

# Public Document Pack

**HAMBLETON**  
DISTRICT COUNCIL

## AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 22 December 2015

Dear Councillor

### NOTICE OF MEETING

Meeting            **PLANNING COMMITTEE**  
Date                **Thursday, 7 January 2016**  
Time                **1.30 pm**  
Venue               **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

***P. Morton.***

Phillip Morton  
Chief Executive

**To:**

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

Other Members of the Council for information

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

## **AGENDA**

### **Page No**

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 10 December 2015 (P.17 - P.18), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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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 9.30 am on Thursday, 10th December, 2015 at Council Chamber, Civic Centre, Stone Cross, Northallerton

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## Present

Councillor D A Webster (in the Chair)

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

## Also in Attendance

Councillor	Mrs B S Fortune	Councillor	B Phillips
	A W Hall		M S Robson
	Ms C Palmer		

Apologies for absence were received from Councillors G W Ellis and A Wake

## P.17 MINUTES

### THE DECISION:

That the minutes of the meeting of the Committee held on 12 November 2015 (P.15 - P.16), previously circulated, be signed as a correct record.

## P.18 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) 15/02061/OUT - Construction of a single dwelling at Hall Garth, Fanny Lane, Knayton for Mr & Mrs J Appleton

PERMISSION GRANTED subject to receipt of an amended plan showing the visibility splay; consideration of any comments from the Highway Authority and an additional condition to ensure the development does not proceed in the absence of the approved visibility splay.

(Rosemary Dinwiddie spoke objecting to the application.)

- (2) 15/00006/FUL - Construction of 81 no dwellings at Lyngarth Farm, Bedale for Persimmon Homes

DEFER for further discussion with the developer regarding the provision of the three-storey dwellings and management of public open space.

(Geoffrey Tuplin spoke objecting to the application.)

- (3) 15/02403/FUL - Proposed demolition of existing bridge and construction of new bridge and highway over Cod Beck at Dalton Bridge, Dalton for Hambleton District Council

PERMISSION GRANTED

(Mark Cowell spoke in support of the application.)

Disclosure of Interest

Councillor M S Robson (as Leader of the Council) left the meeting during discussion and voting on this item.

- (4) 15/01554/FUL - Retrospective planning application for retention of a static caravan on car park at Ye Jolly Farmers, Dalton for Mrs J Cooper

PERMISSION GRANTED subject to the removal of Condition 1.

- (5) 15/02034/FUL & 15/02035/LBC - Proposed alterations and extension and change of use of Village Hall to dwelling at Felixkirk Church Hall, Felixkirk for Felixkirk C of E Parochial Parish Council, Diocese of York

PERMISSION GRANTED

(The applicant's agent, Crispin Pettifer, spoke in support of the application).

- (6) 15/01656/FUL - Proposed construction of 4 new dwellings and associated access road and parking at Land adjacent 4 - 5 Brookside, Hackforth for Newroc Ltd

PERMISSION GRANTED

- (7) 15/02538/PND - Prior notification for the demolition for the unlisted parts of former prison and boundary wall at H M Prison Northallerton, East Road, Northallerton for Hambleton District Council

PRIOR APPROVAL GRANTED

Disclosure of Interest

Councillor M S Robson (as Leader of the Council) left the meeting during discussion and voting on this item.

- (8) 15/00905/OUT - Outline planning permission for the construction of 8 dwellings (considering access) at Chapel Farm, Pickhill for Mr Peter Barningham

PERMISSION GRANTED

- (9) 15/01327/FUL - Construction of an access track at Land to south of Tame Bridge, Stokesley for Mr Adam Holloway

APPLICATION WITHDRAWN

- (10) 15/02243/REM - Reserved Matters Application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 98 homes and associated infrastructure at Land East of Topcliffe Road and South of Gravel Hole Lane, Topcliffe Road, Sowerby for Linden Homes North

PERMISSION GRANTED subject to the terms of the Section 106 Agreement (LP31/544) attached to 15/00145/MRC.

(The applicant's representative, Shaun Linton, spoke in support of the application).

- (11) 15/02389/REM - Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of 44 homes and associated infrastructure at Land East of Topcliffe Road and South of Gravel Hole Lane, Topcliffe Road, Sowerby for Taylor Wimpey

PERMISSION GRANTED subject to the terms of the Section 106 Agreement (LP31/544) attached to 15/00145/MRC.

(The applicant, Russell Hall, spoke in support of the application).

The meeting closed at 12.00 pm

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Chairman of the Committee

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# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 7 January 2016. 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 7th January 2016**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	15/01518/OUT Mrs H Laws Burneston  Page no. 9	Outline application for the construction of 5 detached dwellings  For: C Craggs & A Barker At: Land adjoining Manor House Walk, Burneston  <b>RECOMMENDATION: GRANT</b>
<b>2</b>	15/00530/FUL Mr T Wood Easingwold  Page no. 19	Change of use of car sales showroom at garage site into owner's dwelling  For: Mr & Mrs Chris Wiggins At: Rose Bower Garage, Thirsk Road, Easingwold  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	15/02311/OUT Mrs B Robinson East Harlsey  Page no. 23	Outline application for the change of use of agricultural land to domestic and the construction of a single dwelling with all matters reserved.  For: Mr Brian Noble At: Land Between Bankside Farm and Hawthorn Cottage East Harlsey  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	15/02407/FUL Mrs B Robinson East Harlsey  Page no. 29	Change of use and extension of barn to form dwellinghouse and construction of domestic double garage and garden store  For: Bennett At: May Cottage, East Harlsey  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	15/02116/OUT Mrs H Laws Snape  Page no. 35	Application for outline planning permission for the construction of a dwelling with some matters reserved (considering access and layout)  For: Mr & Mrs Cassells At: Cedar Garth, Meadow Lane, Snape  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	15/02189/OUT Mrs H Laws Snape  Page no. 43	Outline application for a new dwelling with some matters reserved (includes access and layout)  For: Mr David Kell At: Land east of The Anchorage, Lowfield Lane, Snape  <b>RECOMMENDATION: GRANT</b>

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15/01518/OUT

**Outline application for the construction of 5 detached dwellings  
at Land adjoining Manor House Walk, Burneston  
for C Craggs & A Barker**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the eastern side of the village to the rear of the residential development at Manor House Walk. The land is currently agricultural and covers an area of approximately 0.3 hectares. Access would be taken from the tarmaced head of Manor House Walk using a shared drive currently used by 13 and 14 Manor House Walk and currently providing an agricultural access to the field. The land rises up from Manor House Walk and is bounded by mature trees and hedgerows.
- 1.2 The application is an outline application with all matters reserved for the construction of 5 dwellings. Although all matters are reserved it is intended to provide the access from Manor House Walk. An illustrative layout and elevation drawing have been received, which shows a U-shaped development of single and two storey houses forming a cul de sac style development. The illustrative layout also indicates that the shared drive would be upgraded to adoptable standard as it would serve a total of seven dwellings following the development.
- 1.3 The applicant proposes a total of 40% affordable housing provision.

