

Public Document Pack

HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 10 August 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 18 August 2016**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: Councillors
D A Webster (Chairman)
P Bardon (Vice-Chairman)
D M Blades
M A Barningham
S P Dickins
Mrs B S Fortune

Councillors
K G Hardisty
J Noone
C Patmore
B Phillips
C Rooke
Mrs I Sanderson

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE A MEMBER DROP-IN SESSION COMMENCING AT 10.00am FOR ANY MEMBERS WHO HAVE MISSED THE LOCAL PLAN SITES BRIEFINGS AND WOULD LIKE TO LEARN MORE ABOUT THE OUTCOME OF THE SITE ASSESSMENT PROCESS

AGENDA

Page No

1. MINUTES

1 - 4

To confirm the minutes of the meeting held on 21 July 2016 (P.7 - P.8), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

5 - 128

Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. MATTERS OF URGENCY

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 21st July, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	J Noone
	D M Blades		B Phillips
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

Also in Attendance

Councillor	Mrs J Watson	Councillor	S Watson
------------	--------------	------------	----------

Apologies for absence were received from Councillors D A Webster and C Patmore

P.7 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 23 June 2016 (P.5 - P.6), previously circulated, be signed as a correct record.

P.8 **PLANNING APPLICATIONS**

The Committee considered reports of the Executive Director relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Executive 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) 16/00398/OUT - Outline planning permission for a residential development with all matters reserved at Shorthorn Inn, Hornby Road, Appleton Wiske for Mr M Robinson

PERMISSION GRANTED

(Mrs Duffield spoke in support of the application.)

(Barry Pope spoke in respect of the application on behalf of Appleton Wiske Parish Council.)

- (2) 16/00906/FUL - Change of use of agricultural land and the siting of a log cabin and associated parking for holiday accommodation at Leake Greens Farm, Long Lane, Borrowby for Mr B Peacock, G E Peacock & Son

PERMISSION GRANTED subject to an additional condition limiting occupation to holiday lettings.

- (3) 16/00511/FUL - Proposed construction of 27 dwellings with associated garaging, car parking and landscaping to existing road layout at Willow Bridge Lane, Dalton for Whitfield Homes Limited

DEFER for further consideration of viability.

- (4) 16/00006/TPO1 - Report following objection to the making of TPO 2016 No: 6 at Stepping Stones, Dalton

TPO 2016 NO:6 BE CONFIRMED AS VARIED

- (5) 16/00933/FUL - Change of use of gallery space into single dwelling to include the installation of new roof window and associated car parking at Lund Gallery, The Lund, Easingwold, North Yorkshire YO61 3PA for Mr & Mrs Steve Pomfret

PERMISSION GRANTED

(The applicant, Steve Pomfret, spoke in support of the application.)

- (6) 16/00935/FUL - Change of use of gallery and dwelling to a live-work unit and incorporating new ramped access and associated landscaping at Wren Cottage, The Lund, Easingwold, North Yorkshire YO61 3PA for Mr & Mrs Steve Pomfret

PERMISSION GRANTED

- (7) 16/00411/OUT - Outline application with all matters reserved for the construction of 3 bungalows and associated garages at Land to rear of The Shieling, York Road, Easingwold for Ambleside Homes

PERMISSION GRANTED subject to an additional condition relating to proposed ground and finished floor levels.

- (8) 16/00579/FUL - Siting of a log cabin for use as a dwelling at Swallow House, Brownmoor Lane, Huby for Mrs Sylvia Robinson

PERMISSION REFUSED

(The applicant, Sylvia Robinson, spoke in support of the application.)

- (9) 16/00812/FUL - Construction of new three bedroom dwelling and associated parking, garden and vehicle turning area at Hill Top, East Side, Hutton Rudby for Mr & Mrs S Bury

PERMISSION GRANTED

- (10) 16/00565/OUT - Outline permission for a detached dwelling with access and layout at Land adjacent to 1 Swaledale Court, Morton on Swale for Mr S Clayton

PERMISSION REFUSED

(The applicant, Simon Clayton, spoke in support of the application.)

The meeting was adjourned at 3.25pm and reconvened at 3.35pm.

Note: Councillor S P Dickins left the meeting at 3.25pm and did not return to the meeting.

- (11) 16/01240/FUL - Proposed side extension to existing dwelling at 11 Millfield Crescent, Northallerton for Mr and Mrs P Sunley

PERMISSION GRANTED

- (12) 16/01079/FUL - Demolition of existing agricultural buildings and the construction of dwellinghouse, detached annexe building and associated works at Land off Craddock Row, Sandhutton for Mr & Mrs Park

PERMISSION GRANTED

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

- (13) SKUTTERSKEFFE - Change of use of land to allow the siting of a larger caravan as an extension to the approved private gypsy site for one family at OS Field 5045, Skutterskelfe for Mr Thomas Foster

PERMISSION GRANTED

- (14) 16/00491/MRC - Variation of Condition attached to Application 05/01968/FUL (Alterations and extensions to existing agricultural buildings and dovecote to form 2 dwellings) to allow unrestricted occupancy of manager's dwelling at Snape Castle Mews, Snape for Mr David Shipp

PERMISSION GRANTED

- (15) 16/01287/FUL - Extension to existing agricultural building for the accommodation of pigs at Willow Grange, Worlds End, Sandholmes Lane, Sowerby for Mr & Mrs D Sanderson

PERMISSION GRANTED

Disclosure of Interest

Councillor Mrs I Sanderson disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item and did not return to the meeting.

- (16) 15/01667/FUL - Part demolition, change of use, alterations and extensions to existing public house to form 3 dwellings and erection of detached dwelling with associated garaging and accesses at Blackwell Ox, Huby Road, Sutton on the Forest for Howardian Developments

PERMISSION GRANTED

- (17) 16/01383/FUL - Revised application to planning permission 15/02403/FUL for the demolition of an existing bridge and construction of a new bridge over Cod Beck, site compound and associated works relating to Dalton Lane and Eldmire Lane and installation of flood protection measures at Dalton Bridge, Dalton for Hambleton District Council

PERMISSION GRANTED

- (18) 16/01286/FUL - Extension to existing agricultural building – pig housing at Hallikeld Farm, Brompton for Mr and Mrs D Sanderson

PERMISSION GRANTED

The meeting closed at 4.25 pm

Chairman of the Committee

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, 18 August 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 18 August 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	15/01240/OUT Mrs H Laws Aiskew Page no. 11	Outline application for up to 105 dwellings with all matters reserved For: Mr Robin Stead At: Wilbert Farm, Sandhill Lane, Aiskew RECOMMENDATION: GRANT
2	16/01300/FUL Mrs H Conti Aiskew Page no. 27	Retrospective application for extending of an industrial unit For: Mr Charles Knight At: Unit 1, Bank Top Yard, Bedale Road, Aiskew RECOMMENDATION: GRANT
3	16/01288/FUL Ms C Strudwick Dalton Page no. 31	Extension to existing agricultural building to provide manure store For: Mr & Mrs D Sanderson At: Westholme Farm, Islebeck Lane, Islebeck RECOMMENDATION: GRANT
4	16/01477/OUT Mr A Thompson Easingwold Page no. 37	Outline application for 2 dwellings (all matters reserved) For: Mr & Dr Boyd At: 16 Thornlands, Easingwold RECOMMENDATION: REFUSE
5	16/00293/FUL Mrs B Robinson East Harlsey Page no. 39	Demolition of existing agricultural buildings and construction of 2 dwellings together with ancillary works For: Mr Michael Ward At: Town End Farm, East Harlsey RECOMMENDATION: GRANT
6	16/01308/FUL Mrs H Laws Hackforth Page no. 45	Construction of dwellinghouse with attached domestic garage, formation of new vehicular access and associated parking For: Mr & Mrs Neasham At: Land to the south of Southfields, Silver Street, Hackforth RECOMMENDATION: GRANT
7	16/01330/MRC Mrs H Laws Hackforth Page no. 51	Application for the removal of condition 10 of 16/01656/FUL (affordable housing provision) relating to the construction of 4 new dwellings and associated access road and parking For: Mr Graeme Newton At: Land adjacent 4-5 Brookside, Hackforth RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	16/01180/MRC Mrs B Robinson Hutton Rudby Page no. 59	Variation of conditions 2 (drawing numbers), 9 (parking, turning and access areas) & 17 (materials) of planning permission 15/00325/FUL - redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station For James Hall and Company At: Spar 36 Garbutts Lane, Hutton Rudby RECOMMENDATION: GRANT
9	16/01422/FUL Mrs B Robinson Hutton Rudby Page no. 65	Alterations and two storey extension to the rear of the dwellinghouse For: Mr M Hill At: 5 East Side, Hutton Rudby RECOMMENDATION: GRANT
10	16/00872/FUL Mrs B Robinson Kirkby in Cleveland Page no. 69	Change of use from annexe to separate dwelling For: Mr and Mrs Emmerson At: Moo Lodge, The Meadows, Kirkby in Cleveland RECOMMENDATION: GRANT
11	15/02246/FUL Mrs B Robinson Kirkby in Cleveland Page no. 73	Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building For: Mr and Mrs Rowland Holmes-Smith At: Kirkby House Farm, Hill Road, Kirkby in Cleveland RECOMMENDATION: GRANT
12	16/01221/OUT Mr A Thompson Myton-on-Swale Page no. 85	Outline application for the construction of 2 dwellings to consider access and layout For: Mr & Mrs Glew At: Church View, Myton on Swale RECOMMENDATION: REFUSE
13	16/01323/FUL Mr A Thompson Newton-on-Ouse Page no. 93	Change of use of agricultural land to equestrian and the formation of an all-weather private equestrian arena For: Mr & Mrs C Rooke At: Land west of Beeches Farm, Newton on Ouse RECOMMENDATION: GRANT
14	16/00808/OUT Mrs H Laws Pickhill Page no. 97	Outline application with some matters reserved (access to be considered) for the construction of four dwellings For: Pickhill Top Ltd. At: Land east of Amberleigh House, Lowfields Lane, Pickhill RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
15	16/01041/FUL Mrs B Robinson Potto Page no. 107	Construction of detached dwelling following demolition of existing storage building and change of use of existing buildings to ancillary domestic outbuildings to the new dwelling and associated works For: Mr and Mrs K Davison At: 10 Cooper Lane Potto RECOMMENDATION: REFUSE
16	16/01419/FUL Mrs H Laws Sinderby Page no. 111	Alterations and subdivision of dwelling to form two dwellings For: Mrs Rosina Gilboy At: The Old Post Office, Sinderby RECOMMENDATION: GRANT
17	16/00712/OUT Mr A Thompson Skipton-on-Swale Page no. 115	Outline application with some matters reserved for a detached dwelling For: Mr P Robinson At: Hill Farm, Skipton on Swale RECOMMENDATION: REFUSE
18	16/01421/FUL Mrs H Laws Thrintoft Page no. 121	Creation of 7 additional touring caravan pitches within the existing caravan site, and the change of use of land to create a touring caravan storage area and new visitor car park For: Mr Kevin Tiplady At: Canada Fields, Moor Lane, Yafforth RECOMMENDATION: GRANT
19	16/01157/FUL &16/01158/LBC Mrs H Laws West Tanfield Page no. 125	Construction of porch to front elevation of the dwellinghouse For: Mr & Mrs A Cumming At: Prospect House, West Tanfield RECOMMENDATION: REFUSE

This page is intentionally left blank

Parish: Aiskew

Ward: Bedale

1

Committee Date: 18 August 2016

Officer dealing: Mrs H M Laws

Target Date: 3 September 2015

Date of extension of time (if agreed): 31 August 2016

15/01240/OUT

Outline application for up to 105 dwellings with all matters reserved at Wilbert Farm, Sandhill Lane, Aiskew for Mr Robin Stead

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This outline planning application seeks permission for the change of use of agricultural land at Wilberts Farm, Aiskew for up to 105 dwellings. The site area totals 3.74 hectares, of which 3 hectares are allocated for residential development in the Local Development Framework (site BH5). All matters (i.e. access, appearance, layout, scale and landscaping) are reserved for a later stage of approval although a proposed access point, to Sandhill Lane, is shown on an indicative layout.
- 1.2 Because all matters are reserved, the majority of information on the submitted drawings is merely illustrative and the only detail for consideration now is the extent of the site boundary. However, the application was submitted with several studies and assessments which are referred to and considered in sections 4 & 5 as necessary.
- 1.3 The site lies on the eastern side of Sandhill Lane, at the northern edge of Aiskew. The site was last used for agricultural purposes as an intensive poultry farm but is now in a poor state of repair with the remains of several poultry sheds and hardstanding throughout the site. Most of the buildings have either collapsed or are in a very dilapidated state. The derelict buildings, which contain asbestos, would be removed as part of the scheme.
- 1.4 The site also includes two dwellings towards the southern part of the site, which are currently occupied and would be demolished as part of the scheme.
- 1.5 While the landform is generally level the northern and western sides of the site slope downwards towards Bedale Road, with the unallocated portion lying at the northern end. The allocation site boundary, and the Development Limits of Bedale, cut through some of the poultry sheds.
- 1.6 Access to the site is from Sandhill Lane via the mini roundabout on the main A684 through Aiskew. A public right of way lies along the south western boundary of the application site providing footpath access from Sandhill Lane to Bedale Road (A684).
- 1.7 Details of the type and size of the dwellings have not been submitted at this stage. However, the proposal includes affordable housing at 25% of the total number of units on the site (this offer has been increased from 20%), compared with an aspiration of 40% in the allocation.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 01/00224/FUL - Layout of land and construction of 22 dwellings and domestic garages and construction of 2 buildings to comprise office accommodation; refused 5 November 2001.

