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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 12 August 2015

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 20 August 2015**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To: Councillors
D A Webster (Chairman)
P Bardon (Vice-Chairman)
D M Blades
S P Dickins
G W Ellis
K G Hardisty

Councillors
J Noone
C Rooke
Mrs I Sanderson
A Wake
Mrs J Watson
S Watson

Other Members of the Council for information

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am
REGARDING AFFORDABLE HOUSING THRESHOLDS; APPEAL DECISIONS;
UPDATES ON NORTH NORTHALLERTON AND YORK TRAILERS**

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 23 July 2015 (P.7 - P.8), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 82
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, 23rd July, 2015 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	C Rooke
	S P Dickins		Mrs I Sanderson
	G W Ellis		A Wake
	K G Hardisty		Mrs J Watson

Also in Attendance

Councillor	Mrs B S Fortune	Councillor	B Phillips
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Apologies for absence were received from Councillors D M Blades, J Noone and S Watson

P.7 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 25 June 2015 (P.5 - P.6), previously circulated, be signed as a correct record.

P.8 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) 15/01176/FUL - Demolition of dilapidated barn and construction of a detached two bedroom bungalow at Land West of Jack Hole Lane, Aine for Mr T Clark

PERMISSION GRANTED

- (2) 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

DEFER for further information on drainage. To consider more bungalows be included within the development and to consider the hours of working.

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

(The applicant, Robin McGinn, spoke in support of the application.)

(Chris Jones spoke objecting to the application.)

- (3) 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

PERMISSION GRANTED

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

- (4) 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, Pickhill for Pickhill Engineers Ltd

PERMISSION GRANTED

(The applicant's agent, David Boulton, spoke in support of the application).

- (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 for Mr Mark McColmont

PERMISSION GRANTED

(The applicant's agent, Kevin Baker, spoke in support of the application).

- (6) 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 for Mr Martin Johnson

PERMISSION GRANTED

(The applicant, Martin Johnson, spoke in support of the application.)

- (7) 15/00145/MRC - Variation of Conditions 34 and 35 of planning permission 10/02373/OUT - highway improvements and widening of mini roundabout at Land east and west of Topcliffe Road and south of Gravel Hole Lane, Sowerby for Mulberry Homes (Yorkshire) Ltd/Broadacres Services Ltd

PERMISSION GRANTED

(The applicant, Martin Foster, spoke in support of the application.)

- (8) 15/01109/OUT - New dwelling at The Hawthorns, Main Street, Thornton-le-Moor for Mr & Mrs Brown

PERMISSION GRANTED

- (9) 15/01090/OUT - Outline application for a single dwelling at Land Adjacent To West House, Thrintoft for Pilcher Homes Ltd

DEFER for site visit.

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

(Wendy Horn spoke objecting to the application.)

The meeting closed at 3.25 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 20 August 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 20th August 2015

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/01189/FUL Mrs T Price Ainderby Steeple Page no. 9	Construction of a new dwelling For: Mr G T B Place At: Land adjacent to (the garden) 9 The Green, Ainderby Steeple RECOMMENDATION: GRANT
2	15/00513/FUL Mr A J Cunningham Alne Page no. 15	Construction of a dwelling as amended by drawings and details received by Hambleton District Council on 10 May 2015 and 12 May 2015 For: Mrs Sally/Helen Craggs/Coverdale At: Birdforth House, Main Street, Alne RECOMMENDATION: GRANT
3	15/01055/OUT Mrs H Laws Burneston Page no. 21	Outline application for the construction of a detached dwelling with some matters reserved (considering access and layout) For: Mr W Greenwood At: Oak Dene, Burneston RECOMMENDATION: GRANT
4	15/01323/FUL Mr A J Cunningham Dalton Page no. 29	Change of use of agriculture land to use as storage area for implements and machinery in association with groundworks and agricultural contracting business For: Mr J Binks At: Dalton Lane, Dalton RECOMMENDATION: GRANT
5	15/01324/FUL Mr A J Cunningham Dalton Page no. 33	Construction of dwellinghouse For: Mr J Binks At: Dalton Lane, Dalton RECOMMENDATION: REFUSE
6	15/01500/FUL Mrs J Forrest Easingwold Page no. 39	Revised application for the demolition of existing building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking (reduction in car parking spaces from 36 to 35) For: McCarthy & Stone Retirement Lifestyles Ltd At: Stillington Road, Easingwold RECOMMENDATION: GRANT
7	15/01126/FUL Mr A J Cunningham Eldmire with Crakehill Page no. 47	Conversion and extension of existing buildings to create a single dwelling (revised scheme) For: Mr and Mrs Richardson At: Eldmire Hill, Ox Close Lane, Eldmire RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	15/00190/FUL Mrs C Davies Helperby Page no. 53	Conversion of barn to form two bedroom dwelling including part demolition of section of building For: Live Love Local Ltd. At: The Barn, Main Street, Helperby RECOMMENDATION: REFUSE
9	15/01477/FUL Mrs H Laws Rand Grange Page no. 61	Construction of an extension to provide additional changing rooms For: Bedale Athletic & Sports Association At: Bedale Athletic & Sports Association, Leyburn Road, Bedale RECOMMENDATION: GRANT
10	15/01595/FUL Mrs H Conti Sutton-on-the-Forest Page no. 65	Retrospective application for the removal of existing window into store area and replace it with a serving hatch and the installation of additional decking to rear For: Rose and Crown At: Main Street, Sutton-on-the-Forest RECOMMENDATION: GRANT
11	15/01444/MRC Mrs H Conti Thirsk Page no. 69	Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07) For: Mr and Mrs Snelling At: 18 Byland Avenue, Thirsk RECOMMENDATION: GRANT
12	15/01090/OUT Mrs H Laws Thrintoft Page no. 73	Outline application for a single dwelling For: Pilcher Homes Ltd At: Land adjacent to West House, Thrintoft RECOMMENDATION: GRANT
13	15/01259/FUL Mrs B Robinson West Rounton Page no. 79	Demolition of existing agricultural barn and construction of a three bedroom dwelling For: Mr and Mrs Mann At: Ivy Cottage, West Rounton RECOMMENDATION: GRANT

1

15/01189/FUL

**Construction of a new dwelling.
at Land Adjacent To (the Garden) 9 The Green Ainderby Steeple North Yorkshire
for Mr G T B Place.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located just outside development limits on a corner plot between the houses fronting the village green and a continuation of the line of houses to the rear of the Church Lea housing development. The site is bounded by a row of 4 terraced houses (6-9 The Green), open fields to the rear and a private access path to the fields. The southern boundary is the retaining wall of the garden to the side of 10 The Green. The site slopes approximately 1.5m from the southern boundary down to the rear of the site and also slopes gently across the site from west to east before rising to the path on the eastern boundary.
- 1.2 The proposal is to construct a 4 bedroomed dwellinghouse over three levels (including a basement) measuring 14.2m x 8.5m x 8m in height (above ground level). A cellar and garage at the basement, living/dining area, kitchen, WC and utility to the ground floor and 4 bedrooms and two bathrooms at the first floor. All four elevations would have windows.
- 1.3 Vehicular and pedestrian access to the site would be provided by extending the present access road serving 6-9 The Green. This is intended to help align the vehicular access with the basement garage at the lower end of the site and keep the visual intrusion of both garage and parking to the rear of the house away from the village green frontage, in keeping with the conservation area.
- 1.4 Construction materials include red brick, red clay pantile, painted white fenestration and gravel hardstanding with space for 6 vehicles.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None relevant.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

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 Practice Guidance

4.0 CONSULTATIONS

- 4.1 Parish Council - No observations
- 4.2 Environmental Health Officer - No objection

- 4.3 Highway Authority - No objection
- 4.4 Historic England - No comment
- 4.5 RAF Linton on Ouse - No comment
- 4.6 Environment Agency - No objection
- 4.7 Yorkshire Water - No comment
- 4.8 Neighbours/site notice - No responses.

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, together with an assessment of the impact upon the appearance of the area, highway safety and neighbours' amenities.
- 5.2 The site falls outside the Development Limits for the village of Ainderby Steeple 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 Ainderby Steeple is defined as a Secondary Village and is therefore classed as a sustainable settlement and 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 Ainderby Steeple it is noted that this development would result in a dwelling on a corner plot fronting The Green.
- 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 an infill space between 9 & 10 The Green. 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 It is considered that the development proposed would 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.
- 5.8 It is noted that there are no objections in terms of highway safety. It is considered that the access arrangement and basement garage is acceptable as the works would be hidden from the Conservation Area green frontage.
- 5.9 It is considered that the design of the dwellinghouse would blend well with the existing housing in terms of massing and detail. The scheme is considered to have no detrimental impact on neighbouring amenity through loss of privacy as a result of the use of appropriate separation distances, location of windows, building height and overall design.
- 5.10 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.

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 drawing(s) numbered HDC01-005 received by Hambleton District Council on 27th 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 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.
5. The dwelling shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. No 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. 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.
7. No boundary walls, fences and other means of enclosure shall be erected unless details relating to them have been submitted to and approved in writing by the Local Planning Authority.
8. 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 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, DP1, CP4, CP17 & 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. Submission of these details is required prior to commencement in order to ensure that only external materials appropriate to the Ainderby Steeple Conservation Area are used.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1. Submission of these details is

required prior to commencement in order to ensure that the height of the dwelling and its appearance will be appropriate to the Ainderby Steeple Conservation Area.

5. 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 DP33.
6. 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 in accordance with Hambleton Local Development Framework CP21 and DP42. Submission of these details is required prior to commencement because appropriate treatment of any contamination is fundamental to the health of residential occupiers.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43. Submission of these details is required prior to commencement because any construction in advance could prejudice the achievement of adequate drainage for the development.

Informative

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk

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2

15/00513/FUL

Construction of a dwelling as amended by drawings and details received by Hambleton District Council on 10 May 2015 and 12 May 2015 at Birdforth House, Main Street, Alne for Mrs Sally/Helen Craggs/Coverdale

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposed dwelling would be positioned to the west of Birdforth House and to the east of Fairhaven. The site is within the Alne Conservation Area.
- 1.2 Amended plans were received on 10 May 2015 and 9 July 2015 altering the design of the dwelling, the point of access, identifying trees on site and alterations to the existing outbuilding to be used as a garage.
- 1.3 The proposed dwelling, as amended, would measure approximately 12.4m x 8.1m. It would accommodate a snug, lounge, hall, kitchen/dining area and sun room at ground floor level, two en-suite bedrooms, a bedroom and bathroom at first floor level and a study, additional bedroom and WC at second floor level.
- 1.4 Materials for the proposed dwelling would comprise brickwork and clay pantiles.
- 1.5 Access to the property would be via the existing rear access to the site from Back Lane.
- 1.6 Minor alterations are proposed to the existing outbuilding to be used as a garage and a turning area would be formed next to this.
- 1.7 The site is in Flood Zone 1.
- 1.8 The proposed dwelling would be positioned approximately 3m (at the nearest point) to the boundary with Fairhaven. This boundary is formed of a low post and rail fence and shrubs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01983/FUL - Construction of detached 4 bedroom dwelling house; Withdrawn 21 January 2015.

