

Thereafter the development shall be undertaken in accordance with the details approved and any revisions that shall be approved to the details.

**Reason:** To ensure appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

#### **Submission of Highway Construction Details**

37. In relation to each phase of development, and 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 buildings 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) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (iv) manoeuvring arrangements
- (v) loading and unloading arrangements

Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** To ensure appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

#### **Phase 1 Employment – Vehicle Access, Parking, Manoeuvring & Turning**

38. No part of the Phase 1 Employment development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved, under the condition above, have been constructed in accordance with the submitted drawing (Reference 11207-001 Rev G). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** To ensure appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

#### **Parking for Dwellings**

39. No dwelling in relation to any phase 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.

**Reason:** To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.

### **Prevention of the deposit of mud, grit & dirt on the highway**

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

**Reason:** To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

### **Construction of doors and windows**

41. All doors and windows on elevations of the buildings adjacent to the existing and proposed highways shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

**Reason:** To protect pedestrians and other highway users.

### **Site Compound & Parking**

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

**Reason:** To avoid congestion of the roads adjoining the development site and to avoid obstruction of road, verge and footpath areas in the interest of the safety of pedestrians and highway users.

## **INFORMATIVES**

### **Levels – Roads & Sewers**

1. The levels details for each phase will require the preparation, submission and approval of levels information for the main roads and sewers serving the site from Topcliffe Road.

### **Network Rail Asset Protection**

2. Method statements may require to be submitted to Network Rail's Asset Protection Engineer at the below address for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works

cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

### **Public Right of Way**

3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council’s Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Local Highway Authority any proposals for altering the route

### **Landscaping**

4. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway

### **Railway Operator’s Assets**

5.
  - (a) All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.
  - (b) The surface drainage system of the development will be monitored for a period of two years from the completion of the development and any unforeseen problems caused by the increase of surface water into the nearby drainage system/culvert shall be rectified by the applicant to the approval of the LPA.
  - (c) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail’s property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
  - (d) All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.
  - (e) An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail’s existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway.
  - (f) Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail’s boundary (minimum approx. 1.8m high)

and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

- (g) Network Rail would request that the applicant contact our Asset Protection Engineer to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. Where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.
- (h) Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus avoiding provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.



**Parish: Thornton-le-Moor**  
Ward: Bagby & Thorntons  
**8**

Committee Date : 23 July 2015  
Officer dealing : Mrs T Price  
Target Date: 24 July 2015

**15/01109/OUT**

**Construction of a dwelling.  
at The Hawthorns Main Street Thornton Le Moor North Yorkshire  
for Mr & Mrs Brown.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application seeks outline planning permission for a new dwelling at The Hawthorns, Main Street in Thornton Le Moor. Access and layout is to be considered whilst other matters are reserved.

1.2 The site is located on the western fringe of the village of Thornton Le Moor and is bounded by existing dwellings to the east and west and open fields to the north and south. The site comprises approximately 1250 square metres of garden currently associated with The Hawthorns.

1.3 The application proposes the erection of a 3 bedroom detached dwelling following the existing building line of adjacent properties 'The Hawthornes' and 'Holmeside'. A large garden area will be retained to the north of the new dwelling.

1.4 A new access will be formed off the existing highway to serve the new dwelling. A new gravelled drive will lead to a parking area. Parking will be sufficient for three vehicles allowing for turning within the site and exit to the public highway in forward gear.

**2.0 RELEVANT PLANNING HISTORY**

2.1 No relevant site history

**3.0 NATIONAL AND LOCAL POLICY:**

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

Development Policies DP9 - Development outside Development Limits  
Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Interim Guidance Note - adopted by Council on 7th April 2015  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012  
National Planning Policy Framework

**4.0 CONSULTATIONS**

4.1 Parish Council - The majority view of Thornton le Moor Parish Council is to refuse this application.

This is an infill project right on the west end of the village (not East as described in the Design and Access Statement) which will impact on the landscape and which will compromise the defined building development area in as much as the proposed garden for the plot will extend beyond the defined lines.

No detail description exists of what is proposed apart from "a dwelling" - if this were to be a 2 storey house this would overlook the dwellings on either side. Reference is made to a proposed

garage but this is not defined. There is no economic argument for the application. Thornton le Moor has no facilities in the form of shop, church, school or pub and there are already houses for sale in the village which have been on the market a long time. This seems to be a probing application by an applicant with contacts with an Estate Agency.

It is noted that the application refers to a package treatment plant for foul sewage even though there is a mains sewer within 30 metres of the proposed site. There are considerable problems with sewage arrangements at the west end of the village and to propose a package treatment plant is more than likely an attempt to overcome any objection from Yorkshire Water, however the soil strata in the area will pose a considerable risk of raw sewage if the package treatment plant is implemented, particularly in winter.

In addition, the site is opposite a development which has a complex planning history and if this site were to be approved there is every likelihood that another planning application would follow for agricultural land using the precedent of this application.