**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 CP9 - Affordable housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP15 - Promoting and maintaining affordable housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP34 - Sustainable energy  
Development Policies DP43 - Flooding and floodplains

## 4.0 CONSULTATIONS

### 4.1 Parish Council - the following comments were raised at a public meeting:

1. The proposal would cause the eastern settlement boundary of the village to be moved a considerable distance further east. This would then open the way for much more substantial development of adjoining green field sites in the future
2. The drainage systems of the village are barely able to cope with the demands placed upon them, particularly as regards the removal of rainwater. Further development would compromise these drains even more, with respect to the removal of both rainwater and sewage. In particular, if this proposed scheme were to be just the first phase in a much larger development in the coming years, the capacity of the foul-water drainage system would be completely overwhelmed and would require major infrastructure renewal
3. Another concern relating to infrastructure is that the broadband service in Burneston is already unsatisfactory. If there were to be a large development in future, of which this current scheme was just the first phase, then our problems with the speed and availability of internet access would almost certainly get worse
4. Further development of the eastern part of Burneston would compromise, or even obliterate, the views of the surrounding countryside which the residents currently enjoy, both from their own properties and from the Back Lane, a popular area for walkers
5. Any significant increase in the number of houses in the village would mean more traffic on the village main street, especially at peak times such as when children are arriving for school in the morning
6. In addition, we would like to say, as a council, that there is an opportunity to develop a brown field site in the village, namely the almshouse square. The square is home to a listed building, the Matthew Robinson almshouses, on its northern border but has very poor-quality buildings on its other two sides and is in urgent need of redevelopment. Such redevelopment is a high priority for the Parish Council and should, we feel, be undertaken before any green field land is released for more house building.

### 4.2 Highway Authority - conditions recommended.

### 4.3 Yorkshire Water - from the information provided by this planning application form (foul to public foul sewer / surface water to soakaway/s), observations from Yorkshire Water are not required.

### 4.4 Environmental Health Officer - no objections.

### 4.5 Site notice/local residents - a total of 25 objections have been received from local residents, which are summarised as follows:

1. Burneston does not require high quality detached houses - several properties of this nature have remained either unsold or have taken a considerable time to sell on Manor House Walk including Manor House Farm.
2. The village may have a thriving community but the local services, having not been supported have seen their demise in the last 13 years. An extra 5 houses will not create support for these non-existing services nor provide a need for any local services to be reinstated.
3. I cannot see that the local Businesses referred to will benefit from these 5 extra houses, either in providing their services, or indeed providing employment.

4. The existing utilities currently available on Manor House Walk do not have the capacity to serve further development; the Broadband is appalling, the mobile phone signal spasmodic, the sewerage system not adequate, the communal LPG gas tank on Site creates significant tanker visits without increasing the tank capacity for 5 further houses.
5. The disruption with construction traffic and eventually a potential of more than ten further cars, accessing the new housing, will create added danger on what is a very quiet street with local children playing on and nearby. If vehicular access to the proposed site is to be between No. 13 & No. 14 this will not only be restrictive through a very narrow gap but the added Health & Safety issues, being literally a few feet from the LPG gas tanks should be of very serious concern
6. Numbers in the local school may be falling but it is unlikely that these intended 5 detached houses will be affordable for families with young school age children.
7. Since the A1 was upgraded, there has been a considerable increase in traffic noise on Manor House Walk and the proposed development, being somewhat closer, will be even harder to promote with the continual motorway noise.
8. There are at least two 'brown field' sites in the village that should be developed before we build upon 'green field' sites.
9. If these 5 houses are approved then it will redraw the eastern boundary of the delimitation of the village and so allow continued development along the rear of St Lambert's Drive and Pennine View toward Back Lane.
10. Any development to the east of my property will affect the view over the Hambleton Hills, decreasing desirability of living here.
11. The village has no regular bus route. The village shop is a shop only in name and serves no useful purpose to the village. There is no village hall and therefore no centre outside the primary school or pub for village events
12. Hambleton's 2005 development framework document stated that this proposed development would be out of scale with the existing village, would be a major extension into open countryside and would have a negative impact on the current settlement form
13. With this planned increase of estate size to 24 properties, and elimination of the farm field adjacent to my property, I believe that this will have a negative effect on the current value of my property. How can the planning committee guarantee that my property value will not be affected in this adverse manner?
14. The parking situation in Manor House Walk is already dangerous with cars and vans parked on the pavement and on corners. Manor House walk is dangerous for drivers as the view around the bend is limited by parked cars.
15. The site is not in a flood zone but it will contribute to the extensive flooding that occurs in the main street and other areas
16. There is no evidence that "New developments greatly improve ecological environment" Loss of arable land is one of the main reason for the loss of wildlife
17. The LDF and Interim Policy Guidance document reinforce the principle that any extension to development boundaries into greenbelt land should only be allowed in exceptional circumstances. The priority should be to utilise infill sites and brownfield sites wherever possible. There is no evidence that this application constitutes exceptional circumstances
18. In principle the planning application would appear to follow the guidelines; however, of great concern is the potential for further development and changes to village boundaries
19. The proposed development will be on the highest point within the village. The present top end of Manor House Walk can just be seen from the east. The new houses will be fully visible.
20. The only identified need is for affordable housing for residents who work locally, as recently confirmed by your Housing Department's Housing Needs Survey.