- 2.2 The site is allocated for housing development within the Council's Local Development Framework (Allocations DPD 2010) and the requirements are as follows:

BH5 - WILBERTS FARM, SAND HILL LANE, AISKEW (3.0ha)

This site is allocated for housing development in Phase 3 (2021-2026), subject to:

- i development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 105 dwellings (of which a target of 40% should be affordable);
- ii types and tenure of housing developed meeting the latest evidence on local needs;
- iii suitable access being gained from Sand Hill Lane;
- iv provision of landscaping to limit the visual impact on the approach to Aiskew from the north east;
- v the adjacent remainder of the farm buildings to be cleared and the area landscaped or returned to agricultural use;
- vi contributions from the developer towards providing footpath and cycleway links to the A684 and the Wensleydale Railway footpath and cycleway route including improvements to Bedale Bridge, public open space and, if required, additional drainage and sewerage infrastructure; and
- vii contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Allocations Document Policy BH5 - Wilberts Farm, Sandhill Lane, Aiskew - adopted 21 December 2010
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Has any provision been made for the extra traffic this development will cause at the junction of Sandhill Lane and Bedale Road at the mini roundabout?

- 4.2 Highway Authority - in assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken onto account the following matters:
The design standard for the site is Design Manual for Roads and Bridges and the required visibility splay is 70m x 2.4m. The available visibility is 110m x 2.4m. Consequently the Local Highway Authority has no objections and recommends conditions.
- 4.3 NYCC Archaeologist - Agrees with the assessment of the site's archaeological potential, which is low and may have been impacted by the previous land use. Advises that a scheme of archaeological mitigation recording is undertaken in respect of the ground-disturbing works associated with the development.
- 4.4 Yorkshire Water - From the information provided by this application i.e. all surface water proposed to watercourse - planning conditions are not required from Yorkshire Water.
- 4.5 Ministry of Defence - no safeguarding objections.
- 4.6 Ramblers Association - there is a pedestrian link to the village via the public right of way. This link, some 1.0m width, surfaced with wood chips, is south west of the development and just outside its boundary. It is assumed that this will not be modified but retain its traditional nature.
- 4.7 Environmental Health Officer - I have concerns regarding the provision of foul and surface water drainage from the proposed development. The validity of the report provided previously by Yorkshire Water ended on 8 July 2015 and further consultation will be required between the Developer and Yorkshire Water. The following conditions should be applied to the application, if approved:

Development shall not commence until foul water and surface water drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority.
- 4.8 Senior Scientific Officer (land contamination) - The application is supported by a Phase 1 Site Investigation Report (TerraConsult Report No 2021R01-2, June 2014) which includes a desk study, site walk over, hazard risk assessment and preliminary conceptual site model. The report identifies potential sources of contamination that could adversely impact on sensitive receptors and therefore an intrusive site investigation is proposed. I agree with this recommendation for further works, the results of which should, ideally, be submitted to the Council prior to determination.
- 4.9 Public comment - a total of 23 letters have been received from local residents, the majority of which are objecting to the proposed development, with comments summarised as follows:
- Major increase in vehicle access causing huge disruption;
 - Roads do not lend themselves to a two way road system; too narrow and would cause tail backs;
 - Building at least 90 houses would lead to 180 more vehicles, not to mention visitors;
 - The use of the mini roundabout onto Sandhill Lane is a nightmare;
 - Increase in noise pollution as a result of additional residents;
 - Increase in overlooking from the new dwellings adversely affecting privacy;
 - Structural impact of development;

- Strain on existing facilities in the village including doctor's surgery, schools and public transport;
- Impact on wildlife on the bridlepath;
- Not against development in principle but a further 105 dwellings would swamp the village;
- The current connection to the A684 is poorly sighted and has been the cause of a number of near miss incidents;
- The internal layout has the access for the development at the current gate at the West of the site making it next to a current public footpath between Sandhill Lane and Bedale Road A684! Thus all traffic is entering at one point whereas a central point would reduce the traffic density;
- The current mains supply is not of the best pressure and I doubt that there is scope to add to it! The water/sewage system has never been upgraded since the building of Badger Hill Drive, Jubilee Road and the current Nurseries development of the A684 Bedale Road;
- The area of the footpath at the A684 end of the footpath should also have bollards fitted to restrict vehicles of the size of bicycles and greater;
- For the past 3 - 4 years we have had to endure the inconvenience of the house builders on the A684 with all the road works, traffic lights, road closures and tippers etc. Just as we think there is nowhere left for anyone to start again this application appears and we've all had enough;
- Drainage in this area is already an issue, development of this area will make this much worse and we fear properties will flood;
- In favour of the development if the Sandhill Lane exit is opened onto the A6055;
- Another factor that makes this road hazardous is the lack of a footpath in the region of the A684, and in the planned future, around the bend approaching Wilbert Farm, Sandhill Lane;
- It astounds me that during the design phase the developer did not consider looking to see if there was an opportunity to purchase a small strip of land between A684 near the recent Aiskew development and the back of the site. A roundabout here would manage traffic and allow a main access in or out of the site for all traffic. This I am convinced would satisfy majority of local resistance to the development;
- This area was identified as Green Belt why has this been changed? A more modest application for six executive houses on the Chicken Farm was refused some 10 years ago;
- Using Sandhill lane for site vehicles is laughable!, especially in light of the habitat report, which recommends no development during nesting season, so this would therefore mean building in the months between October- February, I can assure you, local residents struggle often during winter months on this ungritted road. particularly leaving Spruce Gill Avenue, into Sandhill lane, and the corner of Sandhill Lane downhill to the mini roundabout;
- It's alright saying the new bypass will take the pressure off the main road but it won't reduce the flow of traffic past our house from the new development;
- A future developer must not be allowed to apply for direct vehicular access to individual houses; and
- The roundabout is so worn out it's not suitable for that amount of traffic leaving Sandhill Lane to join Bedale Road.

4.10 Comments in support are as follows:

- As someone who would very much like to see more houses available locally for people to buy, I am pleased to see some housing recently/currently being built in the area after a lack of building for seemingly many years previously and I would fully support the application submitted for housing on this site. I have wondered

before why the site hasn't been developed already to greatly improve and make better use of what is there now; and

- Not least with the BALB Relief Road also currently under construction and Sandhill/Back Lane no longer being a through road as it used to be, the plans for both the access and the site itself seem perfectly reasonable and I am sure this is somewhere people would be happy to live.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the following:

- The principle of development
- Affordable housing provision
- Impact on the character and appearance of the area
- Impact on neighbour amenity
- Highway matters
- Impact on protected species
- Community engagement
- Other material considerations

5.2 It should be noted that some of the public and consultee comments relate to matters of detail that would only be capable of consideration at the next stage, i.e. approval of reserved matters, if outline permission is granted. In addition, the financial and more general infrastructure requirements of Allocations Policy BH5 (i.e. funding towards footpath and cycleway improvements, additional school places and local healthcare facilities) are superseded by the implementation of CIL.

The principle of development

5.3 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy. As noted in above, the majority of the application site is allocated for new housing under Policy BH5. Policy BH5 states that the site is allocated for housing for release in Phase 2 (2016-2021). In December 2013, following an audit of allocated sites and sites with planning permission, the Council approved the relaxation of the housing phasing policy in the Plan. This was to ensure that a robust and deliverable supply of housing sites is available to cover the 5 year period from October 2013 to September 2018. The bringing forward of this application is therefore supported in principle.

5.4 On the basis that the site has gone through an extensive site allocations process, that the community has had the chance to comment on that site allocation process, that the Development Limits boundary includes the majority of the application site, it is considered that the development for residential purposes has in principle support. However, the implications of developing an additional 0.74 ha at the northern end of the site require further consideration.

5.5 The additional area proposed for development within this application is part of the operational area of the farm and its incorporation into the development site would allow for a lower density of development with improved landscaping, incorporating the existing boundary planting. As noted earlier, the allocation and the Development Limits run through the site and Members will recall that a similar situation existed on a development site in Dalton, where allocation TH4 did not cover the entire former turkey factory site. An application to build housing on the unallocated part was refused permission but allowed on appeal. In view of that precedent it is not

considered sustainable to resist the development of the additional 0.74 ha, which would include all of the former poultry farm. Furthermore, this site is within and immediately adjacent to a Service Centre, which is a highly sustainable location for development within Hambleton and therefore well suited to accommodating additional development.

Affordable housing provision

- 5.6 Policy BH5 states that the site is allocated for housing subject to “development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 105 dwellings”. The Policy also states a target of 40% provision of affordable housing, subject to viability testing. The applicant is proposing the provision of 25% affordable housing, amended from their original proposal of 20%.
- 5.7 The agent has confirmed that they would provide 25% affordable housing on the site. A report on a basic viability assessment has been undertaken on behalf of the Council by Kier, which suggests that the scheme could provide at least 28% of the dwellings as affordable units. The lack of significantly higher viability is due to abnormal costs to address highway improvements on the approach to the site, demolition costs and asbestos disposal. The Council's advisers have suggested that 28% would be a reasonable offer based on the submitted viability information. This would also be similar to comparable sites within Aiskew, such as the Taylor Wimpey site at Fox Covert Close (site BH3) (28% affordable provision). A requirement for the provision of 28% affordable housing is recommended should Members be minded to approve the application.
- 5.8 Policies CP8 (Type, Size and Tenure of Housing) and DP13 (Achieving and Maintaining the Right Mix of Housing), require proposals for housing to take account of local housing need in terms of the size, type and tenure of dwellings, including appropriate provision for the needs of elderly people. As with most outline planning applications it is expected that the proposal will be refined at the reserved matters stage and details submitted to address these policies.
- 5.9 In order to secure the suggested affordable housing allocation, adequate provisions need to be put in place via a Section 106 Agreement to ensure that the affordable housing will meet local housing need.

Impact on the character and appearance of the area

- 5.10 The site has been disused for many years, is unsightly, and does not therefore contribute to either the built form of the town or the surrounding rural landscape. The removal of the remaining dilapidated agricultural sheds and the clearance of the hardstanding areas would improve the appearance of the site.
- 5.11 There is a well-established tree screen along the Sandhill Lane boundary of the site, which it is proposed to retain. This would help to integrate the proposed development into the site by softening the visual impact of new dwellings. Additional landscaping within the site would contribute to a high standard of layout design and this can be secured by condition and through the consideration of a reserved matters submission.
- 5.12 The additional application site area of 0.74ha forms part of the original poultry farm boundary. This part of the farmyard area is required by Policy BH5 to be cleared and the area landscaped or returned to agricultural use. The inclusion of the area within the application site does not preclude that (the allocation and the application are both for 105 dwellings) and the proposal need not therefore have a greater impact on the

appearance of the surrounding countryside than the form of development envisaged in the allocation.