The Parish Council notes the wording contained in the link provided by Justine Forrest in paragraph 3.1 that any development must be sustainable in relation to economic, social and environmental - this proposal fails on all 3.

4.2 County Council Highways Officers raise no objection to the proposals subject to conditions.

4.3 Environmental Health Officers- I have considered the potential impact on amenity and likelihood of the proposed development to cause a nuisance and consider that there will be no negative impact, however prior to permission being granted the applicant should provide adequate detail regarding the arrangements for the treatment of sewage waste from the premises, including the capacity of any septic tank or package treatment plant included in the proposal.

1. Development shall not commence until drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority.

INFORMATIVE - Advice for the applicant. There is a requirement to register small domestic sewage discharges from septic tanks and small sewage treatment plants with the Environment Agency. This includes complying with specified standards. More information regarding this can be found through the following link. <http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>

4.4 RAF Linton on Ouse - No comment

4.5 Yorkshire Water - No comment to make

4.6 Neighbours/site notice expired 29th June 2015. Three representations have been received and can be briefly summarised below:

- We have just moved into 1 Endican Lane and have a floor to ceiling window from our Master bedroom with a mainly uninterrupted view. If a new dwelling were to be built on the proposed location the view from our very large bedroom window (which is the reason the window was put in) would be significantly ruined. If however, the proposed new dwelling were to be sited at the back of the plot (furthest away from the road) then this would lead to a large front garden and would not blight the view from our property, unless the proposed dwelling were to be very large.
  - Not within development limits
  - Set precedent for further development
  - Thornton Le Moor is an unsustainable village
  - No indication of sizes
  - Object to the package treatment plant
  - Soakaway to dispose of surface water would impact on neighbouring properties.

## 5.0 OBSERVATIONS

## POLICY ISSUES

5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, outside development limits, together with an assessment of the likely impact upon the character and appearance of the village, highway safety and neighbour amenity.

The site falls outside the Development Limits as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.3 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 Thornton Le Moor is defined as an other settlement and is therefore not classed as a sustainable settlement. However, 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". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Thornton Le Moor it is noted that this development would result in a dwelling with roadside frontage immediately next to 2 other similar such dwellings. With regard to local facilities a public house is located within the village and a primary school, a village hall and church is located in South Otterington, approximately 1.5 miles west of Thornton le Moor.

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. The proposed dwelling would be within a domestic garden which does not contribute significantly to the rural character of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

5.7 As such it is considered that the development proposed will appropriately respect the general built form of the village. It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.

## HIGHWAY ISSUES

5.8 No objections have been raised from the local highway authority regarding the introduction of new access from the site. It is not considered that the proposed development would adversely impact highway safety.

## REPRESENTATIONS

5.10 The Parish Council and three neighbouring properties have made representation raising concern regarding amenity issues, landscape impact, lack of details of the scheme, concern with sewage arrangements and the general principle of the scheme (which has been covered above).

The application is for outline consent therefore the full impact upon the amenities of the neighbours in terms of any overlooking, overshadowing or loss of privacy cannot be fully assessed. However, the layout of the site and the potential density of development proposed, and the separation distances to adjacent residential property is not considered to lead to an erosion of neighbour or visual amenity. Details at the reserved matters stage would address any issues.

The site is currently domestic garden area, it is noted that there are no TPOs on the site. It is considered that a landscaping plan would be dealt with in the reserved matters application but it is considered that the partial loss of domestic garden is not considered to be detrimental to the countryside location given its location between two domestic plots.

No details of the disposal of waste or water have been submitted with the outline application. There have been no objections from Yorkshire water or Environmental Health at the outline stage. Again this issue will be addressed within the reserved matters application.

## CIL

5.12 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling is liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.

5.13 For the reason set out above approval of the outline application is recommended.

## SUMMARY

The application site is considered to be in a sustainable location in terms of the Interim Policy Guidance Note and will protect the character and appearance of the surrounding street-scene with no adverse impact at outline stage on adjacent residential amenity or highway safety. The

proposal is in accordance with the Policies within the Local Development Framework.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **6.0 RECOMMENDATION:**

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

1. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) design and external appearance of the dwelling, including a schedule of external materials to be used; (c) the landscaping of the site.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/3078/01 received by Hambleton District Council on 19th May 2015 unless otherwise approved in writing by the Local Planning Authority.

3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing 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.

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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; d. The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E6; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; h. 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

b. vehicular accesses c. vehicular parking d. vehicular turning arrangements e.

manoeuvring arrangements f. loading and unloading arrangements.

6. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

8. 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.

9. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. 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.

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, CP2, CP4.