## 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 dwellings on the character and appearance of the village, the effect on the adjacent listed building, neighbour amenity, highway safety and ecology. Further issues raised by the Parish Council and residents will also be considered.

Principle of development

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

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

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

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

- 5.6 In the 2014 settlement hierarchy contained within the IPG, 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 relatively close to the centre of Burneston which has facilities including a school, shop and pub. Criterion 1 would be satisfied.

#### Impact on form and character

- 5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on undeveloped agricultural land that lies at the end of Manor House Walk. 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."

Burneston is characterised by rolling farmland and mature trees contribute to its setting. The proposed development would extend the built part of Burneston into the countryside. The site is bounded to the north and east by open countryside and to the south by a public right of way, beyond which is the curtilage of Burneston Hall. The application site is not Green Belt but clearly is open countryside but as it lies adjacent to the village on two sides it has a close relationship to the built form of the village. The existing trees help to reduce the opportunity for long range views of the site.

#### Effect on listed buildings

- 5.8 The application site lies to the north of Burneston Hall, which is a grade II listed building. The site is separated from the boundary of the Hall by a public right of way, which lies at a lower ground level than the site. The northern boundary of Burneston Hall is formed by a brick wall of varying heights, which provides a strong boundary to the land beyond. Although the impact on the setting of the listed building would be an important factor in the consideration of a reserved matters application it is considered that it would be possible to develop the application site without harm to the heritage asset.

#### Amenity

- 5.9 Several objections have highlighted that the proposal will alter or remove countryside views from nearby properties. There is no doubt that for dwellings in close proximity to the site that the proposal could alter their outlook and affect their view of the countryside. However, this in itself is not material reason on which to refuse the application. It is considered that there would be adequate separation distances between dwellings to protect residential amenity and to satisfy the requirements of LDF Policy DP1.

#### Ecology

- 5.10 Policy DP31 of the Development Policies DPD states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'. It should be possible to retain the hedgerows bounding the site, which are valuable assets of conservation value and an appropriate condition is recommended.

### Further issues

- 5.11 The comments raised by the Parish Council regarding the ability of the drains to cope with this and other potential new development could only be a matter relevant to the determination of the Planning application insofar as the capacity to serve the additional five dwellings proposed is concerned. Any further development proposal would require fresh assessment. Yorkshire Water has raised no objections to the proposals.
- 5.12 The comments relating to the current demand for housing in Burneston is not relevant to the determination of the application. There is recognised housing need within the District and additional development in Burneston would help to meet this, subject to assessment of proposals against other criteria.
- 5.13 Consideration of future development is not relevant to this planning application; each proposal for development is considered on its own merits.

## **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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
  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 development shall take place until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority



7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
8. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include: (a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council; (b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 2 open market dwellings on the site; (c) the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
9. 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.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway footway shall be constructed in accordance with the Standard Detail number E6 var.; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; f. That part of the access 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.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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: b. vehicular and

pedestrian accesses; c. vehicular parking; d. vehicular turning arrangements; e. manoeuvring arrangements

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. 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 the location plan received by Hambleton District Council on 7 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
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. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
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 in

accordance with Policies CP1, CP16, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.

8. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. 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.
11. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
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.
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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**15/00530/FUL**

**Change of use of car sales showroom at garage site into owner's dwelling  
at Rose Bower Garage, Thirsk Road, Easingwold  
for Mr & Mrs Chris Wiggins.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies on the eastern side of Thirsk Road at the northern end of Easingwold. It relates to the Rose Bower garage building and forecourt area that fronts on to Thirsk Road.
- 1.2 The site has two access/egress points on to Thirsk Road. There are a number of residential properties surrounding the site and they include Four Winds, Halcombe and Rose Bower (house) and they are set at a higher level. An application has recently been approved for a two-storey 4-bedroom detached dwelling on the site directly to the east, see history below.
- 1.3 This proposal seeks permission to convert part of the garage building into a 3 bedroom dwelling for the owners. The workshop and MOT station would be retained as would one diesel pump on the forecourt. A second pump within the application site would be removed.

**2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 The relevant planning history relates to the car repair, fuel and car sales garage and the adjacent land to the south and east.

Garage:

- 2.2 97/50454/P - Extension to existing garage; granted 5 June 1997.

Adjacent plot:

- 2.3 14/00252/FUL - Construction of a detached dwellinghouse; refused 30 June 2014 due to the design including overdevelopment, loss of amenity to neighbours and adequacy of access arrangements and lack of contribution towards Public Open Space provision.

- 2.3 15/00237/FUL - Construction of a detached dwellinghouse; granted 13 August 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 CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP17 - Retention of employment sites

#### **4.0 CONSULTATIONS**

- 4.1 Easingwold Town Council - wish to see approved
- 4.2 NYCC Highways - no objections subject to conditions
- 4.3 Environmental Health Officer - no objections
- 4.5 Publicity - One objection from a neighbour raising concerns as to how both this application and the approved scheme 15/00237/FUL could be implemented together and stating that this would cause problems with access, turning and parking. There would be conflict between the uses in terms of traffic. The 150w floodlights would cause light pollution.

#### **5.0 OBSERVATIONS**

- 5.1 The issues to be considered include the principle of a residential use in this location; design and the effect on the character and appearance of the area; the impact on residential amenity; and highway matters.

##### Principle of residential use

- 5.2 The applicant states that they wish to create a residential unit on the site to enable them to live and work at the garage. It is proposed that the show room section of the garage would be converted to a 3-bedroom dwelling and that the workshop/MOT station would be retained. The employment element would be retained on site and this would be in accordance with Policy DP17. In terms of the location the principle of a dwelling in this location is accepted as the site falls within the Development Limits of Easingwold. It is considered that the proposed residential use is therefore acceptable in principle.