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 Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - The Parish Council believes that the Conservation Area Status means that this sort of development namely building an extra house in someone's existing front garden cannot be allowed. It would completely alter the whole nature of that corner with its trees, signpost and Village Hall - the sort of thing the Conservation Area status is there to protect.
- 4.2 Highway Authority (commenting on amendments received on 9 July 2015) - Conditions recommended regarding private access/verge crossings construction requirements, provision of approved access, turning and parking areas, precautions to prevent mud on highway, and on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer - no objections or recommendations.
- 4.4 Yorkshire Water - no response received.
- 4.5 Ministry of Defence - no objection.
- 4.6 Neighbours notified and site notice posted - 18 responses received in summary mainly concerning:
- future development of adjacent site
 - impact on light and disturbance to Fairhaven
 - need for affordable housing
 - impact on highway safety
 - no need for additional housing
 - impact on conservation area
 - access
 - privacy of adjacent property
 - impact on character and appearance of surrounding area
 - loss of outbuilding
 - impact on neighbour amenity
 - loss of trees on site
 - increase in surface water
 - need for further application and site notice for revised access.
- 4.7 Conservation Officer - Reflected on site context and consequence of initial proposal to take access off Main Street. Identify that the character of the Conservation Area and street scene could accept the dwelling proposed. Identified improvements to the design of the dwelling.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location; (ii) the impact on the character and appearance of the Conservation Area; (iii) the impact on neighbour

amenity; (iv) the impact on highway safety; and (v) the liability of the development for the Community Infrastructure Levy.

Principle of development

- 5.2 The site is within the settlement limits of Alne, which is a sustainable settlement, and therefore the development is acceptable in principle. The inclusion of the site within the Conservation Area does not alter this, but requires careful consideration of the likely effect of the development on the character and appearance of the Area. Development should only normally be permitted within a Conservation Area if it at least maintains the character and appearance of the Area.

The character and appearance of the Conservation Area

- 5.3 The scheme has been revised since the previous scheme and during the life of this application to improve its overall design and compatibility with the street scene and Conservation Area. Key changes are the removal of the access to Main Street, improved scale and detailing and an indication of trees on site and the likely removal required to accommodate the dwelling. The amended scheme is of a design suited to the Conservation Area and is therefore able to maintain its appearance. The Conservation Area is predominantly residential in character and the dwelling would maintain this as well. The design, scale and materials of the proposed dwelling are therefore considered acceptable.

Neighbour amenity

- 5.4 The amended details have improved the compatibility of the proposed dwelling with adjacent property. The overall design and scale of the structure would not harmfully erode neighbour amenity subject to the obscured glazing of the first floor windows to the western elevation to the master bedroom.

Highway safety

- 5.5 The alterations to the existing access, and the provision of a parking and turning area as part of the amendments received on 9 July 2015 allow the development to not have a harmful impact on highway safety. Subject to recommended conditions the local highway authority are also in support of the scheme.

Community Infrastructure Levy

- 5.6 The development is liable for the Community Infrastructure Levy and the agent has completed the relevant CIL Information Form 0.
- 5.7 In response to the consultation responses not already addressed:

- It is highlighted that the proposed dwelling is not positioned in the front garden to Birdforth House but to the side of the existing dwelling. This is important to preserve accordance with the built form of Alne.
- Future development to the land adjacent to the application site would be assessed on its own merits at the time of application submission.
- The proposal is not considered to be harmfully dominant to Fairhaven and an acceptable separation would remain between the properties. It is acknowledged that there may be limited disturbance during the construction phase.
- The site is in a position and the density of development is such that there isn't a local policy requirement to provide affordable housing.
- The market demand for additional housing is not a matter that the local planning authority can consider.
- The loss of the outbuilding to Fairhaven is noted however this feature is not considered such a significant heritage asset to be worthy of protection.

- The loss of trees on site is relatively limited and will continue to contribute to the character and appearance of the conservation area. Clarification over specific tree retention and protection could be required via planning condition.
- Full drainage details will required to be submitted and appraised as part of a planning condition to be attached to any permission granted.
- Re-consultation has been undertaken in regard to the amended dwelling design and altered access point

5.8 The scheme is in accordance with LDF policy and is recommended for approval.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 11 March 2015 as amended by the details and drawings received by Hambleton District Council on 10 May 2015, 12 May 2015 and 9 July 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. 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.
5. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (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.
6. 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
7. 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 condition 6 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.
8. The first floor windows on the western elevation of the building serving the master bedroom shall at all times be glazed with obscured glass.

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.
10. 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 9 above.
11. The site shall be developed with separate systems of drainage for foul and surface water.
12. 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: c. The existing access shall be improved by reconstructing in accordance with Standard Detail number E6; g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details which have been first approved by the Local Planning Authority and maintained thereafter to prevent such discharges
13. 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 "C224/5"E"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. 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.
15. 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; and c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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 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 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.
5. 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.
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.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In the interests of highway safety.

Parish: Burneston

Ward: Bedale

3

Committee Date : 20 August 2015

Officer dealing : Mrs H M Laws

Target Date: 28 August 2015

15/01055/OUT

**Outline application for the construction of a detached dwelling with some matters reserved (considering access and layout).
at Oak Dene Burneston Hargill Burneston North Yorkshire
for Mr W Greenwood.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies on the eastern edge of Burneston and on the northern side of Church Wynd. Oakdene is the last property on the edge of the village and the application site forms a triangular paddock area beyond the existing domestic curtilage. An L-shaped workshop lies within the curtilage of Oakdene and lies on the boundary between the dwelling and the application site.

1.2 Mature trees lie along the front boundary of the site and the rear boundary with the agricultural land beyond to the north and east. Tree species along the front include hybrid poplar, which are densely planted. The site has a frontage onto the village street of approximately 30m.

1.3 It is proposed to construct a detached dwelling on the plot. The application is in outline form but requests approval for access and layout. An existing gate lies in the south western corner of the site. It is proposed to use this as the access to serve the development site. The proposed position of the dwelling is in line with the end of the adjacent workshop, which is set back approximately 8m from the front boundary. An L-shaped parking area is proposed to the front and side of the house to provide parking and turning.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies 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 DP43 - Flooding and floodplains

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

4.0 CONSULTATIONS

4.1 Parish Council - no comments received (expiry date for representations 26/6/2015)

4.2 NYCC Highways - no objections subject to conditions

4.3 Yorkshire Water - on the basis that the proposals for this site has stated foul water only to public foul sewer network, and surface water to soakaway, no comments are required

4.4 MOD - no safeguarding objections

4.5 HDC Environmental Health Officer - no objections

4.6 HDC Senior Scientific Officer - the applicant has not identified any potential sources of contamination on the PALC form and therefore I do not have any further objections to the scheme.

4.7 Site notice/local residents - two letters of objection have been received, which are summarised as follows:

1. The site is outside development limits
2. A proposal to alter the limits was not supported by an Inspector reviewing the Local Plan in 1991 and to quote the Planning Department 'such an extension would amount to ribbon development which would be detrimental to the nucleated character of the village and to the open countryside'. This is still relevant to the current situation
3. Could lead to further development along the road frontage of Church Wynd
4. It is currently a green field occasionally used for grazing sheep
5. Surface water and sewage on Church Wynd cannot cope with the existing demand and this will only add to the problems

5.0 OBSERVATIONS

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

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

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

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

5.5 In the 2014 settlement hierarchy contained within the IPG, Burneston 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 walking distance of the centre of Burneston which has facilities including a school, shop and pub. Criterion 1 would be satisfied.

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 on undeveloped agricultural land that lies at the end of the row of residential properties on the northern side of Church Wynd. 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."

The proposed development would extend the built part of Burneston further along the northern side of Church Wynd and is therefore a form of ribbon development. The application site, although undeveloped, does not form part of the countryside but has more in common with the village. The boundary between the application site and the rural landscape beyond is well established with a hedgerow and mature trees, providing a fixed boundary for the end of the village. As such it is considered that the development proposed, does not result in the loss of rural landscape and appropriately respects the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.7 There are no near neighbours whose amenity would be affected by the proposed dwelling. The existing dwelling at Oak Dene lies across the drive on the other side of the workshop and a new dwelling could be designed to prevent overshadowing or overlooking.

5.8 The site is bounded on two sides by mature trees and a tree survey has been submitted. The survey confirms that a total of 8 trees need to be removed to accommodate the development (including 5 assessed as low quality specimens, one of which is in a poor condition) and a purple beech requires pruning. It is proposed to plant 7 new trees as replacements, including oak and lime.

5.9 The proposed position of the dwelling would impact on the root zone of the purple beech and it is recommended that construction methods be adopted to take this into account. The purple beech is classed as a high quality tree as are three sycamores that lie on the north eastern boundary with the adjacent field. A mature ash tree at the rear of the

site makes a contribution to the setting of the site. It is recommended that these 5 trees are retained to provide an established landscaped setting for the new dwelling and a Tree Preservation order has been served.

5.10 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

5.11 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.

5.12 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 scale, design and materials and would have no adverse impact on landscape character, residential amenity and highway safety.

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

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 landscaping of the site.

3. Prior to the construction of any above ground 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 dwelling shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. 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. The development hereby approved shall not be undertaken except in accordance with the Tree Protection Plan, numbered BA5095PRO received

by Hambleton District Council on 29 July 2015 unless with the prior written approval of 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. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site 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 footway 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 extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15; All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road Church Wynd from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference HDC/3077/01 Proposed Site Plan); b. have been constructed in accordance with Standard Detail Number E6; c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing HDC/3077/01 Proposed Site Plan. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

14. The permission hereby granted shall not be undertaken other than in complete accordance with drawing number HDC/3077/01 received by Hambleton District Council on 6 July 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 safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees in accordance with LDF Policies CP16 and DP30.
6. To safeguard the character and appearance of the area and neighbour amenity in accordance with LDF Policies DP32 and 33 and DP1. Submission of these details is required prior to commencement in order to ensure that the height of the dwelling and its appearance will be appropriate to the locality.
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. These details are required prior to the commencement of development to ensure that road safety requirements are met.

8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety. These details are required prior to the commencement of development to ensure that road safety requirements are met.

9. 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. These details are required prior to the commencement of development to ensure that road safety requirements are met.

10. In accordance with LDF policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. In accordance with LDF 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.

12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

13. 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. This information is required prior to the commencement of development in order to protect road safety.

14. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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15/01323/FUL

Change of use of agriculture land to use as storage area for implements and machinery in association with groundworks and agricultural contracting business at Dalton Lane, Dalton, North Yorkshire for Mr J Binks

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The scheme is being brought before Members to form part of the planning balance to be considered as part of application 15/01324/FUL, elsewhere on this agenda.
- 1.2 The area proposed to change use is positioned to the west of the proposed dwelling which is part of 15/01324/FUL. The area measures approximately 15m x 37m and was previously used as an airfield runway. No structures are proposed.
- 1.4 Access would be from Dalton Lane to the east, shared with that to the proposed dwelling.
- 1.5 Open agricultural land extends to the west, and commercial premises are positioned to the north of the site.
- 1.6 The development would consolidate storage that currently takes place at the applicant's home, at a relative's property in the vicinity and on sites between contracts.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/37/56B/PA - Revised application for the siting and details of the construction of an agricultural workers bungalow with domestic garage at Part OS 7900; granted 1985.
- 2.2 15/00259/FUL - Construction of replacement dwellinghouse; withdrawn 8 June 2015.
- 2.3 15/01324/FUL - Construction of a dwellinghouse; Pending consideration.

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 CP12 - Priorities for employment development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the

4.0 CONSULTATIONS

- 4.1 Parish Council - no objection.
- 4.2 Highway Authority - no objection.
- 4.3 Neighbours notified and site notice posted - one response received: "I do not object to the basic principle of storing machinery in the proposed area and similarly if the seven vehicles listed under section 10 are to be no larger than 'average sized' agricultural tractors then this would not be an issue. My objection would relate to the potential storage of some of the large machinery used by the applicant. The proposed existing access is limited and not suited to larger vehicles, particularly if transported using low loaders/trailers. I suggest that a relevant limitation on size/weight of vehicles accessing the storage area could resolve the issues raised".

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of the use in this location; (ii) any impact on the visual amenity of the surrounding area; (iii) any impact on neighbour amenity; and (iv) any highway safety issues that may arise.
- 5.2 The applicant currently stores plant and machinery at a relative's property in the vicinity and on sites between contracts. The applicant resides in Topcliffe with a limited amount of machinery stored adjacent to his home. Whilst this scheme would use land outside of Development Limits, considering the scale of the business in terms of vehicle movements it would be no less sustainable than the existing storage arrangements. The consolidation of storage in a single location would be of benefit to the business and the principle of development is considered acceptable.
- 5.3 The agricultural machinery retailer to the north of the site stores plant and machinery externally. This scheme would continue external storage on the adjacent premises. This would not be at odds or cause harm to the character and appearance of the surrounding landscape subject to details to secure landscape planting and an appropriate limit on the height and size of machinery stored. Subject to these details local visual amenity would be maintained.
- 5.4 The development would relate to the storage and not maintenance of plant and machinery. Storage is a low impact use and would not harm neighbour amenity. A planning condition could be attached to any permission granted restricting the use of the height for storage.
- 5.5 The local highway network is adequate to accept the use proposed and the development would not harm local highway safety.

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 10 June 2015 unless otherwise approved in writing by the Local Planning Authority.
3. No storage shall take place 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 storage shall occur 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.
4. Prior to storage commencing details demonstrating the maximum height and weight of vehicles to be stored on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be adhered to.
5. The site shall not be used other than for the storage of plant and machinery.

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, DP30 and DP32 .
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties. The details are required before storage commences because the scale and quality of landscape planting are fundamental to the acceptability of the use.
4. In the interests of local visual amenity. The details are required before storage commences because they need to be considered in conjunction with the landscaping proposals.
5. In the interests of neighbour amenity.

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15/01324/FUL

**Construction of dwellinghouse
at Dalton Lane, Dalton, North Yorkshire
for Mr J Binks**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This scheme is a re-submission of a withdrawn application 15/00259/FUL which was brought before Members earlier this year. The scheme was withdrawn to allow the applicant to consider the justification for the principle of the dwelling, and to allow them opportunity to submit a concurrent application for the change of use of adjacent land for the storage of plant and machinery (15/01323/FUL).
- 1.2 This application refers to the construction of a replacement dwellinghouse. The applicant has presented evidence as part of their application submission to suggest that a previous permission on the site 2/37/56B/PA was commenced (the foundations were set) but was not completed. Application 2/37/56B/PA related to a 3 bedroom agricultural workers dwelling. The proposed dwelling would sit partly on the foundations in situ.
- 1.3 The application site is to the south-west of the periphery of Dalton and sits to the south-west of an access track which previously formed the perimeter road to the former airfield. Via the public highway the site is approximately 0.5 miles away from the centre of Dalton although it is acknowledged that a green lane may permit a more direct access to the settlement.
- 1.4 The topography of the land is flat. Disused agricultural and former aerodrome structures sit immediately to the north and west of the application site. Agricultural land extends to the south.
- 1.5 The occupier of the proposed dwelling is a plant and machinery contractor which includes agricultural contracting. The applicant's agent has provided to the Council on 11 May 2015 an indication of the applicant's local client base. The applicant currently resides in Topcliffe.
- 1.6 The dwelling would be formed in an 'L' shape. Amended plans have been received on 8 May 2015 reducing the width of the two storey projection to the northern elevation. The dwelling would provide for a cloakroom, kitchen, living/dining area, playroom, hall, office, sitting room, WC/shower room and a utility area at ground floor level. At first floor the dwelling would comprise 6 bedrooms, a bathroom and a WC/shower room.
- 1.7 The dwelling, as amended, would have maximum dimensions of 18.3m x 16.5m, with a total height of approximately 8.5m. Materials for the proposed structure would comprise handmade bricks and clay pantiles.
- 1.8 Access to the proposed dwelling would be taken via a proposed track to the north which would connect to Dalton Lane. The track would be surfaced in gravel on hardcore and would be bounded by a post and rail fence and landscaping.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/37/56B/PA - Revised application for the siting and details of the construction of an agricultural workers bungalow with domestic garage at Part OS 7900; Granted 1985.
- 2.2 15/00259/FUL - Construction of replacement dwellinghouse; Withdrawn 8 June 2015.
- 2.3 15/01323/FUL - Change of use of agriculture land to use as storage area for implements and machinery in association with groundworks and agricultural contracting business; Pending Consideration.

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 CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy 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 DP2 - Securing developer contributions
 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 DP26 - Agricultural issues
 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

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections but wish to see Agricultural Occupancy Restrictions added to the conditions should permission be granted.
- 4.2 Highway Authority - no objection.
- 4.3 Environmental Health Officer - no objection; conditions are recommended regarding septic tank installation and maintenance.
- 4.4 Environmental Health Scientific Officer - The above application is for a dwelling on the site of a former World War Two airfield and therefore there is the potential for contamination and/or unexploded ordnance to exist. In order to determine the risk from contamination and/or ordnance I would recommend conditions, relating to contaminated land and unexploded ordnance should planning approval be granted.
- 4.5 Ministry of Defence - response awaited.
- 4.6 Yorkshire Water - response awaited. (Previous response: Based on the information submitted, no comments required).

4.7 Neighbours notified and site notice posted - no responses.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location, outside Development Limits, together with an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, (ii) drainage, (iii) highway safety, (iv) neighbour amenity and (v) developer contributions.

5.2 The planning balance of the principle of this scheme features four factors: the fall-back position of the commenced dwelling on site and whether it is a feasible alternative to the dwelling proposed; whether the employment of the applicant is a justifying factor for the dwelling outside of settlement limits; the implications of the Interim Policy Guidance for dwellings outside of development limits; and whether the development constitutes sustainable development.

5.3 The commenced dwelling is a three bedroom property which is smaller in scale than the proposed dwelling and would not provide the level of accommodation which the applicant is seeking. The feasibility of it being completed is relatively low, particularly as it would need to be heavily extended to meet the needs of the applicant. The applicant would also need to meet the occupancy restriction which the agricultural worker's dwelling is subject to. The applicant's contracting business incorporates an element of agricultural work but would not meet the restriction placed on the commenced property. The fall-back position of the commenced dwelling therefore features low in the planning balance.

5.4 The applicant has provided supporting information regarding their contracting enterprise, the extent of agriculture in this enterprise, and their client base in relation to the application site. The application site is relatively central to their contracting operations locally. The applicant currently lives at Topcliffe and keeps a limited amount of machinery there. Some machinery is currently stored at a relation's property in Dalton with the remainder moved from site to site. Concurrent application of 15/01323/FUL proposes to consolidate the business's storage on adjacent land. Whilst it is acknowledged that this proposal would enable the applicant to live close to his business the sustainability benefits of that scenario are not considered to amount to an essential requirement to locate in the countryside. It is, however, not doubted that the applicant's business would support the sustainable rural economy but that is an issue for the concurrent application. The applicant's business also features low in the planning balance.

5.5 The third principle issue relates to the Interim Policy Guidance (IPG) which, as of 7 April 2015 ensures appropriate consistent interpretation of the NPPF alongside LDF policies CP4 and DP9 for housing development outside of settlement limits. 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 The dwelling would be sufficiently close to Dalton to be in a position to support local services. There is a fragmented settlement pattern to the south-west of Dalton, partly due to the redundant buildings remaining from the former airfield, however the dwelling would be too far removed from the settlement to comply with the existing settlement pattern. The development would be small in scale and but would not reflect the existing built form and character of Dalton, as required by the second criterion.
- 5.7 It is acknowledged that the commenced agricultural worker's dwelling would also, if implemented, have an impact on the form and character of the settlement. However, owing to the occupancy condition, this impact would be balanced by an essential need for someone to live and work in the location. The passage of 30 years since the agricultural worker's dwelling was approved and the changes in agriculture over that period suggest that this fall-back position has low probability of implementation and should be afforded little weight in the decision making process.
- 5.8 When considering this aspect it is important to note the difference in scale and form between the dwelling approved in 1985 and subsequently commenced, and the dwelling now proposed. The agricultural worker's dwelling was a three-bedroom bungalow, whereas the proposed dwelling would comprise six bedrooms over two floors, with a footprint approximately double that of the bungalow.
- 5.9 In broad terms, and notwithstanding its greater scale than the dwelling approved in 1985, the proposal would not harm the natural, built or historic environment. The dwelling would have an impact, but not a detrimental one, on the open character and appearance of the surrounding countryside and it would not lead to a coalescence of settlements. The dwelling could be accommodated within the capacity of the existing infrastructure. Therefore, if acceptable in principle, the development has the capacity to conform to the remaining LDF policies. However, it is clear that the development is not compliant with the IPG due to its distance from Dalton's existing built form.
- 5.10 The consideration of the scheme in terms of whether it represents sustainable development in terms of the NPPF definition is a further material consideration. The future occupants of the dwelling would perform a limited economic role. The scheme would perform a social role in supporting the community of Dalton and helping to create a high quality built environment.
- 5.11 In isolation the four strands to the planning balance are insufficient in their own right to justify the dwelling in this location. The compliance with the IPG is not demonstrated and therefore this strand is discounted. When combining the three remaining strands the planning balance is still not supportive of the development. The development would provide limited benefit to the local economy. The fall-back position is not sufficient justification for the dwelling given its likely non-implementation and its occupancy restriction. The dwelling would not respect the built form and character of Dalton and does not constitute sustainable development. The principle of the development in this location is unacceptable.
- 5.12 Turning to issues of detail, the dwelling would not harm local visual amenity and is thus acceptable in terms of policy DP30. It would not erode the amenities of occupiers of adjacent property and is acceptable on that ground. Furthermore, it would not raise any highway safety issues.