- 5.13 Policy DP8 considers the location of the Development Limits and states that the location of the Development Limits will ensure that development within it will "c) not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF. In any event, once the reserved matters are submitted the Council will endeavour to require the proposal to make a positive contribution to the settlement, in line with Policies CP17 and DP32, and will negotiate designs that are of a high standard and appropriate in this location. As noted earlier, the additional 0.74 ha does not have to be built on (the siting of buildings is a reserved matter) but if development were considered acceptable on that part of the site, it could be at a lower density so as to achieve a gentle transition to the countryside beyond.

Impact on neighbour amenity

- 5.14 The application is in outline with all matters reserved so although an indicative layout has been provided, it is not for approval. The site is bounded to the south west and south east by the rear boundaries of houses. It is important that separation distances are maintained. A significant amount of landscaping lies along the edges of the site and along the existing public right of way which, if retained, will help to reduce the impact of new development on the amenity of existing residents.
- 5.15 It is recommended that a condition be imposed requiring the submission of a management plan to control the hours of operation and vehicle movements during the period of construction at the site in order to limit its impact on residential amenity.

Highway matters

- 5.16 All matters are reserved by the illustrative layout which shows an indicative position for the proposed access from Sandhill Lane. Many of the objections from the local community relate to the additional traffic that would be generated by the proposed development. However, it must be highlighted that the access arrangements were a factor in the assessment of suitable sites through the preparation and adoption of the Allocations DPD. Alternative accesses onto the A684 would require land that is well beyond the allocation site and would only be financially viable if a significantly more than the 105 dwellings identified in the allocation were to be developed, which is not proposed.
- 5.17 A Transport Assessment has been included with the planning application and this concludes that once the Bedale bypass is in use levels of traffic through the town will be significantly reduced so that the junction on the A684 with Sandhill Lane will be able to operate within capacity with the additional traffic that up to 105 dwellings would generate. The applicant's submission also includes a Travel Plan, comprising a package of measures aimed at sustainable travel to, from and within the application site.
- 5.18 The Bedale bypass is due to be opened by Roads Minister Andrew Jones on Thursday 11 August and therefore the assumptions about road capacity made in the allocation and in the application will be achieved. The Highway Authority advises there are no concerns with the suitability of the access road and the junction with the A684; consequently there would be no reason on highway safety grounds to refuse the application.

Impact on protected species

- 5.19 Policy DP31 of the Development Policies DPD states that “Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in the number of sites and habitats of nature conservation value”.
- 5.20 The habitat survey submitted with the application concludes that the buildings on the site, including the dwellings, have a low conservation value with no notable habitats for breeding bats or potential bat roost habitat. The site offers highly suitable arboreal nesting habitat for birds.
- 5.21 It is concluded that the proposed development is unlikely to have a significant adverse effect on protected species. Mitigation, to include caution during construction/demolition; timing, and the provision of bat access in new builds, is recommended to reduce any potential impact. It is also recommended that vegetation stripping is not undertaken within the bird breeding season (March to September).

Community engagement

- 5.22 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF, which sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this, in developing the design of the new development, should be looked on more favourably.
- 5.23 In January 2015 the agent invited the public to view and comment on the draft proposals at an exhibition held locally, prior to the submission of the outline planning application. A leaflet was delivered to houses that were accessible and local to the development site, a leaflet was also placed at the petrol filling station on Bedale Road and a public notice placed in the local newspaper. All information provided gave details of the exhibition or provided a link to a web site with the key facts of the development. The applicant received 33 responses to the public exhibition and via the web site. The responses received were similar to those received by the Council and noted in section 4 above. The agent has addressed these responses within the submitted Consultation Statement, insofar as they can be addressed at this stage, with so many details yet to be provided.
- 5.24 It is considered that the applicant has approached community consultation in accordance with the Council's SCI but that a greater level of involvement at the later design stages will be necessary and this will provide greater opportunities for local people to shape the way the site is developed.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** planning permission subject to (i) the satisfactory completion of a planning obligation to secure not less than 28% of units as affordable housing as defined by LDF policy; and (ii) 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; and (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; and (c) the landscaping of the site.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
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 above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained prior to the first occupation of the related dwelling.
7. 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 28% 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 5 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.

8. Development shall not commence until foul water and surface water drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority.
9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
10. (a) No demolition or development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include (i) an assessment of significance and research questions; (ii) the programme and methodology of site investigation and recording; (iii) community involvement and/or outreach proposals; (iv) the programme for post investigation assessment; (v) provision to be made for analysis of the site investigation and recording; (vi) provision to be made for publication and dissemination of the analysis and records of the site investigation; (vii) provision to be made for archive deposition of the analysis and records of the site investigation; and (viii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (a) above; and

(c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
11. Prior to the development commencing, an Ecological Management Plan detailing measures to protect existing habitats and deliver biodiversity gain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
12. Prior to commencement of work a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site, the parking of vehicles of site operatives and visitors, loading, unloading and storage of plant and materials, the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.
13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) detailed engineering

drawings to a scale of not less than 1:500 and based upon an accurate survey showing: the proposed highway layout including the highway boundary; dimensions of any carriageway, cycleway, footway, and verges; visibility splays ; the proposed buildings and site layout, including levels; accesses and driveways; drainage and sewerage system; lining and signing; traffic calming measures; and all types of surfacing (including tactiles), kerbing and edging; (b) longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: the existing ground level; the proposed road channel and centre line levels; and full details of surface water drainage proposals; (c) full highway construction details including: typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; kerb and edging construction details ; and typical drainage construction details; (d) details of the method and means of surface water disposal; (e) details of all proposed street lighting; (f) drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) full working drawings for any structures which affect or form part of the highway network; and (h) a programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

14. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority. The details of the access shall have been approved in writing by the Local Planning Authority and the following requirements: (a) the details of the access shall have been approved in writing by the Local Planning Authority; and (b) provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise approved in writing with the Local Planning Authority.
16. No part of the development shall be brought into use until the existing access on to Sandhill Lane has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority. These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
17. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70m measured along both channel lines of the major road Sandhill Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

18. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
19. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
 - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (a) provision of tactile paving; (b) to provide a carriageway width of 6.0m along the existing Sandhill Lane from its junction with Spruce Gill Ave to the development frontage. A 2.0m wide footway shall be provided on the northern side of the improved carriageway linking the development with the existing footway network along Sandhill Lane; (c) to provide Road lighting along Sandhill Lane, extending existing system to beyond the development site frontage; (d) upgrade the surface of existing footpath which runs the full length of the western boundary of the site. The footpath shall be levelled, graded and the final surface shall be a finished with an unbound material helping to improve access for pedestrians but in keeping with the surrounding;
 - (ii) an independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and
 - (iii) a programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
20. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 19: (a) provision of tactile paving; (b) to provide a carriageway width of 6.0m along the existing Sandhill Lane from its junction with Spruce Gill Ave to the development frontage. A 2.0m wide footway shall be provided on the northern side of the improved carriageway linking the development with the existing footway network along Sandhill Lane; (c) to provide Road lighting along Sandhill Lane, extending existing system to beyond the development site frontage; and (d) upgrade the surface of existing footpath which runs the full length of the western boundary of the site. The footpath shall be levelled, graded and the final surface shall be a finished with an unbound material helping to improve access for pedestrians but in keeping with the surroundings.
21. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) tactile paving; (b) vehicular, cycle, and pedestrian accesses; (c) vehicular and cycle parking; (d) vehicular turning arrangements; (e) manoeuvring arrangements; and (f) loading and unloading arrangements.
22. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 21 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.

23. All garages hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
24. 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.
25. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority.
26. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
27. 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; and (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.
28. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
29. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 3 June 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, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
8. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with LDF Policies CP21 and DP43.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
10. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
11. In order to protect and enhance biodiversity in accordance with Policies CP16 and DP31 of the Hambleton Local Development Framework.
12. To protect the amenity of adjacent residents and to accord with Policies CP1 and DP1 of the Hambleton Local Development Framework.
13. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with LDF Policy CP2 and DP4.
14. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users in accordance with LDF Policy CP2 and DP4.
15. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
16. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
17. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
18. In accordance with LDF Policies CP2 and DP4 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

19. In accordance with LDF policies CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
20. In accordance with LDF Policies CP2 and DP4 and in the interests of the safety and convenience of highway users.
21. In accordance with LDF Policies CP2 and DP4 and in the interests of the safety and convenience of highway users.
22. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
23. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
24. 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.
25. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
26. In accordance with LDF Policies CP2 and DP4 and to protect pedestrians and other highway users.
27. 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.
28. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.
29. 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.

This page is intentionally left blank

Parish: Aiskew
Ward: Bedale
2

Committee Date: 18 August 2016
Officer dealing: Mrs Helen Conti
Target Date: 3 August 2016
Date of extension of time (if agreed): 20 August 2016

16/01300/FUL

**Retrospective application for extending of an industrial unit
At Unit 1 Bank Top Yard, Bedale Road, Aiskew
For Mr Charles Knight**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks retrospective consent for the construction of an extension to the front of an existing small industrial unit. The unit is located at Bank Top Yard which is an area housing a number of small workshops to the south of the A684 adjacent to St Marys and St Joseph's Catholic Church in the centre of Aiskew. There are other units to the east, the south and south west and a terrace of dwellings to the north which front onto Bedale Road.
- 1.2 The applicant runs a small body repair business and has constructed the extension to enlarge his working and storage area. The applicant was granted planning permission in 2012 to extend the building to the front. This application has been submitted because the extension as built extends 1.2m further to the west than previously approved. The extension measures 5.7m out from the front of the unit and has a maximum width of 9.5m. The extension has been constructed with insulated metal sheets. The extension has been built on top of the party wall between Units 1 and 2.
- 1.3 The applicant is the only employee in the business and the extensions are to improve security and storage space rather than to increase the volume of business activity.
- 1.4 The access to the site for all the units is a private track from the A684. The applicant has shown two parking spaces on the proposed site plan. The original plan indicated parking spaces that would block access to the units behind Unit 1. A further plan has been submitted with a revised parking layout and is awaiting comment from the Highway Authority.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 98/50018/P - Use of and extension to existing workshop for the repair, servicing and paint spraying of motor vehicles (Use Class B2); Granted 17 February 1999.
- 2.2 12/01399/FUL - Alterations and extension to existing industrial unit to form a car body repair workshop; Granted 23 November 2012.
- 2.3 16/00077/CAT3 – Enforcement investigation in relation to the extension not built in accordance with the approved plans of 12/01399/FUL –pending consideration.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP17 - Retention of employment sites

4.0 CONSULTATIONS

- 4.1 Parish Council - Concerns have been raised to the Parish Council from two residents concerned the extension is much bigger than the previous application and unacceptable to them.
- 4.2 Environmental Health Officer - no objection and the inclusion of conditions relating to working outside the building and restricting working hours.
- 4.3 Highway Authority - no objections.
- 4.4 Two objections supported by various plans and photographs have been received from neighbouring businesses. The concerns have been summarised as follows:
- Concerns originally raised in 1998 regarding parking and turning areas are increased by the extension to the building;
 - The plan submitted does not show the relationship between the approved application and the 'as built' situation, an unapproved increase of 84% over the original plan;
 - The drawing makes no provision for disposal of rainwater on one side and roof flashings are now on adjacent property; the drawing doesn't show sufficient detail;
 - The plan submitted does not show all the built drainage and flooding now occurs on the right of way due to construction work;
 - The applicant has illegally entered neighbours property to carry out construction;
 - The business leads to vehicles blocking the access to neighbouring sites and vehicles are unable to turn around and have to reverse onto the A684;
 - The two parking spaces shown on plan would obstruct access to unit 5;
 - The applicant has carried out work outdoors; and
 - Concerns regarding drains being connected to the main sewer and not a soakaway.