##### Design, character and appearance

- 5.3 Given that it relates to a conversion of an existing building, the starting point for assessing the design of the proposal must be the change it would make from the current appearance of the building. The proposals require alteration to the existing showroom area and would involve changes to windows and doors to create a more domestic frontage to of the dwelling which would respect that of the host building and would not adversely impact on the area. Infill materials would be brick to match existing. The area is characterised by a mix of house types and designs. The existing garage building sits within the street scene albeit at the end of the built form of Thirsk Road, the building, the fuel pumps and the vehicles parked around the site define the character of the site.
- 5.4 The proposal would change the character by altering the materials and openings on part of the built frontage but the view from the street would not be adversely affected by the proposal and in some respects would be improved by the use of more traditional materials and landscape planting. Whilst the result design would not create the appearance of a conventional dwelling the scheme can provide the space and amenities required for a dwelling. The changes are of a domestic scale on a building of domestic scale the only feature that is unusual for a domestic property is the deep fascia board and flat roof; however these are existing features and do not render the conversion scheme unacceptable.

### Amenity

- 5.5 Due to separation distances between the garage and the neighbouring dwellings and the fact that the garage is set at a lower level than the neighbouring properties and as the scale and footprint would not change, and no overlooking windows or overshadowing would be caused the proposal would not be overbearing to neighbours. The proposed development is in accordance with LDF Policy DP1.
- 5.6 Fenced amenity space of about 5 metres in width would be provided to the side and about 3.5 metres would be provided in front of the new dwelling such that there would be a total amount of space normally considered sufficient for bin and recycling storage and sitting out space to meet the basic needs of the residents as required by Policy DP1. However, the amenity space would be of an irregular shape and the front, more public, section is likely to be of limited value because it would front onto an access shared with the garage.
- 5.7 The advice from the environmental health officer is given on the understanding that the dwelling could be occupied independent of the retained garage.

### Highway matters

- 5.8 Two parking places would be provided for the dwelling and two spaces for customers on the forecourt to the garage. The parking spaces to the adjacent plot (approved under reference 15/00237/FUL) are shown to be revised, to enable both applications to be implemented. The change to the parking provision for the neighbouring plot would require approval to the variation of the detail for that site but that is not a matter that is to be determined by this application. The Highway Authority has no objections to the scheme subject to appropriate conditions.

## **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 location plan; revised street scene; revised block plan; revised elevations and revised plan (floor layout) received by Hambleton District Council on 18 November 2015 and the materials specified on those plans, unless otherwise approved in writing by the Local Planning Authority.
  3. No part of the development shall be brought into use until the vehicle parking, access and turning areas have been constructed in accordance with the drawing (Reference W313/16A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  4. Notwithstanding the approved plans, the footpath to Thirsk Road across the full width of the site shall be maintained to a width of no less than 800mm.
  5. Notwithstanding the provisions of any General or Special Permitted Development Order the dwelling shall not be extended and no structures shall be formed within the curtilage of the building.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
4. To allow for safe pedestrian access across the site in accordance with Policy CP2.
5. To allow the Local Planning Authority to retain control of the amount of outdoor amenity space to meet the reasonable needs of occupiers in accordance with Hambleton Local Development Framework Policies CP1 and DP1



**Parish: East Harlsey**  
Ward: Osmotherley & Swainby  
**3**

Committee Date : 7 January 2016  
Officer dealing : Mrs B Robinson  
Target Date: 9 December 2015

**15/02311/OUT**

**Outline application for the change of use of agricultural land to domestic and the construction of a single dwelling with all matters reserved. as per email received by Hambleton District Council on 3rd November 2015.  
at Land Between Bankside Farm And Hawthorn Cottage East Harlsey North Yorkshire for Mr Brian Noble.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site has approximate dimensions 34 x 42 metres and is part of a field on the north side of the road, toward the east end of East Harlsey. The site contains a dilapidated agricultural building on the west side. The site lies between, (to the east), Hawthorn Cottage, one of a pair of semi-detached bungalows, and (to the west), Bankside Farm, a modern two storey house. There is an access track between the site and Bankside Farm, which serves farm buildings to the north. The site slopes down gently away from the road. The roadside boundary and the west side boundary are hedged. The east boundary to Hawthorn Cottage has a 1.8m (approx) high fence. There is an existing field access on the west side of the plot, which has the appearance of having been widened in recent years and which is closed at present by heras type fencing.

1.2 The proposal is in outline consent for (as amended) one dwelling, with all matters reserved.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 14/00618/FUL Alterations and extension to existing farm building to form a holiday let. Withdrawn 12.05.2014

2.2 15/02139/FUL Construction of a detached dwelling house with domestic garage. Approved 16.11.2015 on land to the west of Bankside Farm .

#### 3.0 NATIONAL AND LOCAL POLICY:

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

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- 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
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Policy Framework

#### 4.0 CONSULTATIONS

4.1 Parish Council - The Parish Council recommended that this application be refused at this stage since there was insufficient detail in the application to allow proper consideration of the merits of the application.

As amended - The Parish Council would like to reiterate its objection to the amended

application for one dwelling on the same grounds (as previously).

4.2 NYCC Highways - conditions recommended.

4.3 Historic England - determine in accordance with national policy and guidelines.

4.4 Neighbours site notice and press notice - last expiry 23.11.2015. No observations have been received.

## 5.0 OBSERVATIONS

5.1 East Harlsey is a village without status within the hierarchy set out in CP4 as adopted 2008. In response to the guidance of the NPPF, in 2015 the Council adopted an Interim Guidance Note which updates the hierarchy and includes East Harlsey as a secondary village. The Guidance provides for a more flexible consideration of new development at the edge of settlements. Accordingly the main consideration is whether the development is 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 Interim Guidance Criteria:

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 East Harlsey 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 in this case include a pub, and a village hall.

5.4 As a single dwelling it is small in scale. The site is between existing developments and the development reflects the linear form of the village.

5.5 The site is an open field and other than hedges, which could be retained as required, the proposal would not be detrimental to the natural environment. The surroundings do not include Listed Buildings and overall would not be harmful to the historic or built environment, subject to considerations of design, which can be controlled with the consideration of reserved matters, should the application be approved.

5.6 At the east end of the village, development is sporadic with one or two existing gaps on the north side of the road. Development ceases on the south side of the road, just short of the application site. The application site is within the 30 mph village area, with street lights, and has the character of forming part of the village, and on this basis it would not be harmful to the rural surroundings.