6.0 RECOMMENDATION:

6.1 That the application is **REFUSED** for the following reason:

1. The development is positioned in an isolated location outside of the development limits of Dalton and is not justified by an exceptional circumstance as is set out in policy CP4 of the Hambleton Local Development Framework nor does it respect the character and built form of Dalton as is required by the Interim Policy Guidance. The scheme does not constitute sustainable development in terms of the National Planning Policy Framework.

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15/01500/FUL

Revised application for the demolition of existing building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking (reduction in car parking spaces from 36 to 35). at Land North of Stillington Road, Easingwold for McCarthy and Stone Retirement Lifestyles Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposal relates to a site on the north side of Stillington Road, between the residential estates of Ingleton Drive (also known as the Broadlea area) and Galtres Drive. To the east of the site there is a Fire Station and two depots. The site was formerly used as an office furniture supplies depot with incidental sales covering 2,023 square metres. The site area is noted to be 0.47 hectares (1.16 acres). Following the approval of application 14/01120/FUL the former buildings have been removed and construction has begun.
- 1.2 The revised application proposes a reduction in the size of the site such that the westernmost part of the site that provided car parking spaces would be removed from the scheme to "provide the neighbour Wainwright Bathrooms, the opportunity to buy the land to expand its business." (Addendum to Planning Statement supplied by the applicant.) The consequence is a reduction from the approved 36 spaces to 35 spaces.
- 1.3 The site is within the Development Limits of Easingwold.
- 1.4 The building would still comprise 37 market housing units, 17 of which would be one bedroom units and 20 would be two bedroom units. In line with the previous application, none of the units are proposed to be made available as affordable housing.
- 1.5 The application indicates that a post for one full time employee would be generated by the development.
- 1.6 An "Extended Phase 1 Habitat Survey" has been undertaken that concludes that a Bat Survey should also be undertaken. The applicant has commissioned a Bat Survey.

2.0 PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02245/FUL - Application for the construction of 5 dwellings and a retail food store with associated parking, servicing and landscaping. Resolved to be refused 1st March 2012, appeal against non-determination and appeal subsequently withdrawn.
- 2.2 14/01120/FUL - Demolition of building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking; granted 23 January 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy 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 Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP17 - Retention of employment sites
 Development Policies DP32 - General design
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP43 - Flooding and floodplains
 Allocations Document Policy EM1 - Mixed Use Stillington Road/York Road, Easingwold -
 adopted 21 December 2010
 Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22
 February 2011
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - wish to see the application approved but wish to see provision of improved access for mobility scooters and pedestrians through George Long Mews and improved pavements on Stillington Road. (A request was made to the developer on 4 August however as yet a response has not been received).
- 4.2 Highway Authority - no objection subject to conditions.
- 4.3 Yorkshire Water - recommend conditions.
- 4.4 Environmental Health Officer - no response.
- 4.5 Environmental Health Scientific Officer - supports the remediation strategy prepared by the applicant to deal with land contamination on the site.
- 4.6 NYCC Head of Extra Care - no response.
- 4.7 Network Rail - no observations.
- 4.8 Forest of Galtres Society - no response.
- 4.9 NYCC Education - no response.
- 4.10 Internal Drainage Board - no response.
- 4.11 North Yorkshire Police Liaison Officer - satisfied with scheme overall but had some recommendations to make which were passed onto the developer.

4.12 RAF Linton on Ouse - no objection.

4.13 Neighbours and site notice - four responses have been received, three concerned with the reduction in parking spaces and the fourth querying the proposal.

5.0 OBSERVATIONS

5.1 The main issues to consider in this application are:

- Design, particularly massing and materials;
- Impact on the setting and street scene of Stillington Road with particular reference to the TPO trees on the site frontage;
- Highway safety, particularly the capacity of the highway network, visibility at junctions and parking provision for the proposal;
- Drainage; and
- Affordable housing and matters of viability

Design, setting and street scene

5.2 The proposed building would be larger than any neighbouring building and would have a greater height than neighbouring property. The design has attempted to reduce the visual impact of this large building by the use of dormer windows, breaks in wall lines and a step in the height of the main ridge. These techniques would collectively make the building appear smaller and enable a scale that is considered appropriate to its setting. The use of clay tiles to the roof and a brick that is of colour and texture common to the locality is considered important and enables the building to be judged to meet the requirements of Policy CP17 and DP32.

5.3 The landscaping proposals for the site show a mix of boundary walls topped with pillars and railings, boundary railings and boundary fencing. In combination with a detailed planting scheme the setting of the building is shown to be 'greened' and appropriate to the mainly residential surroundings.

5.4 The appearance of Stillington Road is dominated by the mature trees, commercial buildings adjacent to the application site, and residential property, particularly the two storey dwellings opposite the site. The retention of the trees that were made the subject of Tree Preservation Order 2012 No2 and the addition of new planting and wall and railing boundaries forward of the new building and car parking would maintain a strong character, where the trees and buildings continue to dominate the street scene. The scheme is therefore considered to meet the requirements of the LDF Policies CP17 and DP32.

Highway safety

5.5 The proposals continue to seek to reuse the existing entrance to the site. Pedestrian footways would be provided to link from the entrance to the building to the existing footway on the north side of Stillington Road. Whilst Easingwold Town Council has sought improvements to the footway on Stillington Road this has not been a matter raised previously and as the number of apartment has not changed and the policy base for assessment has not changed it is not appropriate to seek any amendments to the scheme on this basis. The report previously noted:

“The pedestrian or other traffic flows anticipated to result from the proposed development are considered not to be sufficient to require further works of improvements to Stillington Road or the footway network.”

- 5.6 Car parking space would be provided within the site at a rate established through survey work by the agents to be matched to the needs of the site. The provision of parking is claimed by the applicants to match the needs. However the consultant to the applicant claims that the site is very sustainable. Given the relative lack of public transport, the lack of nearby railway station the description of “very sustainable” is considered to be exaggerated. The level of car ownership of residents is recorded to be low, however visits by friends, families and others are likely to be heavily reliant on the private car and appropriate provision for off-street parking is considered important to avoid congestion and a loss of highway safety on Stillington Road and other nearby streets.
- 5.7 The traffic flows on Stillington Road and the incidence of parking on the side of the roads is noted to cause obstruction to visibility to residential accesses on the south side of Stillington Road and may on occasions limit the visibility at the entrance to the site. The circumstances are recorded as existing and there is no evidence of significant and insurmountable highway safety concerns or that the use of the land for an older persons housing would exacerbate any existing problems or create new problems providing that appropriate provision is made on site. The Highway Authority has not objected to the proposal.
- 5.8 As noted above the applicant is seeking to reduce the application site boundary, therefore reducing the number of car parking spaces from 36 spaces to 35 spaces. Neighbour concerns have been raised about the inevitability of off-site parking problems arising adjacent to the site. However, and being mindful that the Highway Authority has not raised an objection, the net reduction of one parking space is not considered to justify a refusal of permission.
- 5.9 Changes to the junction of Stillington Road and York Road have been identified to be necessary in response to proposals for a new food store on York Road and housing proposals on Stillington Road. The pedestrian or other traffic flows anticipated to result from the proposed development are considered not to be sufficient to require further works of improvements to Stillington Road or the footway network.

Drainage

- 5.10 The area around the site is noted to have presented significant drainage problems due to a combination of factors including a high water table. The development proposals would reduce the amount of impervious area. Subject to the conditions recommended by consultees to require approval for the details of the drainage scheme for surface water, foul sewage and ground water, that may require attenuation of flow, it is considered that matters of drainage are not a barrier to the development of the site.

Affordable housing, housing quality and viability

- 5.11 The previous application was subject to a viability appraisal and was approved subject to committed sums of £186,255 towards affordable housing and £10,000 towards open space, sport and recreational facilities appropriate to the development. The applicant has confirmed that this proposal seeks to maintain that commitment. A Deed of Variation would be required to link the agreed contributions to this revised scheme.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) the satisfactory completion of a Deed of Variation to secure the commuted sums of £186,255 towards the provision of affordable housing and £10,000 towards the improvement of off-site public open space previously agreed under application 14/01120/FUL; and (b) the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:1991 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.
 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. 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. The development shall not be occupied until the approved remediation scheme has been implemented and a validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
 5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
 6. No construction work shall commence until the details of the access shall have been approved in writing by the Local Planning Authority. 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. The existing access shall be improved and reconstructed in accordance with the approved drawing number 14/421/DE/100/001 Rev B and Standard Detail number A1. Thereafter the works shall be maintained in accordance with the approved scheme.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 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
8. No part of the development shall be brought into use until the existing unused access on Stillington Road has been restored to full faced kerb and footway. These works shall be in accordance with the approved drawing number 14-421-DE-100-001 Rev B. No new access shall be created without the written approval of the Local Planning Authority . No new access shall be created without the written approval of the Local Planning Authority.
9. No part of No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 1971-02-02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.
11. 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.
12. No residential unit shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details shown on drawing 1971-02-02 Rev A. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior approval of the Local Planning Authority
13. 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.
14. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

15. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
16. No person shall occupy any part of the residential accommodation unless they are aged over 65 years or co-habit with a person over the age of 65 or have been shown to be in need of specialist housing and meets the eligibility criteria of the relevant Social Services Department for Type II accommodation.
17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered and received by Hambleton District Council on the dates set out below unless otherwise approved in writing by the Local Planning Authority: Location 1971-01-01 received 29 May 2014; Context 1971-01-03 Rev A received 31 July 2014; Elevations 1971-01-04 Rev B received 7 August 2014; Landscaping SF 2282 LL01 received 7 August 2014; Floor plans 1971-01-05 Rev A received 7 August 2014; Section 1971-01-10 received 20 November 2014; Tree protection 8322-02 received 20 November 2014; Layout 1971-01-02 Rev D received 2 December 2014.
18. 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.

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 trees on the site are protected during construction works in the interests of local amenity and in accordance with the Local Development Framework Policies CP17 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. 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.
5. In accordance with Policy CP1 and DP4 and in the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and in accordance with the Local Development Framework Policies CP1 and DP4.
7. In the interests of road safety.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and in accordance with the Local Development Framework Policies CP1 and DP4.

9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Development Framework Policy CP1 and DP3.
10. In accordance with Policy CP1 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with Policy CP1 and DP3 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.
12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
13. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with Local Development Framework Policies CP1, CP17 and DP32 of the Hambleton District Wide Local Plan.
14. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
15. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
16. The development provide specialist accommodation with a lower provision of parking space, no contribution for children, young person or youth sport or recreation facilities, makes no provision for education needs, to allow the property to be occupied by people of any age would therefore undermine the policy basis for the decision to approve this scheme in respect of the known needs for additional housing for the older person.
17. 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 particularly CP1, DP1, CP17 and DP32.
18. 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.