5.0 OBSERVATIONS

- 5.1 The main considerations in determining this application are (i) the principle of the development; (ii) its likely impact on neighbour and visual amenity; and (iii) any impact on highway safety. The alleged encroachment by the applicant is not a planning issue but a civil matter between the parties.

Principle

- 5.2 The applicant extended the building to accommodate his existing level of business. The business is not expected to expand further and to continue to operate with a single member of staff. The extension allows the business greater security and it is therefore considered the principle of development is acceptable in view of the general support provided by policy DP18.

Neighbour and visual amenity

- 5.3 It is noted the extension has been built larger than the previous approval 12/01399/FUL, nevertheless the impact of the extension is acceptable and in keeping with the area. An existing wall screens the majority of the extension with only the roof projecting above the wall. It is considered the extension to the front of the unit does not have an impact on the amenity of the dwellings located to the north of the site. A restriction can be imposed by a condition restricting the working hours and

that work takes place inside the building only in order to protect the amenity of residential neighbours.

- 5.4 Neighbouring properties have concerns regarding surface water run-off and flooding to the front of the extension since the extension has been built. The applicant intends to create a soak away to allow the drainage of the surface water. There currently is no provision for guttering on the southern elevation. A condition can be included to ensure the issues with surface water are resolved. North Yorkshire Building Control Partnership is working with Yorkshire Water and the applicant to resolve an issue relating to connection to the main drain and this is a pre-existing issue and does not require additional consideration as a planning matter in this application.

Highway safety

- 5.5 Neighbours have objected regarding car parking and the ability of vehicles to turn on the site, although these concerns are not shared by the Highway Authority, which does not object. The applicant previously supplied a copy of his land ownership to prove the area of the extension is entirely within his control when it was first considered in 2012. Any issues over the rights to develop on the land are a matter to be resolved between the relevant landowners as this is a civil matter and not a matter for the local planning authority.
- 5.6 The extension allows additional vehicles to be accommodated under cover rather than in the open. The applicant proposes two additional parking spaces to the front of the extension. The position of the parking spaces has altered during the consideration of the application to prevent the obstruction of access to the units to the east of the application site. An objector has submitted photographs showing delivery vans having to reverse back and turning at the bottom of the private lane before exiting onto the A684. These details have been referred to the Highway Authority to allow a further opportunity for comment. The extension does not block access to the neighbouring units of 2 and 3 Bank Top Yard. A condition is recommended to keep the area for parking and turning clear.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered CK01 received by Hambleton District Council on 28th July 2016.
 3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
 4. No work shall be carried out within the site outside the hours of 7.30am to 7pm Monday to Friday, 7am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
 5. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number CK01 received 28th July 2016 for parking spaces shall be kept

available for their intended purposes at all times. The parking spaces should be laid out in accordance with drawing number CK01 within three months from the date of this approval and thereafter maintained.

6. There shall be no working outside the buildings on site.
7. The building hereby approved shall be used for car body repair workshop only.
8. Within three months of this approval, notwithstanding the details shown in drawing CK01 the means of surface water disposal will have been installed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and retained thereafter.

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: CP17, DP1, DP3, DP17 and DP18.
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 the interest of the amenity of neighbours in accordance with Local Development Framework Policy DP1.
5. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development and in accordance with the Local Development Framework Policies CP1 and DP3.
6. In the interest of the amenity of neighbours in accordance with Local Development Framework Policy DP1.
7. In the interest of the amenity of neighbours in accordance with Local Development Framework Policy DP1.
8. To prevent discharge of surface water from the site on to neighbouring properties in the interest of amenity and in the pursuit of a sustainable drainage solution and in accordance with DP1.

Parish: Dalton
Ward: Sowerby & Topcliffe
3

Committee Date: 18 August 2016
Officer dealing: Caroline Strudwick
Target Date: 2 August 2016
Date of extension of time (if agreed):

16/01288/FUL

**Extension to agricultural building to provide manure store
At Westholme Farm, Islebeck Lane, Islebeck
For Mr & Mrs D Sanderson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission for the construction of an extension to an existing agricultural building to provide a manure store. The site is located immediately south of the C-class road running from Sowerby to the centre of Dalton. It is occupied by a farmhouse and various agricultural buildings associated with the pig rearing business.
- 1.2 The proposed development abuts the southern elevation of the existing sow building to the south of the farm complex. The proposed extension would extend to 36m x 18m with an eaves height of 3.2m and a ridge height of 5.4m. The extension is to be an open sided steel portal frame structure with anthracite coloured fibre cement sheeting to the roof.
- 1.3 Manure is currently stored in the open immediately adjacent this plant. The applicant wishes to transfer the manure, which is stored in the open, to the building proposed as part of this application to reduce run-off and ensure that its condition is optimal for use in the anaerobic digester.
- 1.4 The application is to be considered at Committee as one of the applicants is an elected Member of the District Council. The Agent is a former employee.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 93/0996/FUL - Building for pigs; Granted 5 April 1993.
- 2.2 10/00983/FUL - Agricultural storage building; Granted 15 June 2010.
- 2.3 10/00985/FUL - Building for the housing of livestock; Granted 15 June 2010.
- 2.4 11/00087/FUL - Pig finishing unit; Granted 10 March 2011.
- 2.5 11/00088/FUL - Pig finishing unit; Granted 10 March 2011.
- 2.6 11/00089/FUL - Agricultural building for the storage of grain; Granted 14 March 2011.
- 2.7 11/02251/FUL - Extension to sow house; Granted 18 November 2011.
- 2.8 11/02260/FUL - Sow house; Granted 18 November 2011.
- 2.9 12/02032/FUL - Extension to agricultural livestock building; Granted 9 November 2011.
- 2.10 13/01580/FUL - Anaerobic digestion and combined heat and power plant facility; Granted 30 October 2013.

2.11 16/01140/FUL - Extension to grain storage building; Granted 23 June 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Dalton Parish Council - No comments.
- 4.2 Natural England - No comments.
- 4.3 Yorkshire Wildlife Trust - No comments.
- 4.4 Environmental Health Officer – No objections.
- 4.5 Public comment – None received.

5.0 OBSERVATIONS

5.1 The main issues are (i) whether the scale, materials and design of the proposed building would have a harmful impact upon the surrounding countryside or (ii) the amenities of any neighbours.

Impact on the countryside

- 5.2 The proposed extension is of a simple and typically agricultural design. The open sided design avoids unnecessary solid development and is practical for its use. The materials proposed would satisfactorily respect the overall appearance and materials of the existing agricultural buildings on the site.
- 5.3 The proposed siting of the extension on the southern end of the existing agricultural buildings would lessen any visual impact it has upon the appearance of the surrounding area as viewed from approaching along Islebeck Lane. There is a well-established dense and tall hedge running along the main roadside boundary of the site and this would provide a high level of screening to the proposed extension. As such it is considered that the proposed development would not have a significant harmful impact upon the appearance of the surrounding countryside.

Neighbour amenity

- 5.4 There are no neighbouring dwellings unattached to the holding which would be affected by the development.
- 5.5 The overall materials and design of the proposed extension are considered acceptable and due to the high levels of existing screening it would not have any significant adverse impact upon the appearance of the area. It would not have any detrimental impact on the residential amenities, not least as there are no near neighbours.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 005/AJC001 and 005/AJC002 received by Hambleton District Council on 2nd June 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons are:

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

This page is intentionally left blank

Parish: Easingwold
Ward: Easingwold
4

Committee Date: 18 August 2016
Officer dealing: Mr Andrew Thompson
Target Date: 23 August 2016
Date of extension of time (if agreed): N/A

16/01477/OUT

Outline application for two dwellings (all matters reserved)
At 16 Thornlands, Easingwold
For Mr & Dr Boyd

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is the garden of 16 Thornlands, which is on the north eastern edge of Easingwold. Thornlands is a modern residential estate including detached bungalows and two-storey dwellings of brick and tile construction. Site levels fall gently from north to south. Number 16 is a detached two-storey dwelling at the end of the cul-de-sac with a detached garage and garden. To the south there are detached family properties accessed directly from Crayke Road.
- 1.2 The site is 0.12 hectares in size and includes a large healthy mature ash subject to TPO 1985/13, confirmed 16 April 1986. The eastern and southern boundaries are formed by mature trees and hedgerows which are typical of residential gardens.
- 1.3 The application, as amended, proposes two dwellings. It is in outline with all matters reserved but the indicative plans show a layout which accommodates two dwellings with associated gardens and parking and access through the drive of 16 Thornlands, which would involve the demolition of the existing double garage that serves the dwelling.

2.0 RELEVANT PLANNING HISTORY

- 2.1 86/01316/FUL - Construction of a detached dwellinghouse with domestic double garage; Refused 19 December 1986, Appeal Dismissed.
- 2.2 08/02279/FUL - Alterations and replacement garage to dwelling; Granted 5 September 2008.

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 CP6 - Distribution of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 - Delivering housing on "brownfield" land

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
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - No comment received.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Public comment - seven comments have been received from local residents raising the following objections to the original proposal for 3 dwellings:
- The proposed site lies outside of the Development Limits of Easingwold and for planning purposes is classed as countryside/agricultural use;
 - To allow would set a precedent for similar edge of town developments;
 - This is not an 'in-fill' area. To allow would also undermine the LDF Core Strategy Spatial Principles;
 - The visual impact and rural character of this area on the approach to Easingwold from Crayke along Crayke Road would be significantly harmed;
 - The access from Thornlands into the site is very narrow and affords exceptionally poor sight-lines for vehicles existing driveways of No.17 and 15 which are the neighbouring properties. This will lead to vehicle conflicts in this area and a high potential for collisions;
 - At least one tree subject to a legitimate and reasonable TPO will be removed from this countryside area without reason. This tree is in character and size for the garden area it happily sits in;
 - The proposal for a boundary wall to be built between Nos 15 and 16 would be unsightly within this countryside area and out of scale with anything in this area;
 - The demolition of the applicant's detached garage to facilitate access to the site demonstrates a lack of sustainability; and
 - Concerns about drainage.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the likely impact on the character of the area; (iii) the likely impact on the amenities of neighbouring residents; (iv) access; and (v) the likely impact on a protected tree.

Principle

- 5.2 The application site lies outside the Development Limits of Easingwold which cuts across the garden of 16 Thornlands. The policy of the LDF is that development outside of the Development Limits should be resisted unless it meets the exceptional case tests of the policy CP4. The recently adopted Interim Policy Guidance (IPG) applies to residential development in villages and housing proposals around the market towns cannot benefit from its guidance.
- 5.3 Whilst the Local Planning Authority can demonstrate a five-year housing land supply, this in itself is not a reason for refusal. It means that the planning policies for housing land supply can be considered up to date in terms set out in the NPPF. An assessment still needs to be made in relation to the principles of sustainable

development and whether there would be harm caused by the proposed development.

- 5.4 The 1986 application and subsequent appeal is noted and considered. At the time of the appeal the Inspector noted that 16 Thornlands and several other properties were not built and the principal concern was expressed with regard to the impact of the development on the approach and impact of the development on the approach from Crayke. The Inspector noted that it was feasible to put a dwelling within the garden of 16 Thornlands but this would impact on landscaping plans at the time. The Inspector noted four significant trees in his decision whereas only one now remains, which would be retained. There have been substantive changes in national planning policy within the intervening period and the development has been completed and the landscaping has matured. The Development Limits of Easingwold and the local policy approach to development outside them have remained unchanged since the appeal decision.
- 5.5 A further change since the appeal decision is the construction of dwellings along Crayke Road, to the south. These have brought frontage development as far as the Development Limits and the proposed development would therefore extend the built form of Easingwold further east, towards Crayke.
- 5.5 The proposal is well located in respect of access to shops and other services. The concerns of residents are noted with regard to the proposal setting a precedent, however each case must be considered on its own merits.
- 5.6 Having regard to the location of the application site and relationship to Easingwold, the proposal for additional residential development is considered unacceptable in principle, as it would extend development beyond the clear boundary set by the current Development Limits. It is considered more appropriate to review the need for and location of Development Limits through the plan making process.