5.7 There is no evidence that a single extra dwelling cannot be accommodated within the

capacity of the existing infrastructure.

5.8 Overall therefore, the proposal is acceptable development in the terms of the Interim Policy Guidance.

5.9 With regard to the amenity of neighbours, due to the size of the plot there is scope to achieve a design that is not harmful to the amenities of neighbours.

5.10 Siting and design are reserved to be considered later, however it can be seen that the size of the plot is capable of accommodating a dwelling that would reflect the relatively spacious setting of Bankside Farm and the recently approved dwelling to the west of Bankside Farm, and to an appropriate design which pays due regard to traditional design and local character and distinctiveness, as required by policy DP32.

5.11 With regard to highway safety, the present proposal does not include details of access. However, the Highway Authority raise no concerns in principle and on this basis the proposal will not be harmful to road safety.

5.12 With regard to the concerns of the Parish Council, the proposed development is outline consent only and no detail is required at this stage.

5.13 The development is CIL liable.

## SUMMARY

Due to its size and location the site is capable of accommodating a dwelling without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above 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:

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and 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 siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.

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 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.

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. 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.

9. 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 (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. (ii) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6 or E9. (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular turning and parking arrangements ii) visibility splays at the access

11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under

condition 10 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.

12. Except as shall be approved for the purposes of creating an access, no part of the existing boundary hedge along the south boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
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. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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. In accordance with CP2 and DP4 and in the interests of highway safety
9. In accordance with 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.
10. In accordance with CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. The hedge is important to the rural surroundings of this village edge location in accordance with the Local Development Framework Core Strategy Policy CP16.

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**Parish: East Harlsey**  
Ward: Osmotherley & Swainby  
**4**

Committee Date : 7 January 2016  
Officer dealing : Mrs B Robinson  
Target Date: 6 January 2016

**15/02407/FUL**

**Construction of dwelling to include existing stable/store building, and construction of detached garage..  
at May Cottage East Harlsey North Yorkshire DL6 2BL  
for Bennett.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a plot with dimensions 30 x 37metres, located at the rear of a two storey property, May Cottage. The land appears to be in use as an informal garden. The site shares an access with May Cottage from which a grass track proceeds to the site. There is a single storey single stable / store building, dimensions 16 x 4.5 m, positioned on the north boundary with May Cottage, and a small woody area in the north west corner of the site. The existing building is rendered and has a clay tile roof. To the east the site abuts a garage/parking area at the rear of the terraced houses along the village street, and the boundary is a mix of fencing. To the west the site abuts the rear garden of Westgarth and the boundary is hedged. The south boundary is post and rail fence.

1.2 The village is mainly linear. On the south side of the street there are a small number of properties in tandem or back-land positions. Harlsey Hall and St Oswalds church are set back from the village street by approximately 130 metres.

1.3 The proposal is a new dwelling, positioned in the north-east corner of the site, and incorporating the existing single storey building, together with a detached double garage and garden store, located in the north west corner of the plot. The proposed house is single storey. The new build is L shaped, and is proposed to have coloured render on the walls, and clay tile roof. The proposed garage has a hipped roof and has matching materials.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 None

#### 3.0 NATIONAL AND LOCAL POLICY:

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

National Planning Policy Framework  
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  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015

#### 4.0 CONSULTATIONS

4.1 Parish Council - The Parish Council unanimously agreed that this application should be REFUSED by Hambleton District Council for the following material considerations:

a) Granting of this planning application would change the characteristic of the village by creating a second row of properties;

- b) Should this application be granted, then there would be a large number of places in the village where this type of planning would be possible.
- c) The cumulative impact would significantly change the make-up of the village;
- d) The privacy of the residents of Airedale House is seriously compromised and needs to be considered either by moving the double garage, or ensuring that their privacy is maintained in another way.

The Parish Council has consistently believed that an increase of housing between 5-10% in the village is a reasonable amount. There are already 5 planning applications that have been approved by Hambleton District Council with two more being currently considered. The Parish Council feel that this is reaching the limit to what would be considered acceptable to the village.

The Parish Council would also like to point out that they would not necessarily reject any planning applications for brownfield sites should these arrive in the future.

#### 4.2 Neighbours, site notice and press notice - last expiry 21.12.2015

Observations to date:

Object - did not move to village to have two properties built, with refuse bins.

Neutral - do not object in principle. View would be slightly impeded but due to angle, not objected to. Concern about proximity of proposed garage to boundary gives rise to concerns about vehicle noise. Retention of orchard screen would overcome this concern.

Concern about 'rearward' additions and the effect on the layout of the village if this would change the current rural layout and atmosphere, and precedent should be taken into account.

#### 4.3 Environmental Health - no objection.

### 5.0 OBSERVATIONS

5.1 The main issues are whether the proposed site is acceptable in principle in terms of the character and form of the village and whether the development would have any detrimental impact on residential amenity or road safety and whether the proposed design is acceptable in this location.

Policy principles

5.2 East Harlsey is a village without status within the hierarchy set out in CP4 as adopted 2008. In response to the guidance of the NPPF, in 2015 the Council has adopted an Interim Guidance Note which updates the hierarchy and includes East Harlsey as a secondary village. The Guidance 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.

Interim Guidance Criteria:

5.3 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.

5.4 The inclusion of East Harlsey 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 in this case include a pub, and a village hall.

5.5 As a single dwelling it is small in scale. In terms of the form of the village, the proposal is a back-land development which is not typical of the village, although there are some examples on the south side of the village street.

The development is aligned with existing domestic land on each side, and is contained in the body of the village. It would not intrude into open countryside, or be visible from the street, or on approach from the south. Whilst not representative of the main form of the village, and thus not fully in accordance with the criteria of the Interim Guidance Note, the effect on the form of the village would be minimal. Taking into account that the existing character of the village includes some back-land development on this side of the village street, the proposal is considered to accord with the requirements of policy.

5.6 Neighbouring properties at this west end of the village have similar 'garths' at their rear, which have mainly been incorporated into domestic curtilages, and which have the potential to come forward for consideration for housing development. Each would have to be assessed on their own merits. The circumstances of this case, including the existing building on the site, the close proximity to development on the neighbouring plot, the readily available access and unobtrusive nature of the scheme, indicate that this proposal is acceptable and refusal on the basis of precedent for future development would not be justified.