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15/01126/FUL

**Conversion and extension of existing buildings to create a single dwelling (revised scheme)
at Eldmire Hill, Ox Close Lane, Eldmire
for Mr and Mrs Richardson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposed dwelling and garage would be formed to the east and north of the range of traditional buildings on site.
- 1.2 Planning permission was granted for the original range of traditional buildings to be converted to 3 three-bedroom dwellings in 1996. One dwelling of this permission was commenced and is occupied to the west of the former agricultural complex. An extant permission therefore remains for the conversion of the remaining traditional buildings on site, which are now the subject of this application.
- 1.3 The applicant intends to progress with the conversion of the agricultural buildings to a single 4 bedroom dwelling and detached garage (with meeting room and office). Three extensions are proposed to form a lounge (7.1m x 6m), an extended master bedroom (4.9m x 4.5m), and a small single storey extension to form two stores. Materials for the proposed works would comprise brick and pantiles.
- 1.4 The site is accessed from the public highway to the south and is within Flood Zone 1.
- 1.5 A Protected Species Survey has been submitted, concluding: "Due to the potential bat roost habitat, the results of the survey are only valid until May 2015, after which time the site should be reassessed prior to works starting".
- 1.6 A Building Condition Report has been submitted concluding: "The buildings are able to be converted into a dwelling use without requiring significant rebuilding".

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/92/046/0007 - Conversion of existing disused agricultural buildings to 3 dwellings and domestic garages; Granted 1992.
- 2.2 2/96/046/0007A - Revised application for the conversion of existing disused agricultural buildings to 3 dwellings and domestic garages; Granted 1996.

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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy 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 DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP26 - Agricultural issues
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 Policy Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Meeting - no comments.
- 4.2 NYCC Highways - no objections.
- 4.3 Environmental Health - no objections.
- 4.4 Environmental Health Scientific Officer - recommends the submission of Preliminary Assessment of Land Contamination form or planning condition (PALC form submitted on 17 June 2015).
- 4.5 Yorkshire Water - no response.
- 4.6 Neighbour notified and site notice posted - no responses received.
- 4.7 Press Advert – response awaited.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of development in this location; (ii) any impact on the visual amenity of the surrounding area; (iii) any impact on neighbour amenity; (iv) any highway safety issues that may arise; (v) protected species; and (vi) the liability of the development for the Community Infrastructure Levy.

Principle of development

- 5.2 Two viable fall-back positions exist for the buildings the subject of this application; continuation with the extant permission for their conversion to 2 three-bedroom dwellings or conversion using the Class Q permitted development rights. The applicant is wishing to extend the structure and therefore cannot progress by the latter route, but it is acknowledged that the size of the former agricultural building is sufficient to be converted without extension and therefore the Class Q permitted development rights have some relevance.
- 5.3 The principle of the scheme is not compliant with current local policy and the Interim Policy Guidance due to its isolated location well away from Development Limits. Greater consideration however needs to be given to whether the proposed use is any less sustainable than a dwelling that could be achieved via the options available above. The size of the building and associated occupants and vehicle movements would be neutral from a sustainability perspective in terms of the need to travel. Taking the broader NPPF definition of sustainability the development would perform a limited economic role during its construction and from the contribution of the

occupants to the local economy. It would perform a more significant social role in that further rural housing need would be met, which would support a nearby community. In environmental terms, the development would promote a viable use for redundant agricultural buildings.

- 5.4 Considering the above the scheme is considered to be compliant with national policy and the non-conformity with local policy is, in this case, balanced by the reality of two options to carry out residential conversion without needing further planning permission. The principle of development in this location is therefore acceptable despite the fact that it would depart from the Development Plan.

Visual amenity

- 5.5 The design, scale and materials of the proposed works to the building and associated extensions would maintain the visual amenity of the surrounding countryside and would respect the character and appearance of the building.

Neighbour amenity

- 5.6 The internal layout, fenestration positioning, and separation distances to the adjacent dwellings would not give rise to an erosion of neighbour amenity.

Highway safety

- 5.7 The highway Authority has considered the proposal and has not raised any concerns. The scheme does not therefore raise any adverse highway safety issues.

Protected species

- 5.8 The submitted protected species survey is out of date. A planning condition could be attached to any permission granted requesting the submission and approval of a further survey and implementation of any appropriate mitigation measures.

Community Infrastructure Levy

- 5.9 The scheme is liable for the Community Infrastructure Levy and the agent has forward the CIL Information Form 0.

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 21 May 2015 and 29 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 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. Prior to development commencing a further bat survey of the buildings proposed for conversion shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any mitigation measures shall be implemented and retained.
6. The development shall not be occupied 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
7. 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 condition 6 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.
8. 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.
9. The site shall be developed with separate systems of drainage for foul and surface water.
10. Prior to development commencing a full protected species survey shall be submitted to and approved by the Local Planning Authority. Following this and prior to commencement of works any mitigation measures shall be implemented and retained.

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, 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. Submission of these details is required prior to commencement in order to ensure that only external materials appropriate to the local area are used.
4. To ensure that the appearance of the windows are appropriate to the character and appearance of the former agricultural building. Submission of these details is required prior to commencement in order to ensure that only detailing appropriate to the local area is used.
5. To minimise the risk to protected species.

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.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. 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 Policies CP1, DP1, CP17 and DP32.
9. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance with Hambleton Local Development Framework policy DP43.
10. To safeguard protected species. Submission of these details is required prior to commencement of development to ensure that the works to the building do not disrupt bat roosts and that mitigation measures are in place when works commence.

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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 Mr Stephen Jobling**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was deferred at June Planning Committee as the agent confirmed that the ownership notices had been served incorrectly. This has now been corrected and the requisite 21-day notification period has now lapsed and the application may therefore be determined.
- 1.2 The Barn is located to the rear of the residential dwelling known as The Post House, (previously 'Raines'). It is accessed from Main Street and shares this access with The Post House. The building is of brick construction with a clay pantile roof and is in a state of disrepair.
- 1.3 This application seeks consent to alter the existing barn to form a two bedroom dwelling. It would be converted to accommodate an open plan kitchen living/dining room, lobby, utility, W.C. and storage area at ground floor level, and two bedrooms, and bathroom at first floor level. A high timber fence with brick piers would be erected on the side (south east) elevation.
- 1.4 The applicant states there would be no vehicular access only pedestrian access to the site.
- 1.5 The application has been amended to show the plot of land to the rear of the barn to be included as future garden area within the site, although this is outside the red line and therefore may require a separate planning permission.
- 1.6 The applicant has provided additional information in respect of a survey of car parking on Main Street. The survey was undertaken at 9:45 PM on 10 June and 9AM on 11 June. The applicant states that ample space is available on the cobbles outside the site.
- 1.7 The applicant has also provided additional information in respect of the right of way to The Barn. They state:
 - The right of way offers passage of vehicles over land, but does not permit them to stop or park;
 - The application severs the right of way and there is no purposes or reason to pass over the land as there would be no access;
 - The application removes the parking and turning space, it would be possible to drive up the drive and then "park without stopping" and reverse, but this behaviour is unlikely to occur;
 - The access would be reduced to just under 2m wide and run between two fences. Using the access would be difficult and coupled with the above means the right of way would be defunct; and

- The proposal would ensure the removal of commercial vehicles from the rear of the properties in relation to The Barn.

1.8 The building is sited within the Development Limits and in the Helperby Conservation Area.

2.0 PLANNING AND ENFORCEMENT HISTORY

2.1 05/02049/FUL - Alterations to existing barn/garage to form a dwelling; Refused, 25 January 2006.

2.2 06/02741/FUL - Alterations to existing agricultural building to form offices (B1) and formation of a car park; Refused 6 February 2007.

2.3 10/02561/FUL - Alterations to existing barn/store/garage to form a dwelling and construction of a car port; Withdrawn 15 February 2011.

2.4 11/00533/FUL - Revised application for alterations to existing barn/store/garage to form a 2 bedroom dwelling and construction of a car port; Refused 12 May 2011, appeal dismissed 14 November 2011. The Inspector's reasons included overlooking and loss of privacy; window design; harmful noise and disturbance from pedestrians and vehicles; and the limited potential of an identified fall-back position.

2.5 12/02418/FUL - Alterations to existing barn/store/garage to form a 3 bedroom dwelling and construction of a car port. Non-determination appeal dismissed 7 November 2013. The Inspector's reasons included harm to living conditions through noise and disturbance and limited weight of the identified fall-back position (overlooking issues had been resolved).

2.8 15/01099/PPN - Application for Prior Notification for a change of use from storage or distribution buildings to 3 bedroom dwellinghouse with parking; Refused 12 June 2015 for the following reasons:

1. The introduction of a new dwelling in a location to the rear of existing dwellings would result in additional noise and disturbance which would harm the amenity of neighbouring occupiers, this would be contrary to the provisions of the Local Development Framework Policies CP1 and DP1 and the requirements of the NPPF which expects a good standard of residential amenity for existing and future occupiers and that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
2. It is not considered that the applicant has demonstrated that the barn has been used solely for the purposes of storage and distribution for the requisite period and therefore the proposal is not permitted under Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 .
3. The external changes to the building are not permitted by Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2.9 15/01210/ FUL - Removal of rear structure and construction of domestic extension and formation of staircase to serve cellar at The Post House; not yet determined.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP8 - Development Limits
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework – published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Parish Council – Wish to see the application refused. The Barn is surrounded by residential properties and if planning permission is granted this will impact adversely on the owners of the Post House and surrounding bungalows as they will lose their privacy and be overlooked. There will be unacceptable noise and disruption to neighbours arising from the scheme. There is no mention of where cars will be parked. The dwelling could realistically have two cars and the cobbled area in Main Street is already crowded with no further room. Previous applications have been refused and dismissed at appeal. Construction would be impossible and there would be issues with materials storage and vehicles access.
- 4.2 Highway Authority – Previous applications for this site included access and parking within the curtilage which the Local Highway Authority considered satisfactory. It is now proposed to have no vehicular access and to utilise the cobbled areas adjacent to the carriageway to provide parking for the development. These cobbled areas are not considered part of the highway maintained at the public expense and are also not shown in the applicant's ownership. Therefore parking on these areas cannot be relied upon although it is acknowledged that this practice is common throughout the village. Concern must be expressed that there is no parking proposed within the curtilage as part of this application, however a recommendation of refusal would not be sustainable. Consequently a condition is recommended for on-site parking during the construction period.
- 4.3 Environmental Health officer – No objections or recommendations.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Neighbours consulted and site notice posted comments are summarised as follows:
- Object to the conversion of the barn, this is an unsuitable site;
 - Overlooking of neighbouring properties, loss of privacy;
 - Noise and disturbance;
 - Parking on the cobbles could be for 2 or 3 vehicles and cannot be guaranteed;
 - There will be no space left for customer parking for nearby businesses and additional parking cannot be accommodated;
 - Access for contractors would be disruptive and construction noisy;
 - The plot of land to the rear of the barn could be used as parking in the future, doubling noise and disturbance;
 - The no parking policy could not be policed;
 - A new application should not be submitted when all previous applications have been refused or dismissed at appeals and Inspector's concerns have not been addressed;
 - Servicing (post/refuse) will cause disturbance and noise;
 - The use of the village post box (just outside the site) will be compromised;
 - Adverse impact upon the Conservation Area;

- Adverse impact upon bats;
- The Barn should be developed with the Post House to form part of that property;
- The Old Post Office is now empty, but the amenity of this occupier will be affected; and
- The application will affect the sale price of The Old Post Office.