The character of the area

- 5.7 As previously stated the existing estate of Thornlands is a modern development which includes large family dwellings with properties being relatively closely built next to each other. The application site and proposals, whilst indicative, would be a continuation of the existing development and the character and scale of development could be brought forward to match the existing development. Whilst the comments of neighbouring residents are noted, it is not considered that the proposal would be out of keeping with the character of Thornlands.
- 5.8 The development would extend eastward further than any other development north of Crayke Road. Whilst the agent observes that the views on approach from Crayke would be restricted to a single gable elevation rather than a row of detached dwellings, thus minimising visual impact (paragraph 6.9 of the Planning Statement), the development would harden the eastern extent of the town, exchanging a soft transition of hedgerows, trees and gardens with the built form of a gable wall of a dwelling. The Development Limits adopted in the LDF follow the line of the rear gardens of the dwellings on Thornlands as first approved and have protected the area to the east of Thornlands from additional development following the extension of gardens in to the strip of land to the east. When viewed from Crayke Road the application site appears as part of the countryside.
- 5.9 The development would introduce a significant change, such that the application site would appear as part of the built up area of the town. Policy DP8 sets the purpose of Development Limits including “to avoid a detrimental impact on the character, appearance and environmental quality of the adjacent countryside”. The function of

Development Limits therefore is to avoid harm such as would be caused by this proposal. The proposal is contrary to Policies CP4, DP8, CP16 and DP30, which seek to protect the intrinsic character and quality of the landscape of the District.

The amenities of neighbouring residents

- 5.10 It is noted that the proposal is indicative with the eventual layout, floor plans and elevations matters to be considered in any subsequent reserved matters submission, if granted. The site would be able to accommodate two dwellings, which could be designed in a manner to respect privacy and amenities of neighbouring residents with adequate separation distances. The proposal, based on the consideration of the outline application, would be considered acceptable and in accordance with policy in this regard.

Access and Highway Safety

- 5.11 Whilst indicative, there is only one logical access point which would require the demolition of a double garage and use of the access to form a private drive to the existing and two new dwellings. The double garage would be wide enough to create a private drive of suitable width and there would be sufficient space within the site to allow for parking, turning and manoeuvring of cars and vehicles. There would be adequate visibility at the site entrance and no change in this character that would cause significant or severe harm to highway safety.

The protected tree

- 5.12 The proposal has been amended to reduce the amount of development from three dwellings to two and to keep the protected tree, which is an attractive and significant feature of the locality. Following amendment of the scheme, which originally proposed removal of this tree, there are no concerns raised that the development could not be delivered and the tree also retained.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal would extend development outside of the Development Limits of Easingwold and would result in a change to the character and quality of the landscape by hardening the currently soft green edge of the town and is therefore contrary to Hambleton Local Development Framework Policies CP4, DP8, CP16 and DP30 that seek to protect the intrinsic character and quality of the landscape of the District. No exceptional case for development as allowed for by Policy CP4 has been made.

Parish: East Harlsey
Ward: Osmotherley & Swainby
5

Committee Date: 18 August 2016
Officer dealing: Mrs B Robinson
Target Date: 12 May 2016
Date of extension of time (if agreed): 19 August 2016

16/00293/FUL

**Demolition of existing agricultural buildings and construction of two dwellings together with ancillary works
at Town End Farm, East Harlsey
for Mr Michael Ward**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located at the west end of East Harlsey and includes two C20th agricultural buildings of blockwork and Yorkshire boarding construction along with a further brick building and a timber shed. The east part of the site is flat, and falls westward to the adjacent road as a moderately steep grassy bank. There is an existing access at the north-west corner of the site. On the south side of the site there is an access to the existing dwelling at Town End Farm. There are mature trees on the grassy bank at the west side of the site, and along the road frontage. There are five trees (two sycamores and three oak) on the road frontage which are subject to Tree Preservation Order ref 1989/22.
On the roadside boundary there is timber post and rail fence, with a short length of hedge south of the northern access.
- 1.2 The south of the site abuts the rear of houses fronting the main village street, which are mainly of traditional design, and a range of single storey outbuildings. West of the site, across the road, the neighbouring properties are two large C20th houses, on a raised bank. The main village street extends eastwards in a mainly linear pattern.
- 1.3 The proposal is to demolish the agricultural buildings and construct two houses. Plot 1 is intended to be brick and red clay pantile roofs. It would form an "L" shape with two storey rear wing. The main ridge is at two levels. It is set back from plot 2. Plot 2 is intended to be stone with a red clay tile roof. It has a lower wing on the south side and a single storey wing at the rear including a garage. Windows are intended to be timber with a mix of sash and casement opening types. The submitted details show an area on the south side of the southern access with hedge cut back to improve visibility.
- 1.4 Since receipt of the application the positions of the dwellings have been changed to move dwelling 1 back relative to dwelling 2. Amended plans have been submitted to show the hedge and fence on the frontage removed and demonstrate sight lines for the access. The location plan has been amended to include the area of improvement to the southern access to allow improved visibility.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/89/043/0068 - General purpose agricultural building; Granted 26 June 1989.
- 2.2 08/00267/OUT - Outline application for the construction of a detached dwelling; Refused 1 April 2008.
- 2.3 10/02673/FUL - Construction of a dwelling; Refused 4 January 2011.
- 2.4 15/00106/MBN - Prior Notification for Change of use of agricultural building to two dwellings and associated operational development; Prior approval granted 26 March 2015.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Wish to see the application refused for the following reasons:

- 15/00106/MBN was granted without opportunity for the Parish Council to comment;
- This scheme is similar to others which were rejected in the past; and
- The Parish Council see no reasons to change past decision making.

4.2 Public comment – four comments received, summarised as follows:

- The erection of two homes would enhance the appearance of the village and remove an eyesore;
- Existing accesses need to be maintained, including access to land at the north eastern corner of site where planting is shown;
- Asbestos to be removed in accordance with current legislation;
- The Ordnance Survey plan shows Antwerp cottage wrongly; and
- No objection but the existing vehicular access should be maintained.

4.3 Highway Authority – The improved visibility to the south following the submission of sight line details is noted. Conditions are recommended.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) the likely impact on the character of the settlement; (iii) residential amenity; and (iv) highway safety.

Principle

5.2 The site falls outside of the Development Limits of a sustainable settlement, as East Harlsey has no status in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development outside Development Limits "in exceptional circumstances". The application does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, East Harlsey is redefined as a Secondary Village. 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. In this case it is considered that criterion 1 would be satisfied as East Harlsey is considered to be a sustainable location being categorised as a Secondary Village.

Character

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criterion 2 (built form and character of the village), criterion 3 (impact on the local environment) and criterion 4 (impact on the surroundings) of the IPG.
- 5.6 In terms of built form and character of the village, the site is within the existing built area of the village. The development would replace a group of agricultural buildings, of which two are in public view from the road. The removal of the existing buildings, which have prior approval for conversion to residential use, would introduce a residential character more appropriate to the village location. The proposed houses have design features representative of traditional patterns of housing development, and would be a satisfactory blend with traditional housing on the village street. They have different designs and together would form a pleasing group sympathetic with the overall character of the village.
- 5.7 The scheme retains existing trees and the layout has been changed to minimise the risk of interference by the buildings with the trees on the north side. Protected trees along the frontage are mainly positioned along the lower part of the bank and not susceptible to the building works. The scheme includes the removal of a short length of hedge, which is not an important feature of the area, at the entrance. Overall the proposal is not considered harmful to the natural environment or the wider surroundings.
- 5.8 Following the adoption of the IPG in April 2015 permission has been granted for four new dwellings within the village. A further three dwellings have been approved within the village under the permitted development rules for the conversion of agricultural buildings to dwellings. A further dwelling has been approved under the permitted development rules at Deepdale, approximately 1 mile north-west of the village.
- 5.9 If implemented, the proposed development would supersede two dwellings allowed under permitted development rules and in terms of the cumulative impact of development on the character of the village, the development would not be significant or harmful, particularly as it would substitute purpose-built dwellings for a residential conversion of a large and utilitarian modern barn.

Amenity

- 5.10 Proposed windows in dwelling 2 would face non-habited outbuildings to the south. The proposed development would have no impact in terms of daylighting or

overshadowing or privacy and so would not be harmful to the amenities of nearby occupiers.

- 5.11 Concerns have been expressed about the removal of asbestos. However, this is the subject of other legislation and is therefore not considered to be material to the determination of this application.

Highway safety

- 5.12 Following submission of further details, the Highway Authority acknowledges that the proposal would result in improved visibility to the south of the (northern) site entrance, and subject to appropriate conditions, it would not be harmful to highway safety. Improvements to the visibility of the southern access would enhance the safety of the existing access. The proposed boundaries are arranged to ensure that the proposed houses utilise the existing northern access, and the existing south access can be restricted to one dwelling only.
- 5.13 Concerns have been expressed about protecting rights of access. The details of the proposed access to the north east of the site include a retained gate between proposed tree-planting and there is no reason to suppose the development will prevent access. However, private rights of access are not a planning consideration.
- 5.14 The Parish Council's concerns are noted. Previous refusals have included highway safety reasons, which have been addressed in this case by means of improvements to visibility at the access, and refusal on this basis is not justified in this instance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings: 6; 8 Revision A; Location received by Hambleton District Council on 3 February, 19 May and 26 July 2016 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. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along the carriageway edge of the C2 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 1.05m. Once created, these visibility areas shall be maintained clear and retained for their intended purpose at all times.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the improvement to the vehicle access have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
9. No part of the development shall be brought into use until the approved vehicle access, approved under condition 8 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
10. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 8 revision A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
12. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective tree guards, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.

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 CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to 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. In accordance with policy number CP2 and DP4 and in the interests of road safety.
8. 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.
9. 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.
10. 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.
11. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In the interests of the natural amenities of the surroundings in accordance with Local Development Framework Policy CP17 and DP33.

Parish: Hackforth

Ward: Bedale

6

Committee Date: 18 August 2016

Officer dealing: Mrs H M Laws

Target Date: 2 August 2016

Date of extension of time: 26 August 2016

16/01308/FUL

Construction of dwellinghouse with attached domestic garage, formation of new vehicular access and associated parking at land to the south of Southfields, Silver Street, Hackforth for Mr & Mrs Paul Neasham

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies towards the north eastern corner of the village on Silver Street. The land covers an area of 785sqm to the south of the adjacent dwelling known as Southfields and adjacent to Manor House Farm. Silver Street is a no through road. The site is currently part of a vacant paddock with a stone walled boundary to the roadside with timber post and wire fencing to the rear (east) boundary. There is currently no boundary treatment to the south, which is the remaining part of the existing paddock. The northern boundary, which abuts Southfields, is formed by a stone wall, part of which is the outer wall of an existing outbuilding within the curtilage of Southfields. The paddock lies at a higher ground level than the tarmaced road, with a gently sloping verge up to the base of the wall. The land slopes slightly downwards towards the eastern boundary.
- 1.2 It is proposed to construct a detached dwelling on the plot. There is currently no vehicular access serving the site; it is proposed to create a vehicular access within the western boundary by removing a length of approximately 3.6m of the wall.
- 1.3 The proposed dwelling would be positioned centrally within the plot adjacent to the neighbouring outbuilding. The three bedroom dwelling has an L-shaped footprint, comprising a two storey and a single storey element; a gravel parking and turning area is proposed to the front of the house.
- 1.4 The dwelling would be finished in coursed stone with an interlocking slate roof and upvc woodgrain windows.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP10 - Form and character of settlements

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

Development Policies DP32 - General design
Development Policies 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 - wishes the planning application to be approved.
- 4.2 Highway Authority - no objection. The public highway ends on the bend near the property Southlands, Silver Street then becomes private (not shown as a public right of way). The applicant will need to ensure a right of way for pedestrians and vehicles to the proposed dwelling.
- 4.3 Historic England - we do not consider it necessary to be notified of this application.
- 4.4 NYCC Archaeology - The proposed development lies within an area of archaeological interest and potential. Evidence from aerial photography in the form of earthworks has been plotted as part of the English Heritage National Mapping Programme for the "Henges" area. This survey indicates the presence of medieval and post medieval enclosures adjacent to the west of the application area, a moated enclosure to the south east as well as probable property boundaries relating to the former village of Hackforth. These property boundaries are likely to be medieval in date and lie in the field to the west of the development area along Silver Street. The presence of these earthworks may indicate further medieval/post medieval activity to be present in this location. The development therefore has the potential to impact on remains of the medieval and post-medieval period. A condition is recommended requiring a scheme of archaeological mitigation recording be undertaken.
- 4.5 Environmental Health Officer - In the design statement it mentions that the applicant is researching the installation of an air source heat pump. Before a decision is made I would recommend that the applicant is required to submit details of the air source heat pump that may be installed and its location on the site. Once this information is submitted I will be able to determine the application.
- 4.6 Yorkshire Water - This application states both main sewer and soakaway for disposal of Surface Water. Yorkshire Water will not allow SW into the sewer system until other arrangements have been ruled out in line with NPPF. Please attach a condition requiring the NPPF procedure to be followed and the drainage arrangements to be approved prior to commencement
- 4.7 Public comments - none received to date.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site falls outside of Development Limits of Hackforth, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan.