5.7 The site is predominantly garden ground and does not include the trees at the rear of Airedale house and there would be little harm to the natural environment. The site is well separated from any Listed or other significant historic building. The proposed house is relatively modest and self-effacing in design and the use of traditional materials and restrained colouring would be sympathetic to the local built environment.

5.8 The site is within the 'body' of the village and will not be detrimental to the surrounding countryside or lead to the coalescence of settlements.

5.9 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.

5.10 In conclusion, the proposal falls short of full compliance with the Interim Policy Guidance in terms of the main form of the village, but has the potential to be an acceptable exception to the principles of sustainability contained in CP1 and CP2.

Other issues

Design

5.11 The house has simple gable end walls, traditional clay roof tiles and a chimney. The H shape plan is not a traditional form although the overall effect is cottage-like and appropriate to the village setting. The proposed garage is appropriate in design and located unobtrusively.

Amenity

5.12 With regard to the amenity of neighbours, the house will not be in the line of sight of neighbouring properties, and while the garage will be to the rear of Airedale House, there is existing screening between the properties. If the screening were to die or be removed the proposed garage would not be unacceptably harmful due to its single storey nature, hipped roof and relatively unobtrusive roof materials.

5.13 With regard to highway safety, the Highway Authority point out that some adjustment to the hedge line to the east would be beneficial, and overall do not object to the scheme on highway safety grounds.

5.14 The Parish Council and others raise concerns about the principle of back-land development, and precedent, which are discussed in the preceding paragraphs, and which are not considered to justify refusal in this particular case.

The privacy of Airedale house is not compromised by the new garage development, and as discussed above, the potential impact on outlook is very limited. Occupiers have expressed concerns about noise arising from the use of the garage but this would be typical of activity in residential areas and would not justify refusal.

With regard to concerns about the proliferation of new development and the consequent impact within the village, the current policies allow only for modest scale development and the implications of each can be considered as they arise.

5.15 The development is CIL liable.

5.16 Due to its size design and location the proposal is appropriate to the village setting and will not have an unacceptable harmful effect on the amenities of neighbours or on highway safety and is able to comply with the above policies.

5.17 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:**

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1435.2.2.301; 1435.2.2.300 Rev B; 1435.2.2.101 Rev A received by Hambleton District Council on 5 November 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 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.

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

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements (i) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. 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: (i) the visibility splay to the east of the access

11. No part of the development shall be brought into use until the approved visibility splay approved under condition number #: is available for 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.

12. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no 1435.2.2.101 REV A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
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 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
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. In accordance with policy CP2 and DP4 and in the interests of highway safety.
9. In accordance with policy 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.
10. In accordance with policy CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with policy 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.
12. In accordance with policy 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.

**15/02116/OUT**

**Application for outline planning permission for the construction of a dwelling with some matters reserved (considering access and layout)  
at Cedar Garth, Meadow Lane, Snape  
for Mr & Mrs Alan Cassells.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site is located on the western edge of Snape village within the Snape Conservation Area. To the west of the site is Snape Castle, which is a Scheduled Monument; the inhabited portion of the castle is listed grade 1. Thorp Perrow estate is accessed off a private drive to the eastern boundary. Thorp Perrow and Snape Castle is a Registered Park and Garden and this borders the application site. There are a number of large, mature trees to the western boundary. A number of residential properties are located opposite (south of) the application site.
- 1.2 The application is an outline application considering layout and access for a detached, four-bedroom dwelling to the western boundary of the existing curtilage of Cedar Garth. The proposed garden would measure approximately 800sqm. The new property would be accessed by the existing access point to Cedar Garth, over which lies a cattle grid, with the proposed dwelling located at the centre of the plot.
- 1.3 The Development Limits boundary extends around the residential property of Cedar Garth and to the Meadow Lane road frontage. The Snape Conservation Area boundary runs around the boundary of the whole garden of Cedar Garth.
- 1.4 The following documents have been submitted with the application:
  - Design and Access Statement
  - Heritage Statement (following receipt of Historic England's comments)
  - Arboricultural Implication Assessment
  - Bat and nesting bird scoping survey

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 81/0349/FUL - Construction of a detached dwellinghouse with domestic double garage; granted 29 January 1981.
- 2.2 07/01100/FUL - Alterations and extensions to existing domestic garage to form a dwelling and creation of a new vehicular access; granted 3 July 2007.
- 2.3 15/00588/OUT - Outline Planning Application for a dwelling (considering access and layout); refused 19 May 2015 for the following reasons:
  1. Having regard to the layout and position of the access, the proposed plot size and subdivision, together with the relationship to heritage assets, edge of village location and significant trees within the Conservation Area, the proposals are considered to be out of keeping with the general pattern of development to the road frontage, the character of the area and would potentially harm the long term health of significant trees. Due to the presence and relationship to significant

trees, the proposals would result in a dark and unwelcoming environment to the detriment of future occupiers and increasing the pressure to remove significant and important trees to the area. The proposed access would result in the loss of the boundary wall which would be to the detriment to the character of the area in a prominent location at the entrance to the settlement. It is considered that the proposals are contrary to Policies CP1 (in particular parts v, ix, x, xi), CP16 and CP17 of the Core Strategy, DP1, DP10, DP28, DP29, DP31, DP32, and DP33 of the Development Policies DPD, and the aims and objectives of the National Planning Policy Framework.

2. The proposals would result in the loss of at least one significant tree and due to the position and layout of the proposed house could result in the loss of further significant trees in the Conservation Area. The applicant has failed to demonstrate that the proposals have adequately assessed the long term health of trees which are important and significant trees in the context of the Conservation Area, the entrance to and setting of the village including that of Snape Castle and Thorp Perrow. The proposals are therefore contrary to Policies CP1 (in particular parts v, ix, and x), CP17 of the Core Strategy and DP1, DP28, DP31 and DP32 of the Development Policies DPD and the aims and objectives of the National Planning Policy Framework.
3. The proposals are surrounded by significant trees and in a location likely to be a habitat for protected birds and bats and other potential species. In the absence of a suitable survey and assessment, the harm and impact of the proposals are considered to be contrary to the requirements of Policies CP1 (part v) and CP16 of the Core Strategy, Policies DP1 and DP31 of the Development Policies DPD and the aims and objectives of the Habitats Directive and National Planning Policy Framework.