4.7 One letter of objection has been withdrawn relating to the timing of the application.

5.0 OBSERVATIONS

5.1 The main issues to be considered when determining this application are identified in the policies within the Hambleton Local Development Framework as set out above and relate, in this case, to (i) the principle of development; (ii) the impact on the character and appearance of the Conservation Area, considering the form, design and materials proposed; (iii) highway safety and parking; (iv) the impact on residential amenity; and (v) a consideration of the fall-back position.

Principle of the development

5.2 The NPPF at para 51 indicates that applications for a change to residential use from commercial development should normally be approved, subject to other considerations included in the Framework. The building is located within Development Limits of Helperby which has been designated as a Service Village within the Hambleton Settlement Hierarchy as detailed within Policy CP4. The site is therefore considered to be in an appropriate location for further residential development and, in principle, is considered to be acceptable, subject to consideration of the detailed matters below.

Conservation Area, form, design and materials

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset, i.e. the Helperby Conservation Area in this case.

5.4 The building would be sympathetically altered, utilising the existing footprint and appropriately matching materials. The ridge line of the southern section (front) of the building would be reduced and there would be some alterations to the existing openings and new glazing inserted in the north east (rear) elevation. However, it is considered that the proposal would maintain the agricultural character of the building and it would thus preserve the appearance of the Conservation Area. The proposed residential use would be consistent with the principal land use within the Conservation Area and therefore its character would be maintained.

5.5 The nearest listed building is Oak House, some 20m to the north west and separated from the application site by another property. It is not considered that the proposed conversion would have any appreciable impact on this heritage asset.

Highway safety and parking

5.6 It is noted that the access is narrow and is sited between two existing dwellings. However, it is an existing access which is currently in use and there are numerous examples of this type of access facility within the village.

- 5.7 The proposal differs from previous applications in that the red line has been drawn more tightly around the building such that only pedestrian access is possible within the application site. The applicant states that it would accept a condition preventing on-site parking. Any parking associated with the proposal would take place on the cobbled area outside the site, adjacent to Main Street, or further away. Neighbours and the Parish Council express concerns that the cobbled area cannot accommodate additional parking, that it would compromise parking for existing businesses, push cars onto the carriageway and that the 'no parking' arrangement offered by the applicant could not be policed.
- 5.8 It is noted that the Highway Authority did not object to previous applications in respect of access or on-site parking arrangements. Although the Authority expresses concern at the lack of parking within the site within this application, it advises that a reason for refusal on this basis cannot be justified. That is consistent with the fact that there are no parking standards requiring a minimum provision for new dwellings in North Yorkshire. The survey undertaken by the applicant in respect of the existing parking capacity on the cobbles, although limited in duration, identifies no grounds for concern in terms of public safety and given the absence of objection by the Highway Authority it is not felt that a reason for refusal based on the impact on parking on Main Street could be justified.
- 5.9 The Highway Authority recommends that a condition is imposed to secure a suitable construction compound and access. This would address some of the concerns raised by neighbours and is considered to be reasonable.

Residential amenity

- 5.10 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The NPPF seeks to secure a good standard of residential amenity for existing and future occupiers.
- 5.11 Concern has been expressed by the occupiers of surrounding neighbours that the proposal would lead to a loss of privacy and overlooking. Concerns have also been raised that as the Old Post Office is empty the effect on its amenity would not be addressed, however, this is considered below. The majority of the windows from habitable rooms would be sited within the north east (rear) elevation of the building. This elevation is at a sufficient distance (25m) from the neighbouring dwellings at The Leas to prevent excessive overlooking. The windows within the south east (side elevation) facing The Post House would be to non-habitable rooms at first floor and ground floor level and the entrance door would be screened by a proposed high level timber fence. There are no windows proposed to the front (south west) elevation facing Main Street and the Old Post Office residence. Conservation roof lights are proposed in the side (north west) elevation. Taking the above into account it is not considered that the proposal would result in loss of privacy or adverse overlooking.
- 5.12 In both the previous appeal decisions the noise and disturbance arising from comings and goings of new residents of the 2 or 3 bedroom property proposed, combined with associated vehicular movements, was considered to be harmful to the amenity of neighbouring occupiers. In the most recent appeal decision, the Inspector noted:

"The barn is behind the houses fronting Main Street. It is accessed via an existing driveway between two residential properties, the Old Post Office and [The Post House]. The Old Post Office has a ground floor and a first floor window on its side elevation which are very close to the narrow driveway. On the other side, the flank wall of [The Post House] directly abuts the driveway. Although there are no windows on this elevation, there is a cellar

window to the rear. Additionally the driveway is open to the rear garden of [The Post House] and is not segregated from it by any boundary treatments. Because of these close relationships, it appears to me inevitable that some noise and disturbance would be experienced by the occupiers of the Old Post Office and [The Post House] as a result of the vehicle and pedestrian movements associated with the building.”

- 5.13 As noted in paragraph 5.7, the application site includes insufficient land for a vehicle to be driven or parked alongside the building. However, it was understood from evidence presented in application 12/02418/FUL and the subsequent appeal that The Barn has a right of access allowing vehicular traffic to pass between The Post House and The Old Post Office and alongside the southern boundary of the application site. The applicant states that it would be possible for a car to enter the site, stop without parking and reverse, but that this behaviour would be highly unlikely to occur. Unless that right has been extinguished or surrendered it might still be possible for occupiers of the proposed dwelling to drive a vehicle between The Post House and The Old Post Office, as the access appears to be of adequate width to allow this. The submitted plans include the annotation “vehicle access to dwelling and garden restricted by continuous boundary fence” and the applicant has stated that a condition would be accepted to ensure that there is no parking on the site. However, it is not certain that this would prevent the continuation of any private right of access using land beyond the application site, not least as “restricted” does not mean “prevented”.
- 5.14 Since the application was deferred in June, the applicant has provided further evidence of the right of passage. It appears to exist in favour of the owners of the building and with the consent of the owners of The Post House. It does not appear that the owner or occupier of the other close-by dwelling, The Old Post Office, is a party to the matter and therefore does not appear to have any means of enforcing the no stopping restriction in order to discourage vehicles from passing through the narrow space between their property and The Post House. Furthermore, the “parking without stopping” restriction appears at odds with the use of the building for various storage uses over recent years, as documented extensively in the last planning application and appeal, claimed as a fall-back position (see paragraph 5.19).
- 5.15 Neighbours and the Parish have raised concerns that the suggested condition would be difficult to enforce and that servicing and pedestrian movements and associated servicing would cause unacceptable disturbance to neighbours. The building has a close relationship with neighbours especially The Post House, sharing an “intimate access” as noted by the Planning Inspector and which is overlooked by the living room window of The Old Post Office. It is considered that, even without vehicular access and parking, a two bedroomed property could accommodate a family and still generate significant comings and goings throughout the day, evening and at weekends causing disturbance to adjacent neighbouring occupiers. It is not considered that the high fence proposed between the property and The Post House would lessen this feeling or even the perception of disturbance.
- 5.16 Concern has been raised about the impact of the construction phase and it is acknowledged that this would be disruptive to neighbours, however it would be temporary. The Highway Authority requires that details of access and the site compound are conditioned and this condition could be applied if permission were to be granted.
- 5.17 There would be sufficient amenity space on site for future occupiers.
- 5.18 Taking the above into account it is considered that the proposal would be contrary to the provisions of the NPPF and Policy DP1 which expect good standards of amenity for existing and future occupants.

Fall-back position

- 5.19 The applicant cites a fall-back position of continued use for unrestricted storage purposes and suggests that, as such, it could be used as storage with parking and accessed on a daily basis. It is noted from site visits that the building is falling into disrepair and both Planning Inspectors have stated that it is a modest building with limited potential to sustain a wide range or significant number of commercial uses. Moreover the Planning Inspector in 2013 stated that a Certificate of Lawfulness has not been sought for the premises and as such the lawful use of the barn cannot be presumed. The Inspector went on to state that the proposed residential conversion would not necessarily be an improvement on the claimed fall-back position of storage use. In summary the fall-back position was not considered to be so significant as to justify either appeal and consequently it is considered to be of little weight now.

Other issues

- 5.20 Policy DP31 of the LDF states that "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be givento the enhancement and increase in number of sites and habitats of nature conservation value".
- 5.21 Concern has been raised by neighbours that bats occupy the building. A Bat, Barn Owl and Breeding Bird Survey was submitted with the application and this found a number of bat roosts in the western gable of the barn. No evidence of Barn Owls was found, but two large bird's nests were identified. In the light of the survey, it would be reasonable to impose a condition to ensure appropriate mitigation if permission were granted.
- 5.22 The site lies in Flood Zone 1 and as such should not suffer from river flooding. In respect of foul drainage this matter could be conditioned if permission were granted and it is noted that conditions could be applied to address foul and surface water drainage. Any comments received from Yorkshire Water will be reported to Committee.
- 5.23 Concerns have been raised in respect of the timing of the application and that it should not be submitted following dismissal at appeal on two occasions. However the application is materially different to those previously submitted and the Local Planning Authority cannot control the timing of, or prevent submission of the application. It has been suggested that The Barn should be developed with The Post House, however the application must be considered on its own merits. Reduction in property prices is not a material planning consideration. Cars can presently park around the post box and it is not considered that this matter affects the planning merits of the case.

6.0 RECOMMENDATION

- 6.1 The application is **REFUSED** for the following reason:
1. The introduction of a new dwelling in a location to the rear of existing dwellings would result in additional noise and disturbance which would harm the amenity of neighbouring occupiers, this would be contrary to the provisions of the Local Development Framework Policies CP1 and DP1 and the requirements of the NPPF which expects a good standard of residential amenity for existing and future occupiers.

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Parish: Rand Grange

Ward: Bedale

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Committee Date : 20 August 2015

Officer dealing : Mrs H M Laws

Target Date: 26 August 2015

15/01477/FUL

Construction of an extension to provide additional changing rooms at Bedale Athletic And Sports Association Leyburn Road Bedale North Yorkshire for Bedale Athletic & Sports Association.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies approximately 2.5km to the north west of Bedale. The Athletics and Sports Association site is occupied by a clubhouse with squash courts and changing facilities, football pitch, cricket ground, tennis courts and a car park.