However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, Hackforth is no longer defined as a Secondary Village but as an Other Settlement because of a reduction in services and facilities since the previous survey. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. The dwelling would lie within 500m, which is walking distance, of all of these facilities. Additionally, Hackforth is close to Langthorne, also an Other Settlement, which has a village green which adds to the sustainability of the area (Hackforth not having such a facility). The village is also within cycling distance (3km) of Crakehall, a Service Village, where there are further facilities although this should be given only limited weight due to the distance. Given the form and variety of services and facilities in the village and in nearby Langthorne, which equate to those that might be found in a small Secondary Village, in this case it is considered that criterion 1 would be satisfied.

Character

- 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 proposal is for a single dwelling and would not therefore be of too great a scale for the village. The site lies beyond but adjacent to the existing row of development along Silver Street and, although this is a grass paddock, it is in accordance with the built form of the village, being positioned between the village dwellings and Manor House Farm at the end of Silver Street. The application site, when viewed from the main village street to the west, would be viewed within the context of the existing Silver Street development, which would help to reduce the prominence of development on the site. As such it is considered that there would be no harmful impact to the natural, built and historic environment.
- 5.6 The proposed dwelling is a simply designed, well-proportioned double fronted property to be finished in stone and interlocking slate tiles. The dwelling is similar in style and materials to the existing dwellings along Silver Street and would not detract from the character and appearance of the village or the surrounding rural landscape. The dwelling would be set back to avoid the power lines that cross the site but this does not appear as a contrived positioning of the property within the site. The proposal is in accordance with LDF Policies CP17 and DP32.

Neighbour amenity

- 5.7 The principal elevation of the neighbouring property, Southfields, faces southwards towards the application site. An existing detached out-building that is within the garden of Southfields lies on the boundary separating the sites and already limits the outlook from that property. The positioning of the proposed dwelling on the plot would not therefore detract from the outlook of Southfields and is unlikely to harm the residential amenity of the occupants. The proposed development would be in accordance with LDF Policy DP1.
- 5.8 With regard to the proposed installation of an air source heat pump it is recommended that details be submitted prior to installation under the terms of a planning condition for assessment by the Council's Environmental Health Officer to ensure it would not adversely affect the amenity of the neighbouring property due to noise.

Highway safety

- 5.9 The Highway Authority has no objections. The section of Silver Street beyond the access to Southlands does not form part of the adopted highway but is capable of providing a safe access to the site. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary

treatment has been implemented in accordance with the approved details and thereafter retained.

6. No air source heat pump shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the first use of the development and retained.
7. 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.
8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the first use of the development and retained.
9. (a) No demolition or development shall take place until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and (i) the programme and methodology of site investigation and recording; (ii) community involvement and/or outreach proposals; (iii) the programme for post investigation assessment; (iv) provision to be made for analysis of the site investigation and recording; (v) provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;
(b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (a) above; and
(c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered N005-02A received by Hambleton District Council on 6 June 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of adjacent residents in accordance with LDF Policy DP1.
7. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
8. In order to avoid the pollution of watercourses and land in accordance with LDF Policies CP21 and DP43.
9. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Hackforth

Ward: Bedale

7

Committee Date: 18 August 2016

Officer dealing: Mrs H Laws

Target Date: 26 August 2016

16/01330/MRC

Application for the removal of condition 10 of 16/01656/FUL (affordable housing provision) relating to the construction of 4 new dwellings and associated access road and parking.

**at land adjacent 4 - 5 Brookside, Hackforth
for Mr Graeme Newton**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Planning permission was granted in December 2015 for the construction of 4 dwellings on this site including (as required by LDF Policy CP9) the provision of affordable housing. The current application requests the removal of condition 10 relating to this provision. Since the decision was made in December last year, the ministerial statement (originally issued in November 2014) has removed the burden for developers to make contributions on housing developments of 5 units or less within specially designated rural areas and 10 units elsewhere. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing. The measures, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. A 40% affordable housing contribution would usually be required by LDF Policy CP9 for developments of 2 or more dwellings. This contribution can no longer be requested and over-rides the requirements of the Council's adopted policies. The following report is as previously presented to Members at the Planning Committee meeting on 10 December 2015 (with an updated Consultations section 4.0 and Conditions section 6.0) and seeks to remove the condition attached to the previous approval, which required an affordable housing contribution.
- 1.2 The application site, which covers an area of approximately 0.35 hectares, lies in the south-western corner of the village on the western side of the village street. Vehicular access into the site is via a field gate directly from the C-class road, on the northern side of a beck which runs east-west through the village. The site currently forms part of an agricultural field used for grazing.
- 1.3 The site forms an L-shape to the rear of the terrace of dwellings at Brookside. It has a maximum depth of 55m and a maximum length of 75m. The southern boundary is formed by the beck; the western and part of the north-western boundaries are not currently defined on the ground; the north-eastern boundary abuts the curtilage of a terraced dwelling which fronts onto the road and most of the eastern boundary runs along the rear curtilage boundaries of a terrace of dwellings (1-6 Brookside). The frontage area through which access would be taken measures 20m. The land rises generally to the north from the village street, which is at a lower ground level.
- 1.4 It is proposed to construct 4no. two storey dwellings on the site, which includes two detached units (one having five bedrooms and one four bedrooms), and a pair of semi-detached dwellings (one having three bedrooms and one having two). The scheme is identical in layout and design to the scheme approved in September 2014.

- 1.5 The proposed cul-de-sac access road retains access into the adjacent field. An area of public open space and four visitor car parking spaces are proposed close to the entrance into the development in the south eastern corner of the site.
- 1.6 Two car parking spaces are proposed for each of the semi-detached dwellings at Plots 1 and 2; Plot 3 has an attached double garage; Plot 4 has a double integral garage with bedroom accommodation above. Plots 3 and 4 also have two parking spaces within the curtilages.
- 1.7 Timber boundary fencing is proposed around the individual plots; the entrance area and public open space is proposed to be landscaped in accordance with a submitted scheme.
- 1.8 It is proposed to finish the dwellings at Plots 1 and 2 in brickwork with concrete roof tiles; the dwellings at Plots 3 and 4 would be finished in stonework and concrete roof tiles. All the dwellings are proposed with white upvc side hung and sliding sash casement windows.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/01388/OUT - Outline application for the construction of a detached dwelling; Refused 4 October 2004.
- 2.2 07/02433/FUL - Construction of a detached dwelling; Granted 20 December 2007.
- 2.3 13/01606/FUL - Construction of four dwellings; Withdrawn 1 October 2013.
- 2.4 13/02559/FUL - Revised application for the construction of 4 dwellings (including two affordable dwellings); Granted 4 September 2014.
- 2.5 15/01656/FUL - Construction of 4 new dwellings and associated access road and parking; Granted 18 December 2015 subject to condition 10 requiring the provision of at least one affordable dwelling.
- 2.6 15/01656/DCN - Discharge of conditions attached to application 15/01656/FUL; Granted 27 July 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy 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 DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

4.1 Hackforth Parish Council - The Parish Council have no objection to the removal of Condition 10 but the Parish Council wish to be consulted on all further changes to the Planning Application

4.2 Public comments - none received.

5.0 OBSERVATIONS

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

Principle

5.2 The greater part of the application site lies outside the Development Limit boundary. Policy DP9 states that development will only be granted for development outside Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4.

5.3 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".

5.4 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. In the 2014 settlement hierarchy contained within the IPG, Hackforth is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. These facilities and those nearby in Crakehall are considered capable of supporting additional development.

Character

5.5 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". The proposed scheme has already been granted planning permission including an affordable housing contribution. The only change to the scheme is the proposed omission of the previously applied condition requiring an affordable housing contribution, which, as set out above, is no longer required.

Neighbour amenity

- 5.6 The in physical terms the application is identical to the scheme approved previously when the details of the layout, access, design and materials were considered and deemed acceptable, including their likely impact on neighbours. There have been no changes to the scheme, neighbouring properties or planning policy that would affect the decision relating to these matters.

Highway safety

- 5.7 The Highway Authority has confirmed that their recommendation is unchanged and has no objections to the proposed development subject to appropriate conditions.

Affordable housing

- 5.8 The removal of affordable housing from the scheme is regrettable but fully in line with national policy and therefore is accepted.

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 before 18 December 2018.
2. Details and samples of the materials to be used in the construction of the external surfaces of the development shall be in accordance with the details approved by the Local Planning Authority under reference 15/01656/DCN. The development shall be constructed of the approved materials in accordance with the approved method.
3. No dwelling shall be occupied after the end of the first planting and seeding seasons, unless those elements of the landscaping scheme approved by the Local Planning Authority under reference 15/01656/DCN 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.
4. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved by the Local Planning Authority under reference 15/01656/DCN. 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.
5. The development hereby permitted shall not be occupied until the site investigation and post site investigation assessment has been completed in accordance with the Written Scheme of Investigation approved by the Local Planning Authority under reference 15/01656/DCN and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
6. The development hereby permitted shall not be carried out except in complete accordance with the Flood Risk Assessment (prepared by Stevenson Associates dated December 2012: Land rear of Brookside Hackforth) unless otherwise agreed in writing with the Local Planning Authority.
7. The development of the site shall take place with separate systems for foul and surface water drainage. Foul water only shall discharge into the public sewer in Crakehall to Hackforth Road.

8. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general and deliveries to and from the site shall be carried out except between 0730 hours and 1800 hours Monday to Friday, 0800 hours to 12.30 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
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: (i) the details of the access that have been approved by the Local Planning Authority under reference 15/01656/DCN; (ii) the access shall be formed as a dropped kerb crossing of the footway, to give a minimum carriageway width of 5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number A1; (iii) 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; and (iv) 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 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70 metres measured along both channel lines of the C36 from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted other than in accordance with the full details of the following that have been approved by the Local Planning Authority under reference 15/01656/DCN: (i) vehicular, cycle, and pedestrian accesses; (ii) vehicular turning arrangements; and (iii) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the approved details.
13. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing dhh 096 / 01. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. There shall be no access or egress by any vehicles between the highway and the application site other than in accordance with the 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 that have been approved by the Local Planning Authority under reference 15/01656/DCN. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site other than in accordance with the details approved by the Local Planning Authority under reference 15/01656/DCN: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings Ref dhh096/01; dhh096/03; dhh096/04 and dhh096/05 received by Hambleton District Council on 17 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
4. 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 LDF Policies.
5. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
6. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
7. The local public sewer does not have capacity to accept any discharge of surface water from the site in accordance with LDF Policies CP21 and DP43.
8. To protect the amenity of adjacent residents in accordance with LDF Policies CP1 and DP1.
9. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.

11. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
12. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
13. 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 in accordance with LDF Policies CP2 and DP4.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
16. 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.