### **3.0 RELEVANT PLANNING POLICIES**

#### **3.1 The relevant policies are:**

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

### **4.0 CONSULTATIONS**

- 4.1 Parish Council - no objection
- 4.2 NYCC Highways - conditions recommended. No part of any amended Cattle Grid should lie within the boundary of the Public Highway. All parts of the unit should be located within private ground.

- 4.3 Environmental Health Officer - no objections.
- 4.4 Historic England - the village of Snape, particularly at its western end is a sensitive location with a range of heritage assets and any new development should be carefully considered. The application should be withdrawn in order for the applicant to produce a comprehensive heritage statement, clearly setting out the heritage assets, their significance and the impact of the proposal on that significance. The implication of this is that the applicant should produce a detailed design of the proposed development. It is recommended that the application be withdrawn.
- 4.5 HDC Conservation Officer - This site is adjacent to the Thorpe Perrow Registered Park and Garden, the boundary of which includes the trees which form an avenue as an entrance to the park. The current application does not propose to remove any of these significant trees. The trees also provide a high level of screening of this site.

A scheduled monument site lies to the north west of this site, which again is screened by the avenue of trees.

Cedar Garth was constructed in the 1980s on a previously vacant plot. I would suggest that any harm to the form and character of the village has already been done through siting of Cedar Garth, which is also next door to a listed building.

The heritage statement was submitted at a late stage in the application process and does pay reference to surrounding heritage assets and the visibility of the site. I agree that it would be an advantage to have full details of the proposed design; however I see no reason why the principle of a dwelling on this site cannot be established. However, looking again at the position of the dwelling, this could be improved by aligning it to mirror Cedar Garth.

Due to the high level of screening and the existing siting of Cedar Garth on this site along with the use of the existing access it is unlikely that any harm will be caused to the setting of any of these heritage assets.

- 4.6 Site notice/local residents - no comments received (expiry date for representations 28/10/2015)

## **5.0 OBSERVATIONS**

- 5.1 The principal determining issues identified in the reasons for refusal of the outline planning application in May 2015 are mainly the effect of the development on the trees and any protected species. However, other issues include the principle of development, the impact on the character and appearance of the Conservation Area and neighbouring heritage assets, the relationship to neighbouring residential properties and access.

### Principle of development

- 5.2 The application site is outside the boundary of the settlement although as the proposals would be well related to and close to the existing amenities, with development on all sides, the proposals would represent sustainable development as defined by paragraph 55 of the NPPF and Hambleton's Interim Policy Guidance (IPG) which allows for small scale development outside the settlement boundary in locations closely related to existing facilities. Therefore, subject to the consideration of detailed matters, the principle of a dwelling is acceptable in this location.

### Impact on the Conservation Area and other heritage assets

- 5.3 The matters for consideration at this stage include the layout of the development. The character of this part of the Conservation Area has previously been altered by the siting of Cedar Garth, which is a two storey dwelling with a large footprint set back from the road frontage and positioned within a large garden plot. It is suggested that the construction of a dwelling at the western end of the garden would reinstate some of the character by reducing the plot to a size comparable to its neighbours. The layout shows the dwelling aligned with an east west axis to mirror Cedar Garth and reflects the relationship of Cedar Garth with its neighbouring property to the east, West Garth.
- 5.4 Historic England suggests that details of the dwelling should be provided in order to assess its impact on the significance of the heritage assets. It is considered that the detail received is adequate to assess the suitability of the principle of a dwelling and that the details provided of the layout clearly illustrate that the dwelling would not have an unacceptable impact on the surrounding Conservation Area or other heritage assets. The application site forms part of the village and the retention of the lime trees provide an effective screen between the development and Snape Castle and Thorp Perrow.
- 5.5 There is a row of protected trees lies along the western boundary of the application site and, as mentioned above, these are to be retained. This provides a clear boundary between the application site/village and the heritage assets of Snape Castle and Thorp Perrow.

#### Neighbour amenity

- 5.6 Having considered the neighbouring properties, the only property that the application would impact upon directly would be the existing property of Cedar Garth. The proposals are sufficiently separated from and would not impact on the amenity of Cedar Garth or that of any other properties and would be in keeping with LDF Policy DP1.

#### Impact on trees

- 5.7 A row of 6 mature lime trees lies along the western boundary of the application site. A secondary row of mature leylandii runs parallel within the garden. It is proposed to remove the leylandii, which would enhance the appearance of the lime trees and allow their health to improve by allowing more light onto their eastern side. A tree report has been submitted, which recommends some minor works to the lime trees, including a 15% crown reduction.
- 5.8 It is proposed to remove a sycamore close to the access, which is healthy but is being suppressed by the larger trees.
- 5.9 A Tree Preservation Order has been served on 10 of the trees including 6 lime trees, 3 Himalayan birch trees and an Atlas cedar.
- 5.10 It is considered that the removal of the leylandii would result in an acceptable environment for a proposed dwelling without significant shadowing or an overbearing impact on the new residents.

#### Protected species

- 5.11 A bat and nesting bird survey has not found any evidence of bats at the site although it is likely that the lime trees could form part of a bat commuting and foraging route between the village and the Thorp Perrow estate. There is a high potential for the



trees to be used by nesting birds. The recommendations within the report regarding further survey work should trees be felled, should be included as a condition should permission be granted.

### Access

- 5.12 The existing access would be used to serve the proposed dwelling and retained for use by Cedar Garth. No alterations are proposed. A new driveway would be created from the existing driveway together with a parking area at the proposed dwelling. The Highway Authority has no objections.