1.2 It is proposed to construct a single storey extension to the rear elevation of the building to provide additional changing facilities. The proposed extension is L-shaped with maximum dimensions of 13m x 7m. The extension would be finished in brickwork and white painted render with an olive green coloured plastisol sheet roof.

1.3 The agent in respect of the application is a Ward Member for Bedale.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 01/00938/FUL - Extension to existing clubhouse. Permission granted 25/1/2002.

2.2 03/00719/FUL - Alterations to part of existing sports club building. Permission granted 10/7/2003.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

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

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

4.1 Parish Council - no reply received (expiry date for representations 27/7/2015))

4.2 NYCC Highways - no objections

4.3 Yorkshire Water - no comments required

4.4 Sabic (Pipeline) - no observations

4.5 MOD - no safeguarding objections

4.6 HDC Environmental Health Officer - no objections, however consideration should be given to ensuring that the capacity of the existing septic tank is sufficient to accommodate additional waste waters from the multiple waste water producing services located within the proposed extension. A condition is recommended.

4.7 Site notice/local residents - no comments received (expiry date for representations 31/7/2015)

5.0 OBSERVATIONS

5.1 The issues to be considered include the effect of the extension on the appearance of the existing building and on the surrounding rural landscape, and the impact of the additional facilities on highway safety. There are no near neighbours whose amenity would be affected by the development.

5.2 The proposed extension is small in scale relative to the existing building. The extension is flat roofed to minimise its visual impact and to reflect the appearance of the squash court to which it would lie adjacent. The rear of the building, although visible from the football pitch and the cricket ground, is not visible from outside the site and the extension would be viewed against a backdrop of the existing building and the tall boundary hedging that lies adjacent to the tennis courts. The proposed development is acceptable in scale and design and would not detract from the appearance of the site.

5.3 The proposed increased facilities do not require the provision of additional parking and the Highway Authority has no objections.

5.4 Additional detail is required regarding drainage to ensure there is adequate capacity within the existing facilities. An appropriate condition is recommended.

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

SUMMARY

The proposed development will not detract from the character or appearance of the building or surrounding rural landscape and will not impact on highway safety. It is considered that the proposed development is in accordance with LDF Policies.

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. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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.

3. No development shall take place until details of the proposed means of drainage are submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the first use of the development and thereafter retained.

4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 01/06, 02/06 and 03/06 received by Hambleton District Council on 30 June 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 ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. To ensure that satisfactory drainage can be achieved in accordance with LDF Policies CP21 and DP43.

4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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15/01595/FUL

**Retrospective application for the removal of a window into store area and replace it with a serving hatch and the installation of additional decking to rear.
at Rose and Crown, Main Street, Sutton-on-the-Forest
for Mr Stuart Temple.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This retrospective application seeks permission for the construction of a small area of decking and the installation of wooden serving hatch doors into a store room of a pub within the Sutton-on-the-Forest Conservation Area.
- 1.2 The decking area measures 1.6m wide, 2m in length and 0.2m high. It has been erected between the existing decking and the boundary fence with the adjoining property of The Old Village Stores and abuts the boundary.
- 1.3 The serving hatch has been installed on the rear wall of the pubic house. This area of the pub is currently a storage room. It is proposed to use this room and hatch to serve ice cream and sweets during daylight hours in summer. It should be noted the internal alterations required to use the store room for sales does not require the benefit of planning permission as the sales would be considered as ancillary to the main use as a public house. The serving hatch has been constructed using solid wood doors.
- 1.4. The public house is situated on Main Street, Sutton-on-the-Forest, a residential area with residential properties located either side of the pub and a sports field/playground to the rear. The section of close boarded fencing adjacent the raised decking area is 1.8m high above the 0.2m high raised deck, consistent with the rest of the eastern boundary consists of a 2m high close boarded fence.

2.0 RELEVANT PLANNING HISTORY

- 2.1 07/02412/FUL - Revised retrospective application for gazebo and decking at existing public house; Permitted 20 September 2007.
- 2.2 06/02840/FUL - Retrospective application for gazebo and external eating area at existing public house - Temporarily permitted January 2007.
- 2.3 06/00210/FUL - Conservatory extension to existing public house; Permitted April 2006.
- 2.4 2/99/144/0038E - Revised application for extensions to existing public house; Permitted September 1999.
- 2.5 2/96/144/0038C - Renewal of consent for extensions to existing public house; Permitted June 1996.
- 2.6 2/92/144/0038B - Change of use of existing public house to a dwelling and outline application for the construction of a detached dwelling; Refused March 1993.

- 2.7 2/90/144/0038C - Extensions to existing public house; Permitted April 1991.
- 2.8 2/144/38/PA - Construction of a detached garage for use as a bottle store at existing public house; Permitted December 1976.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP1 - Protecting amenity
Development Policies DP25 - Rural Employment
Development Policies DP28 – Conservation
National Planning Policy Framework
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Sutton on the Forest Parish Council confirms that it has no objections but has submitted comments which are summarised as follows:
- The intention is to served ice cream and teas from the hatch during the day when the pub is closed. The hatch will allow children to be served without entering the licensed premises;
 - Modest diversification will help to keep the pub financially viable;
 - Substantial fence at right angles to the hatch, the majority of customers would be unable to see over the fence into neighbouring property when standing on new decking;
 - It is possible there would be some noise generated if a large number of children are present and the hatch is close to the boundary;
 - As the serving hatch is justified on the grounds of serving ice cream, teas etc., would ask for a condition that it is not used for selling alcohol; and
 - It seems unlikely that small project will cause problems and may fill need locally which is not otherwise met.
- 4.2 Environmental Health Officer - no objection. Noise complaints have been investigated, however officers consider the extension to the decking to give access to the serving hatch for ice cream and sweets is unlikely to lead to a marked increase in the general noise profile of the premises.

- 4.3 Neighbours notified and site notice put up - no response.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to whether the scheme is appropriate in terms of scale, design and appearance; whether there would be an adverse impact on the amenities of adjoining residents as a result of the scheme; and whether the proposals have an adverse effect on the appearance or character of the Sutton-on-the-Forest Conservation Area.
- 5.2 The decking and serving hatch are well screened from public view points by existing boundary treatments and structures. The development is considered to be of an appropriate scale and materials, and the appearance is considered acceptable. It is therefore also considered that the scheme would not result in an adverse impact on the appearance or character of the Sutton-on-the-Forest Conservation Area.

- 5.3 The main concern in relation to this application is the impact of the use of the decking and serving hatch on the neighbours' amenity in terms of noise nuisance and potential for overlooking. The existing decking is located 1.6m away from the eastern boundary with The Old Village Stores and a planted border previously existed between the decking and the fence. The border has now been removed and the decking abuts the boundary fence. As such there is a potential for members of the public to stand right up to the boundary fence. The fence between the two properties next to the new area of decking is 1.8m high (6ft). It is considered this could lead to a degree of overlooking into the neighbouring property if a tall person is stood on the decked area.
- 5.4 With regard to the issue of noise, Environmental Health Officers do not have any objections to the additional decking and serving hatch. The Environmental Health Officer does not consider the extension to the decking to give access to the serving hatch for ice cream and sweets is likely to lead to a marked increase in the general noise profile of the premises. There have been issues with noise complaints relating to occasional use of the beer garden for events rather than the general use of the beer garden.
- 5.6 Nevertheless it is considered that unregulated use of the decking and serving hatch by customers could have a detrimental impact on the amenity of the neighbouring residential property of The Old Village Stores. Previously there was a gap of at least 1.6m between the boundary treatment and the nearest customer; however the built changes have resulted in customers being able to stand right up to the boundary with the potential for people queuing for ice creams etc. adjacent the neighbour's garden creating noise and potentially overlooking into a private garden. As submitted, the proposal does not meet the requirements of the Local Development Framework Policy DP1 that: "All development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight." Whilst a home next to a public house with beer garden is likely to be exposed to noise and disturbance the decisions previously taken to prevent decking being formed immediately adjoining the boundary have sought to protect amenity. The proposal to use the hatch and decking for sale and consumption of food and drink, albeit soft drinks and ice cream during the day, does not protect amenity and so if the application is to be approved measures are required to protect amenity.
- 5.7 As the physical works have been completed and are not objectionable in planning terms it is appropriate to seek to find a means of allowing them to be retained and also protecting the amenity of neighbours. Conditions can be imposed to prevent the use of the hatch or indeed opening that hatch at all and to preclude the use of the decking that has been formed as a seating or queueing area by allowing it to be used solely for the storage of items required as part of the operation of the public house. A condition is recommended with this objective.

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 drawing A101 and details received by Hambleton District Council on the 8th June and 30th June 2015 unless otherwise agreed in writing by the Local Planning Authority.

3. The serving hatch shall remain closed at all times and shall not be used for serving members of the public. The additional decking area adjacent to the serving hatch shall only be used as an incidental storage area ancillary to the use of the public house and shall not be used by patrons or for any other purpose.

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 CP15, CP16, DP1, DP25 and DP28.
3. To protect the amenities of the neighbouring dwelling in accordance with Hambleton Development Policy DP1.

Parish: Thirsk

Ward: Thirsk

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15/01444/MRC

Committee Date: 20 August 2015

Officer dealing: Mrs Helen Conti

Target Date: 2 September 2015

**Variation of Conditions 04 - vehicle access, parking, manoeuvring and turning areas and 07 - approved drawings - of Planning Permission 08/00654/REM (Drawings No: 3612-02A and 3612-05, 06 and 07).
at 18 Byland Avenue, Thirsk
for Mr & Mrs Snelling.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located at the southern end of Byland Avenue in Thirsk. The street is a cul-de-sac that accommodates several single storey detached bungalows. A reserved matters application was granted in June 2008 for construction of a 4 bedroom dormer bungalow with double garage. Construction work has since commenced and the dwelling has not been constructed in accordance with the approved plans. An application to retrospectively amend the approved plans to accept the built changes was refused by Planning Committee on 19 September 2014.
- 1.2 This application proposes to retain the built alterations to the dwelling and allow for changes to the dwelling to improve the appearance of the north elevation. The main built changes involve the increased height of the eaves from 2.8 metres to 3.9 metres, the positioning of the dormer windows which are now flush with the wall of the dwelling, alterations to the length, width and height of the garage, formation of accommodation in the roof of the garage, alterations to the position and creation of new windows and doors and the formation of a conservatory to the west elevation.
- 1.3 The additional proposed alterations to improve the aesthetic quality of the north elevation consist of lowering the eaves of the north elevation by extending them below the existing dormer windows allowing the rainwater gutter to run beneath the windows, a tiled canopy to wrap around the north and north east elevation, in front of the lobby and dining area, a timber pergola along the north elevation of the attached garage, two roof lights to the north elevation roof above the garage, the repositioning of the front door from the east elevation to the north elevation (including swapping a small window from the north elevation of the lobby to the east elevation) and the addition of French doors on the north elevation into the dining room.
- 1.4 An Enforcement Notice was issued on 1 April 2015 in respect of the built dwelling house and garage. The Enforcement Notice requires the house and garage to be altered to match the approved plans of 08/006548REM. The applicant has appealed against the Enforcement Notice and the case is currently on hold until a decision is made on the current application.