3. In accordance with the policy and in the interests of highway safety.

4. In accordance with the policy 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 the policy and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

6. In accordance with the policy 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.

7. In accordance with the policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

**This page is intentionally left blank**



**Parish: Thrintoft**  
Ward: Morton on Swale  
**9**

Committee Date : 23 July 2015  
Officer dealing : Mrs H M Laws  
Target Date: 13 July 2015

**15/01090/OUT**

**Outline application for a single dwelling.  
at Land Adjacent To West House Thrintoft North Yorkshire DL7 0PL  
for Pilcher Homes Ltd.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The application site lies close to the south western edge of the village with vehicular access gained from the village street. The street ends at the front of the application site where it gains access to a neighbouring driveway. The site is currently grassed and vacant with part fencing/part hedgerows/part neighbouring buildings to the side boundaries. It provides access to agricultural fields to the rear (south). Fencing and gates form the front and rear boundaries.

1.2 The site has a frontage onto the village street of approximately 11m and a depth of approximately 50m.

1.3 The application is in outline to construct a single dwelling on the site. All matters are reserved for future consideration.

**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 CP19 - Recreational facilities and amenity open space
- 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 DP6 - Utilities and infrastructure
- Development Policies DP10 - Form and character of settlements
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP43 - Flooding and floodplains
- Interim Guidance Note - adopted by Council on 7th April 2015

**4.0 CONSULTATIONS**

4.1 Parish Council - Having visited the site with the applicant, and spoken with the neighbours in West House, there is no reason other than to be supportive of the application at this stage. Access will not be a problem, nor as far as we can see will drainage/sewerage; we know that HDC will of course carefully assess such matters.

The neighbours in West House are content at this stage. You will wish to hear too from the neighbours in Riverdene/Swaleview who were not available when I visited.

Once we see the more detailed plans we will revert to you if we have any concerns: as long as this is a tasteful in-fill, in keeping with the eastern end of the village, at present we have no concerns.

4.2 NYCC Highways - conditions recommended

4.3 Environment Agency - no comments required

4.4 Historic England - no comments

4.5 HDC Environmental Health - no objections or recommendations

4.6 Site notice/local residents - objections have been received from the residents of Riverdene, which lies to the west of the application site. The comments are summarised as follows:

1. Overshadowing/loss of light as a result of the development as a dwelling would block natural daylight
2. Loss of privacy/overlooking and additional noise and disturbance
3. No respect for local context and street pattern, in particular the scale and proportions of surrounding buildings
4. Plot not of sufficient size and would create a built up appearance when viewed from the road
5. Contrary to IPG, Policy DP1, Policy DP8
6. Narrow plot would not provide adequate space for vehicles to turn
7. Further increase volume of traffic in the village; additional vehicles would have a detrimental impact on residential amenities and environment
8. Contrary to Policies CP1 and CP2

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, neighbour amenity, highway safety and developer contributions.

5.2 The site falls outside of Development Limits as Thrintoft does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

5.4 To ensure 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 2014 settlement hierarchy contained within the IPG, Thrintoft is defined as an "other settlement" and is therefore classed as a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Thrintoft which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Ainderby Steeple, Morton on Swale and Thrintoft. These three villages have long been linked economically and socially which continues to the present day. Collectively these three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Thrintoft is less than a mile distance from either Ainderby Steeple or Morton on Swale. Criterion 1 would be satisfied.

5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. Thrintoft is characterised by linear development and the addition and extent of this residential development needs to reflect the established character. This proposal is for a single infill dwelling and as such is considered to be of a suitable scale in principle.

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. The proposed dwellings would be within a field that forms an infill plot within the village and which has more in common with the village than with the rural landscape beyond. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement.

Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

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

5.9 As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. There is no identified harmful impact to the built or historic environment.

5.10 The site of the proposed development has a frontage onto the village street of approximately 11m, which is relatively narrow when compared to its neighbours. It is likely therefore that a dwelling would need to be constructed relatively close to the boundaries with the adjacent properties to either side. The impact on residential amenity would depend on the detailed design of the dwelling but it would be expected that it could be designed to minimise overlooking and any increased sense of enclosure that could be experienced by those residents. The dwelling to the west is single storey with windows facing onto the application site and therefore the design

of the proposed dwelling must take these features into account to avoid it having an overbearing presence.

5.11 Although the access is one of the reserved matters the Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety.

5.12 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.

5.13 The proposed development is acceptable and approval of the application is recommended.

## SUMMARY

The site is appropriate in location and size to accommodate residential development without harm to the amenities of neighbours or the surroundings and without harm to road safety. The proposed development complies with the requirements of the Interim Policy Guidance and otherwise conforms with the policy requirements set out in the adopted Hambleton Local Development Framework.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**6.0 RECOMMENDATION:** that subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development shall not be commenced 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. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or

become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- o vehicular access
- o vehicular parking
- o vehicular turning arrangements
- o manoeuvring arrangements

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

9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- o on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- o on-site materials storage area capable of accommodating all materials required for the operation of the site.
- o The approved areas shall be kept available for their intended use at all times that construction works are in operation.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 21 May 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
6. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
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 in accordance with LDF Policies CP2 and DP4.
10. 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.