This page is intentionally left blank

Parish: Hutton Rudby
Ward: Hutton Rudby
8

Committee Date: 18 August 2016
Officer dealing: Mrs B Robinson
Target Date: 17 July 2016
Date of extension of time (if agreed): 19 August 2016

16/01180/MRC

**Variation of conditions 2 (drawing numbers), 9 (parking, turning and access areas) & 17 (materials) of planning permission 15/00325/FUL - redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station
At 36 Garbutts Lane, Hutton Rudby
For James Hall and Company Limited**

1.0 SITE DESCRIPTION AND DEVELOPMENT

- 1.1 The site includes a single storey former garage/car showroom with hardstanding at the front, open to the road way. Overall dimensions of the existing buildings are 21m x 20m. To the north west there is detached piece of open land, formerly a car park, dimensions 42m x 23m (average) with access on the east side.
- 1.2 Between the forecourt of the building and the detached carpark, a southward access serves four houses at the rear and as a rear access to 34 Garbutts Lane. There is a further access drive westwards from the entrance, serving two properties south of the car park.
- 1.3 The property immediately to the east of the main site is 34 Garbutts Lane, where there is a dwarf wall and high fence along the boundary of the front garden with the application site. Immediately to the west of the car park, there is a single dwelling, Apple Tree House, which has a well-developed hedge, approximately 1.7m high, on the boundary with the former car park.
- 1.4 The location is at the western edge of Hutton Rudby, on the road towards Crathorne and the A19.
- 1.5 The proposal is to vary the design and layout of the previously approved scheme to provide a convenience supermarket, and a small petrol station facility on the former detached car park. The proposed amendments are:
 - Offset store from west boundary, providing access to a new external bin store with 2m high acoustic fence, and entrance to internal stock room, together with a slight offset from the east side; overall reduction of retail floor space from 280 to 249 square metres;
 - On the front of the building the design is amended to alter windows and provide an ATM set in the wall to the right of the shopfront. On the west side a new service door is provided to serve the ATM; and
 - A proposed night hatch has subsequently been removed from the scheme.
 - A further amendment provides an acoustic fence on the outer side of the proposed footpath on the west side of the store. The fence is set back to allow visibility to the ATM service door.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/00325/FUL Redevelopment of garage to provide convenience store, ATM, customer car park and associated petrol filling station; Granted 26 November 2015.
- 2.2 Three applications to discharge conditions (15/00325/DCN, 15/00325/DCN01 and 15/00325/DCN02) are currently being considered.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - The Council wish to be assured that the height of the fence will be adequate to protect the residents from noise and light pollution. Siting the ATM outside gives concern as these machines have been the subject of criminal activity in various places.

4.2 Public comment - objections (summarised):

- Anti-social behaviour will arise because the dwarf wall will encourage young people to hang around;
- Noise concerns arising from deliveries along the side of the building. The path should have a full length fence;
- The night hatch will allow 24 hour opening contrary to previous proposal;
- Amenity concerns arising from security measures around doors to the ATM and store room; and
- Inaccuracies on plan - hedge ownership (south side), bridle path not shown, fence now removed, telegraph wires not shown.

4.3 Police Architectural Liaison Officer - Concerns have been addressed and no objections are raised.

4.4 Highway Authority - No objection

4.5 Environmental Health Officer - consider that there will be no negative impact. No objection.

5.0 OBSERVATIONS

5.1 The development has already been approved and the issues to consider are whether the proposed changes to the permitted scheme are acceptable in terms of (i) the appearance and design of the scheme and its impact on the surroundings; (ii) the amenities of neighbours; and (iii) any security and anti-social behaviour concerns.

Design

5.2 The overall form of the building remains the same and the proposed changes to the pattern of windows do not have an unacceptable effect on the appearance of the building in the street-scene. The proposed ATM is a feature which would be expected at a development of this type, and is not considered to introduce anything unacceptable in appearance.

- 5.3 The proposed scheme would result in deliveries along the side of the building as opposed to across the frontage and would have the benefit of reducing potential conflict with the movements of customers. Whilst residents have highlighted minor issues with the accuracy of the plans, these would not affect the nature of the proposal or compromise its implementation in line with the recommended conditions.

Amenity

- 5.4 In terms of the amenities of neighbours, deliveries along the side path would have most potential effect on 40 Garbutts Lane. However, this property would also be most exposed to noise from deliveries arising from the approved scheme. Properties to the rear of the site, Waban and Glenavon, may experience more noise arising from deliveries than the approved scheme but that is not considered sufficiently harmful to residential amenities to justify refusal on this basis, particularly taking into account the occasional nature of deliveries and the controlled opening hours of the shop. Notwithstanding the above point, the applicant has supplied an amended plan showing the inclusion of an acoustic fence along the length of the side access. An additional condition can be imposed to provide control over any external lighting, if required. As amended, the scheme removes the provision of a night hatch.

Security

- 5.5 Concerns raised by the police with regard to the ATM machine and service door have been addressed to their satisfaction and on this basis the scheme as now proposed would not compromise security to an unacceptable extent. Whilst the concerns expressed by local residents are noted, the police comments do not raise similar concerns. The proposed store is understood to replace an existing shop within the village where similar risks might arise, and is not considered so great a concern as to justify refusal of a scheme providing a service in a sustainable location.
- 5.6 Amendments to the scheme provide an acoustic fence to the outer side of the footpath with a set back and secure gate to ensure that the service door to the ATM remains in public view.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P-03 Rev L; P-07 Rev K; P -15A received by Hambleton District Council on 20 May 2016 and 26 May 2016 and 4 August 2016 unless otherwise approved in writing by the Local Planning Authority.
 3. Opening times of the shop and filling station shall be between 07:00 and 22:00 only.
 4. External plant shall be restricted to the number and detail of equipment set out in paragraph 6.4.1 of Miller and Goodall Noise Assessment received by Hambleton District Council 20 February 2014. The equipment shall be installed at ground level, and shall not be operated unless all the mitigation measures contained in the Miller and Goodall Noise Report on page 30 are installed and are maintained to full operational capacity.

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 part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
7. 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: (a) vehicle access; (b) visibility splays at the access; (c) a scheme to facilitate pedestrian movements; and (d) a scheme to promote the use of the car parking spaces within the site.
8. No part of the development shall be brought into use until the approved details approved under condition number 7 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these items shall be maintained retained for their intended purpose at all times
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. P07 rev H for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
11. No Heavy Goods Vehicles associated with the development shall reverse from the highway into the site.
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 staff and sub-contractors vehicles clear of the public highway; and (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. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.
14. The proposed safety mitigation measures set out in the approved site layout plan and described in the JMP report received by the Local Planning Authority on the 30 September 2015 shall be fully implemented to the satisfaction of the Local Planning Authority prior to the first opening of the shop or filling station. The mitigation measures shall be adhered to in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
15. Prior to the opening of the store or filling station a detailed traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall seek to ensure that car parking spaces closest to the store are kept available for customers and that the impact of deliveries on parking, access and the local road network is minimised. The proposed scheme shall then be implemented in accordance with the approved details.
16. Prior to the opening of the store or filling station the existing underground storage tanks shall be removed and any necessary remedial action carried out in accordance with the Quantitative Risk Assessment prepared by Geo2 Remediation Limited dated July 2014.
17. 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.
18. No external lighting shall be provided except in accordance with details previously been approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 CP16 and DP32.
3. In the interests of the amenity of nearby residents in accordance with Local Development Framework Policy CP1 and DP1.
4. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework policies CP1 and DP1.

5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP32.
6. In accordance with policy CP2 and DP4 and in the interests of highway safety.
7. 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.
8. 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.
9. In accordance with policy CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. In accordance with policy CP 2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In the interests of highway safety.
12. In accordance with policy 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. To reduce the risk of pollution to the water environment, in accordance with Policy CP21.
14. In the interests of the safety of users of the site and local residents, in accordance with Local Development Framework policies DP3 and DP4.
15. In the interests of the safety of users of the site and local residents, in accordance with Local Development Framework policies DP3 and DP4.
16. In the interests of the protection of the water environment and policy DP31 of the Local Development Framework.
17. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
18. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.

Parish: Hutton Rudby
Ward: Hutton Rudby
9

Committee Date: 18 August 2016
Officer dealing: Mrs B Robinson
Target Date: 15 August 2016
Date of extension of time (if agreed): 19 August 2016

16/01422/FUL

**Alterations and two storey extension to the rear of the dwellinghouse
at 5 East Side, Hutton Rudby
for Mr M Hill**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site includes a two storey brick house with white painted elevation facing onto East Side, where the property fronts the corner of a small grassed area. At the rear there is a flat roofed two storey extension approximately 2m in depth and a single storey rear wing enclosing a small courtyard. The house has a flying freehold over the adjacent premises to the west, where there is a garage serving 4 East Side on the ground floor.
- 1.2 To the west, 4 East Side is on a corner with rear windows facing the application site across a small courtyard. Number 4 is listed Grade II. To the east of the application site, the adjoining building is empty. The land to the east of the application site is associated with Tower House, 2 East Side.
- 1.3 The site is within the Hutton Rudby Conservation Area.
- 1.4 The proposal is a single storey extension, dimensions 5 x 5 metres, and a first floor extension 2.5 metres deep x 5 metres wide. The first floor extension roof is partly flat, with a half hip to the outer edges, continuing outwards down to the single storey extension. Part of the east side of the roof is open to a small terrace area at first floor level with dimensions of approximately 2.7 x 1.6 metres. The proposed materials are brick, with clay pantiles on the roof.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02577/FUL - Alterations and two storey extension to the rear of the dwellinghouse; Withdrawn 14 January 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
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 DP28 – Conservation
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council -The Council has concerns about windows overlooking the neighbour's property. It is over development of the plot. The Council requests a site inspection.

4.2 Public comment – objections have been received on the following grounds:

- Loss of privacy due to overlooking (towards 2 East Side) from balcony;
- Contrary to advice in Domestic Extensions SPD that balconies in urban situations are often problematic;
- Bathroom window should be obscure glazed, for perpetuity; and
- Attention should be paid to 45 degree rule.

5.0 OBSERVATIONS

5.1 The main issues are (i) design and whether the proposed extension is appropriate to the character of the existing house and the Conservation Area; and (ii) whether there would be any unacceptable harmful effects on the amenities of neighbouring occupiers.

Design

5.2 The design incorporates a partly flat roof which is not a feature of the original house (although is found in the existing extension) nor the wider conservation area surroundings. However, due to the tiled half hip, the extension is more sympathetic to the original house than the existing flat roofed extension, and subject to the use of clay pantiles as proposed, it would in this instance be an acceptable feature within the Conservation Area and would not be harmful to the character or appearance of the host building.

5.3 The proposed balcony is incorporated within the proposed roof and in terms of its visual impact will be relatively unobtrusive on the building, subject to use of brick materials on the rear wall to ensure that it remains inconspicuous.

Amenity

5.4 From 4 East Side, to the west, windows directly facing the proposed extension serve a staircase and landing, and a small window facing the development at ground floor level serves a WC (based on information held by the Council). Other windows on the facing elevation at number 4 would face towards the existing high courtyard wall and part of the single storey extension. 4 East Side would continue to benefit from southerly light into the courtyard area. Overall the development would not have an unacceptable harmful effect on amenities at 4 East Side.

5.5 The proposed balcony would have some oversight towards the small enclosed garden at 3 East Side. The balcony is small and does not lend itself to long periods of occupation. The applicant has previously expressed willingness to agree to a condition that no paraphernalia of any sort be positioned on the balcony, further reducing the scope for using the balcony for other than very short periods. The extent of overlooking would not be significantly greater than might normally be the case from first floor windows towards the neighbouring property and the distance is considered sufficient to protect amenity.

5.6 The land associated with 2 East Side overlaps this site. The part of the land overlooked from the balcony towards the east is a rough garden screened from the main house garden by a line of leylandii type trees and is not cultivated as domestic garden. Overlooking in this direction will not therefore be harmful to the amenity of occupiers. The view southward from the balcony toward the main garden at number 2 is limited by the intervening distance and general garden planting and is not considered significantly more onerous than the mutual overlooking towards neighbouring gardens that is commonplace from first floor windows in built up residential areas.