## **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 scale and appearance of each building, including a schedule of external materials to be used; (b) 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
  5. No development shall take place until the works recommended within the Arboricultural Implication Assessment prepared by Andrew Hampton, dated September 2015, has been implemented.
  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 and the relationship of the proposed development to the existing dwelling to the east. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  7. The recommendations as detailed within the Bat and nesting bird scoping survey produced by John Drewett Ecology, dated 20 May 2015, shall be carried out in full.
  8. 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.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved by being reconstructed in accordance with the approved details and Standard Detail Number E6 for a distance which extends 6 metres into the site from its junction with the adjacent carriageway; e. Any gates or barriers shall be erected a minimum distance of six metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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: b. vehicular and pedestrian accesses (including details of any proposed amendments to the Cattle Grid) c. vehicular parking d. vehicular turning arrangements
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3076/03 and HDC/3076/02C received by Hambleton District Council on 17 September and 9 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990

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. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the character and appearance of the existing trees, which are of high amenity value, in accordance with LDF Policies CP16 and DP33.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To minimise the risk of disturbance to bats and nesting birds and their future use of the site in accordance with LDF Policies CP16 and DP31.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
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.
10. 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.
11. 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.
12. 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.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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**Parish: Snape With Thorp**

Ward: Tanfield

**6**

Committee Date : 7 January 2016

Officer dealing : Mrs H M Laws

Target Date: 3 December 2015

**15/02189/OUT**

**Outline application for a new dwelling with some matters reserved (includes access and layout) as amended by plan received by Hambleton District Council on 16 December 2015.**

**at Land East Of The Anchorage Lowfield Lane Snape North Yorkshire  
for Mr David Kell.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is located on the northern side of Snape, to the rear of The Castle Arms Inn and several other residential properties that front onto Meadow Lane. The site is accessed along Lowfield Lane, a track which runs northwards from Meadow Lane at the side of the pub. Opposite the application site on Lowfield Lane, is a dwelling known as The Anchorage.

1.2 The site is currently a vacant field and covers an area of approximately 990sqm with dimensions of approximately 49m x 19m. The site is fenced to all sides with mature landscaping along the east and west (front) boundaries. Relatively young planting (some leylandii) lies along the north and south boundaries.

1.3 Access to the site is along Lowfield Lane; an existing gate is positioned in the western boundary.

1.4 The application is an outline application with access and layout included as matters to be considered at this stage. It is proposed to use the existing gated access and site the new dwelling in a central position within the site.

#### 2.0 PLANNING & ENFORCEMENT HISTORY

2.1 84/0089/OUT - Outline application for the construction of a detached bungalow. Permission refused 29/11/1984 for the following reasons:

1. In the opinion of the LPA approval of the proposal would be contrary to the Bedale Draft Local Plan (Policy H1) which seeks to resist residential development outside the defined village limits unless it can be shown to be essential to the needs of agriculture or forestry or that there are other exceptional circumstances which would warrant the granting of planning permission.

2. In the opinion of the LPA the development represents an unsatisfactory form of backland development in tandem form using a single unmade access already used by several other persons.

#### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

#### 4.0 CONSULTATIONS

4.1 Parish Council - no objections or comments

4.1 NYCC Highways - no objections

4.3 Historic England - The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

4.4 Site notice/local residents - three letters have been received from local residents objecting to the proposed development, summarised as follows:

1. This land is outside the building boundary, if granted this would set a very dangerous precedent, we believe this land would be offered for sale with planning permission (along with the attached paddock to the north)

2. Lowfield Lane is nothing more than a narrow dirt track and the passing traffic is only four feet from our lounge window, any increase in traffic flow would impact on us greatly

3. Less than 3 years ago the pub and neighbouring cottage were flooded and the fire brigade had to come and pump out at the bottom of Lowfield Lane, when it rains heavily water cascades down Lowfield Lane until it reached the bottom where it has nowhere to go and starts to back up.

4. Should this plot be built on, this would only add to this problem as it would be another piece of land where rainwater could no longer naturally soak away

5. Queries type of dwelling proposed

6. Concern regarding access to adjacent property being affected by the development during construction

7. Would Lowfield Lane become an adopted highway?

8. The level of the lane has dropped considerably exposing the base cobbles and creating pot holes. The vibration from the heavy traffic using the lane is also affecting the structural integrity of the adjacent buildings

9. I also refer the council to previous proposals for 6 dwellings on this site and the highway engineer's comments regarding the condition of the lane including: poor visibility splays, the lack of passing spaces and general lane safety

#### 5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the proposed development, the effect on the form, character and appearance of the village, the impact on the amenity of neighbouring residents, highway issues and developer contributions.

5.2 The site does not lie within the Snape Conservation Area and the development would not have an impact on any heritage assets.

5.3 The site falls outside the Development Limits of Snape, which is defined in Policy CP4 of the Core Strategy as a Service 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.

5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge

the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy. Snape remains a Service Village within the IPG and is therefore a sustainable settlement where 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. The site lies close to the centre of Snape which has facilities including a school, shop and pub. Criterion 1 would be satisfied.

5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on undeveloped agricultural land that lies beyond the existing built form of the village. Due to the existing dwelling at The Anchorage and its proximity to the pub car park and quoits pitch the site has a close relationship with the village. The site is well screened from Lowfield Lane by the tall hedgerow trees along the boundary but is visible from the approach northwards along the Lane. It is appreciated that fencing has been installed to divide the original field and provide the application site, and planting has taken place to create the new boundary but as development has taken place further beyond the village on the western side of Lowfield Lane, the development of the application site would not extend the built form of the village into open countryside. It is not considered that the development of this site would result in the loss of rural landscape and therefore not have a harmful impact on the natural, built and historic environment.

5.6 The closest neighbour lies opposite at The Anchorage. The residents of this dwelling and other dwellings adjacent to Lowfield Lane may be aware of additional vehicles serving the new dwelling but one additional property would not result in a significant increase in traffic movements sufficient to adversely affect residential amenity.

5.7 The distance between The Anchorage and the new dwelling would be approximately 35m, which would prevent any impact on amenity as a result of overlooking or overshadowing.

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

5.9 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.

5.10 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.

5.11 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 scale and appearance of each building, including a schedule of external materials to be used; (b) 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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

5. 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.

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

7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3084/01HDC/3084/02 and received by Hambleton District Council on 24 September 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990

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. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. 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.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies CP16, CP21, DP30 and DP43.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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