2.0 RELEVANT PLANNING HISTORY AND ENFORCEMENT HISTORY

- 2.1 5/00361/OUT - Outline application for the construction of a detached dwelling – Granted 26 May 2005.
- 2.2 08/00654/REM - Reserved matters application for the construction of a dwelling - Granted 3 June 2008.

- 2.3 13/00290/CAT3 - Development not in accordance with approved plans. Enforcement Notice issued 1st April 2015 to take effect 7 May 2015. Applicant has appealed against the notice.
- 2.4 14/00561/MRC - Discharge of conditions 1-6 of Planning Permission 08/00654/REM and amendments to dwelling by variation of condition 7 - Refused 18 September 2014.
- 2.5 08/00654/DCN - Proposed discharge of condition(s) attached to application 08/00654/REM - Reserved matters application for the construction of a dwelling – Pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant local and national policies are:

Core Strategy Policy CP1 – Sustainable development
Core Strategy Policy CP17 – Promoting high quality design
Development Policies DP1 – Protecting amenity
Development Policies DP32 – General design
National Planning Policy Framework
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council - No observations.
- 4.2 NYCC Highways - The Local Highway Authority has previously raised concerns about loose gravel being used adjacent to the public highway. This has now been addressed and the gravel is being retained. It is recommended that the following condition is attached to any permission granted:

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 3612-07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 4.3 Neighbours notified and site notice posted - one response from nearby neighbour.
- Objection to the redesigned joint access. New plan constrains access and therefore cars park on Byland Avenue causing unnecessary congestion. Current ongoing legal challenge to restricted access to Green
 - Full height two storey house that is dominant, overbearing, unapproved and out of keeping with its surroundings
 - Resubmitted plans seek to address problems by making property even larger
 - overhanging roof and tiled canopy do nothing to reduce the overall impact of the property
 - House eaves need to be reduced to approved height to bring the property to an appropriate size and scale.

5.0 OBSERVATIONS

- 5.1 The issues for consideration include the suitability of the scale and design of the dwelling as well as the impact on the surroundings, neighbours' amenity and highway safety.

- 5.2 Paragraph 57 of the National Planning Policy Framework (NPPF) states "it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes". Policy DP32 of the Hambleton Local Development Framework (LDF) requires that the design of all developments must be of the highest quality and in terms of scale, volume and massing, all development should contribute positively and respect the scale of spaces and buildings in the area.
- 5.3 The majority of the properties on Byland Avenue are single storey bungalows with the exception of Greenacres at the head of the cul de sac. This property is adjacent the application site and is a dormer bungalow. The properties running along the south west side of Byland Avenue back onto two/three storey properties located in adjoining street of Barbeck. It is accepted that 18 Byland Avenue is the largest property on the street, however two storey properties in adjoining streets are visible and as such the property is in keeping with the wider street scene.
- 5.4 The increase in eaves height has resulted in a large expanse of brickwork to the north elevation which is currently considered harmful to the character and appearance of the dwelling and to the street scene. It is considered the proposed alterations to lower the eaves of the north elevation, erect a canopy around the north and north east elevation, changes in fenestration details, erection of a timber pergola and installation of two roof lights in the north elevation of the garage would all help break up the large expanse of wall and improve the appearance and design of the property and as such the appearance of the property would be considered acceptable, in contrast to the existing appearance which resulted in service of the Enforcement Notice. The previous alterations to the building including the addition of the conservatory and alterations to the windows and doors are considered acceptable. It is considered the proposed changes will result in the property being in keeping with the requirements of Policy CP17 and DP32 of the LDF and the guidance within the NPPF.
- 5.5 The neighbour to the east has raised concerns that the two storey house that has been built that is dominant, overbearing, and out of keeping with its surroundings. They consider the proposed changes do nothing to reduce the overall impact of the property and are making the property even larger. The neighbour considers the only way to deal with the excessive impact of the house is to lower the eaves to their approved height, bringing the property to an appropriate size and scale. It is noted the proposed changes will make the property slightly larger, however it is considered the alterations will lessen the impact of the property and break up the north elevation which currently dominates the street scene.
- 5.6 The neighbour also has concerns regarding the redesigned joint access to No. 18 and Greenacres, in that it will constraint access to Greenacres and as such visitors to the property will park on Byland Avenue. There is a current ongoing legal case regarding the access to Greenacres and this is a civil matter that cannot be considered by the Local Planning Authority.
- 5.7 The Highway Authority previously raised concerns about loose gravel being used adjacent to the public highway. However the gravel is now retained with the site and this has rectified the issue. The Local Highway Authority have confirmed that the site plan 3612-07 is acceptable and a condition can be included as part of the approval to ensure the access, parking, manoeuvring and turning areas are constructed in accordance with plan 3612-07.
- 5.8 It is considered that the proposed alterations to the design of the dwelling would lessen the impact of the scale, massing and design of the property and reduce the impact of the property on the character and appearance of the street scene. The

application is therefore recommended to be granted. Subject to this, and the subsequent implementation of the scheme, the Enforcement Notice would no longer be necessary

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) a Planning Obligation to complete the approved works within 12 months of the date of the decision; and (b) the following conditions.
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) 3612-01 rev A, 3612-05, 3612-06 and 3612-07 received by Hambleton District Council on 26th June 2015 unless otherwise agreed in writing by the Local Planning Authority.
 3. 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 3612-07). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 4. 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.

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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4. 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.

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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 Members deferred consideration of this application to allow a visit to be made to the site and to request illustrative details. 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 but illustrative details have now been requested, which will be available for Members to inspect at the site visit.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the 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: vehicular access; vehicular parking; vehicular turning arrangements; and 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: on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.

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.

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15/01259/FUL

Demolition of agricultural barn and construction of a three bedroom dwelling. at Ivy Cottage, West Rounton for Mr & Mrs I Mann

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the south end of West Rounton, and includes an open barn which is positioned close to a single storey stable building, and two dwellings, Ivy Cottage and Holly Cottage. Ivy Cottage is two storey. Holly Cottage is single storey. Both are rendered and painted white. The buildings form a linear group, located behind the main line of development in the village, along the village street. Ivy Cottage is accessed via a drive direct from the village street. Holly Cottage is accessed from the south via a steep drive.
- 1.2 The site is at the end of a promontory above the river, and the land falls moderately steeply to the south and west. The site itself occupies level ground partially forward of the existing barn. Across the street from the site, the Parish Church, Listed, Grade II*, is also slightly elevated. On the roadside from the church there is a pair of cottages.
- 1.3 The proposal is to remove the barn and construct a detached two storey house with 3 bedrooms in a simple pitched roof design, with a small pitched roof porch on the front (east) elevation. The house is proposed to be rendered externally and to have a clay pantile roof. The neighbouring stable is to be partially demolished and two parking spaces provided.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 09/02558/FUL Retrospective change of use of ancillary accommodation to a holiday cottage; Granted 11 December 2009.
- 2.2 07/02832/FUL - single storey extension to existing dwelling to form a sunroom; Granted 29 October 2007.
- 2.3 2/98/169/0057 - formation of a surface for the schooling of horses; Granted 16 June 1998.
- 2.4 2/94/169/0021B - extension to existing agricultural building to form 2 stables; Granted 15 November 1994.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP2 - Access
Core Strategy Policy CP1 - Sustainable development
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
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

4.0 CONSULTATION

- 4.1 Parish Council – no response.
- 4.2 Historic England - draws attention to the opportunity for the development to positively affect the setting and therefore the significance of designated heritage assets. These aspects are considered to be adequately addressed in the Planning Design and Access Statement.
- 4.3 Highway Authority - conditions recommended.
- 4.4 Environmental Health Officer – recommends a condition to regulate construction times.
- 4.5 Neighbours and site notice - concerns have been expressed about overlooking and loss of privacy to Church Cottage and whether a precedent would be set for further development. Comment have been made on the extent of the applicant's ownership.

5.0 OBSERVATIONS

- 5.1 West Rounton is a village without status within the hierarchy set out in CP4 as adopted in 2008. In 2015 the Council adopted Interim Policy Guidance which updates the hierarchy and includes West Rounton as a secondary village, and which provides for a more flexible consideration of new development at the edge of settlements. Accordingly the main consideration is whether the development is in accordance with the criteria of the Interim Guidance, and thereafter whether it is in accordance with any other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.
- 5.2 The Interim Policy Guidance states that “Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
 - 1. Development should be located where it will support local services including services in a village nearby.
 - 2. Development must be small in scale, reflecting the existing built form and character of the village.
 - 3. Development must not have a detrimental impact on the natural, built and historic environment.
 - 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - 6. Development must conform with all other relevant LDF policies.”
- 5.3 The inclusion of West Rounton in the updated settlement hierarchy as a secondary village indicates it is considered to be a reasonably 'sustainable' location where an additional dwelling can be considered to support local services, which include a pub.

- 5.4 As a single dwelling it is small in scale. The site is at the village edge, and the proposed dwelling is aligned with the neighbouring properties forming a continuation of the established line of development, to a point where changes in topography form a natural end point. For these reasons the development reflects the existing built form of the village.
- 5.5 The site supports an existing development and the new proposal will not harm the natural or built environment. The Listed Parish Church is the strongest feature in the historic environment locally, and it is important that any new dwelling is not harmful to its setting. Historic England identify that the position, proximity and orientation and topography of the application site and church are key factors in enhancing the heritage asset and on this basis, the development will not be harmful to the setting of the church or the historic environment generally.
- 5.6 Due to the distinctive topography and the existing building on the site, the proposed development will appear as a natural addition to the village and not be harmful to the open character of the surroundings.
- 5.7 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.
- 5.8 The proposal is considered to be acceptable development in the terms of the Interim Policy Guidance.
- 5.9 With regard to the amenity of neighbours, due to the alignment of the properties, there will not be any significant harm to the amenities of occupiers at Holly Cottage or Ivy Cottage. Neighbours across the road have expressed concerns about overlooking from the proposed house. Whilst the facing windows in this direction would be a new feature, the distance between the properties would be approximately 60m and would be comfortably outside the range where loss of amenity would normally be considered to be unacceptable, and refusal on these grounds could not be justified.
- 5.10 The proposed design is a simple structure with traditional features including a clay tile roof and chimneys and is in keeping with the character of the other village houses locally.
- 5.11 With regard to highway safety, the proposed access from the south has not been objected to by the highway authority and on this basis the proposal is considered acceptable in highway safety terms.
- 5.12 With regard to the concerns of a neighbour about precedent, any new proposals would have to be considered carefully on their merits and against the relevant policies and advice at that time.
- 5.12 The development is CIL liable.

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 drawing(s) numbered 147:14/01 Rev B received by Hambleton

District Council on 4 June 2015 unless otherwise approved in writing by the Local Planning Authority.

3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 147:14/01 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. 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 4 above.

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