- 5.7 An approval for use of the building east of the application site for an annexe or holiday cottage (13/00235/FUL) has now lapsed and therefore the amenities of potential users are not taken into consideration.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED**, subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1620/2D received by Hambleton District Council on 20 June 2016 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. Unless otherwise agreed in writing with the Local Planning Authority, at no time shall any domestic paraphernalia be placed on the balcony area hereby approved.
 5. Unless otherwise agreed in writing with the Local Planning Authority, brickwork above ground floor shall be left in its natural finish.
 6. Unless otherwise agreed in writing by the Local Planning Authority, south facing first floor windows shall at all times be obscure glazed.

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 CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In the interests of the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.
5. In the interests of the amenities of the surroundings, in accordance with Local Development Framework Policy CP1, DP1 CP17 and DP32.
6. In the interests of the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.

This page is intentionally left blank

Parish: Kirkby
Ward: Stokesley
10

Committee Date: 18 August 2016
Officer dealing: Mrs B Robinson
Target Date: 16 June 2016
Date of extension of time (if agreed): 19 August 2016

16/00872/FUL

**Change of use from annexe to separate dwelling
at Moo Lodge, The Meadows, Kirkby Lane, Kirkby in Cleveland
for Mr & Mrs Peter & Claire Emmerson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site includes a single building with conservatory used as a residential annexe. The location is at the entrance to The Meadows, where there is a house and riding establishment.
- 1.2 The site is at the northern edge of Kirkby village, approximately 34m beyond the Village Hall, from which it is separated by a small paddock. The application has been amended to show the extent of the proposed extension, show two parking spaces, and show how visibility can be ensured at the south side of the vehicular access. Additional information supplied states that the house will continue to be occupied by a family member but is to facilitate funding of approved extensions.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/082/0019A - Alterations to stable building for use as a holiday unit; Granted 30 December 2002.
- 2.1 07/00179/COU – Holiday accommodation occupied by family member; Planning application submitted, case closed 26 August 2008.
- 2.2 08/01734/FUL - Retrospective change of use from holiday cottage to ancillary accommodation; Granted 26 August 2008.
- 2.3 15/02614/FUL - Single storey extensions to side and demolition of existing conservatory; Granted 8 January 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – Asks for this application to be refused as it would result in what was initially approved as a holiday unit (a diversification of farming activity) - which the Parish Council was not happy about but could not argue against in planning terms -, becoming a separate domestic dwelling, which would set a precedent for domestic development of other agricultural land outside the village development limits.

Therefore the Parish Council think that the above condition should continue to be applied to this property.

4.2 Public comment - No observations received.

4.3 Highway Authority - No objection, conditions requested.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) whether the proposed formation of a separate dwelling is sustainable in this location; (ii) whether the development would have any detrimental impact on the character of the settlement; and (iii) whether it would impact on road safety

Principle

5.2 The site is outside development limits of Kirkby, a village with a well-established link to the Service Village of Great Broughton. Kirkby is a Secondary Village within the hierarchy set out in CP4 of the adopted Hambleton Local Development Framework. Under policy CP4, dwellings in rural areas outside development limits can be allowed in order to meet the needs of an enterprise with an essential requirement to locate in a rural area, or for affordable housing, in particular circumstances. In this case no special need is claimed, although the current occupier is stated to be engaged in the business on the site.

5.3 In response to the NPPF the Council has adopted a more flexible approach to development in villages in the form of Interim Policy Guidance (IPG) and there is scope therefore to proceed to consider the proposal on its merits within the terms of the Interim Guidance and the NPPF, and thereafter whether it is in accordance with any other relevant policies of the local plan including the amenity of nearby occupiers, design and any highway safety issues.

5.4 The IPG criteria are: "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."

5.5 Kirkby is re-categorised as an Other Settlement in the updated settlement hierarchy contained in the IPG. It has facilities including a church hall, church and a public house. The IPG recognises that development in one village can support services in another, and closely connected villages can form a cluster. In this case Kirkby is well connected with Great Broughton with a roadside footpath and within the Interim Guidance the two are a recognised example of cluster villages. While the site is

slightly further out than existing houses, occupiers would be able to access services as readily as other properties nearby.

Character

- 5.6 As a single dwelling, the development would be small in scale. The building is a short distance from the existing village development but not contiguous. Its change of use to a separate dwelling would have little effect on the physical form of the village, and overall is acceptable in terms of maintaining the form and character of the village.
- 5.7 As an existing building, the new dwelling would not harm the natural or built environment nor affect the setting of the Listed Parish Church, nor would there be any additional harm to the open character of the surroundings or setting of the village.
- 5.8 The occupation of the building as a separate dwelling would not affect the capacity of the existing infrastructure any more than the existing occupation of the building as an annexe.

Highway safety

- 5.9 The Highway Authority does not object to the proposal, and particularly taking into account the existing use of the building, a refusal on this basis would not be justified.

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. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number 02 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In accordance with policy CP2 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

This page is intentionally left blank

15/02246/FUL

**Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building
at Land and buildings at rear of Kirkby House Farm, Hill Road, Kirkby in Cleveland
for Mr & Mrs Rowland Holmes-Smith**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application was considered at the meeting of Planning Committee on 3 March 2016 and it was resolved that it be approved. The approval included an element of affordable housing provision. In the interim the Government has won a case in the Court of Appeal, with the effect that the policies introduced by the Ministerial Statement of 28 November 2014 to exempt residential development of 10 units or fewer (or 5 units or fewer in designated rural areas) from the need to include affordable housing are again operative. Following this change the applicants have amended their proposal to omit affordable housing, as highlighted below, and due to the significance of the change, the application is brought to Committee for decision. There is an additional amendment to the design of Barn 2. The report is updated to reflect the changes in the scheme. In other respects the application remains the same.
- 1.2 The site lies behind frontage properties on the east side of Hill Road, approximately 70m south of the village crossroads. The site is accessed by a concrete road, approximately 5 metres wide, between the gable ends of Kirkby House Farm (dwelling) and Heather House. The site lies just outside the south east extent of the Kirkby in Cleveland Conservation Area.
- 1.3 The site includes a farm yard. The farm yard includes 3 large agricultural sheds, a timber single storey building, and a pair of brick stable buildings. Agricultural use appears to have ceased. To the east of the farm yard, the wider site includes agricultural land extending to a beck. The total site area is stated to be 2.07ha, of which the farmyard is 0.46ha. The surroundings include residential property fronting Hill Road and Kirkby Road. A public right of way runs through the site from an access point on the south side of the existing farm buildings.
- 1.4 As previously submitted the main proposal is a development of 5 houses, in the existing farmyard area. The buildings include two detached houses on the south side of the access road (Farmhouse and Barn 1), and on the north side of the road a group of 3 houses, including one open market house (Barn 2) and two proposed affordable houses (Barn 3, dwellings 1 and 2). As now proposed Barn 3 comprises 2 general purpose dwellings, each with two bedrooms.
- 1.5 The proposed houses are designed with the general character of traditional buildings. 'The Farmhouse' is two storey, detached, with rear wing forming an L shape. It has a double front form, with a timber door case, eaves formed low over the first floor windows, traditional water tabling at the roof edge and 2 chimneys. Barn 1 is detached, two storey, with a longitudinal form, water tabling and no chimneys. It has a lower ridge at one end. The design includes features typical of a former agricultural

building, including external steps on the east elevation. Barn 2 is single storey with a transverse 2 storey element projecting forward, and has features similar to Barn 1. As now amended, the east end of the roof of Barn 2 is hipped. Barn 3 is single storey and forms two two-bedroom dwellings, with hipped roof at the outer end.

- 1.6 The proposed materials are brick and/or herringbone faced stone, roofing is clay pantiles and/or slate. The proposal includes a hipped roof treble garage with the Farmhouse, double garage and (store) to Barn 1 and attached double car port to Barn 2. The two dwellings forming Barn 3 each have a single car port. The buildings would be arranged together to form a loose courtyard arrangement.
- 1.7 The application includes surrounding land, which is intended to be used for keeping of horses. A stable building, with two stables, tack room and store is proposed at the rear boundary with Ravenscar (which fronts Hill Road). A stable previously proposed at the rear of Otters Hill has been withdrawn from the application.
- 1.8 The application includes an area land to the east of Barn 2, intended for 'allotments' to serve the existing house at Kirkby House, and one of the new houses.
- 1.9 The application includes a proposal to change the use of a strip of land at the rear of Hill Road (properties Heather House, Barn View and Hill View) to domestic use in association with those houses. The strip of land is approximately 5 metres deep. There is a further area of land, not included in the curtilage of the proposed house which has been offered for sale to Rudland house but which has not been taken up. It is to be considered for domestic use at this stage.
- 1.10 The scheme involves the diversion of the public footpath, to take a direct route through the site, via the main access.
- 1.11 Since the successful challenge in the Court of Appeal, the developer is relieved of any obligation to provide affordable housing in this case and consequently amends the scheme to omit the provision previously proposed under a S106 agreement.
- 1.12 The application is submitted with bat survey, transport statement, contamination survey, demolition survey and viability assessment (in relation to affordable housing provision).
- 1.13 Since receipt of the application, the site boundary has been corrected to recognise existing land ownership at neighbouring properties, and a temporary access road is proposed off Hill Road, approximately 200m to the south. It is confirmed that the haul road will be removed following the development.
- 1.14 The transport statement proposes changes to the 'give way' line at the junction of Hill Road with Busby Lane to improve visibility to the west (past the pub). A safety audit of the proposed improvement has now been submitted and is under consideration.
- 1.15 The proposal was the subject of a public exhibition and discussions with the Parish Council prior to the submission of the application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/00095/FUL - Construction of six holiday cottages and change of use of agricultural land to garden; Withdrawn 10 May 2010.
- 2.2 10/02927/FUL - Revised application for the construction of six holiday cottages and change of use of agricultural land to domestic garden; Refused 4 February 2011 and Appeal dismissed 28 June 2011.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Development Policies DP15 - Promoting and maintaining affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP39 - Recreational links
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

4.1 Parish Council - Observations:

- Highway safety - concerns about safety of footpath users on entrance road into site. Object to change to road markers at crossroads - road safety hazard. Loss of existing vehicle parking within the site. Construction vehicles. Surface water will need to be managed to avoid run off into Hill Road;
- Planning application - concerns about precedent, particularly in the large paddocks. The proposed development is on the site of farm buildings and is different from other agricultural land abutting the village limits. The development would not substantially change the built outline of the village;
- Query cumulative total with other new development in relation to Interim Guidance;
- Impact on Underbrow; and
- Light pollution.

4.2 Highway Authority - Notes concerns about visibility to Hill Road, northwards in particular. Consideration also given to existing previous and potential uses of the site put forward in the transport assessment and note of views of previous inspector at appeal. Conditions requested.

4.3 NYCC Footpaths - public right of way to be kept clear until such time as any alternative route has been provided and confirmed.

4.2 Northumbrian Water - No objection subject to the imposition of a condition to secure details of the disposal of foul and surface water and the implementation of the approved details.

4.3 Historic England - recommends that HDC determines the application in accordance with national and local policy guidance and in-house conservation advice.

4.4 Neighbour observations - Objections (summarised):

- Houses - Size too large, bungalows preferred, not in character with agricultural buildings. Not in keeping with conservation area;
- Location - does not reflect the form of the village - contrary to village design statement;
- Amenity - harm to outlook and light. Loss of privacy. Light pollution. Allotments messy - lock up garages would be more beneficial. Storage of bins offensive to near neighbour. Loss of direct access to right of way;
- Traffic - excessive traffic, poor sight lines Hill Road hazardous danger to pedestrians, impact on junction;
- Drainage and services - needs to be sustainable. Query capacity of sewerage system;
- Precedent - development on other land nearby; and
- Wildlife - owls and bats seen at night.

Support (summarised):

- Removal of buildings will enhance village. There were significant issues of noise and smell when in use as farm;
- Design - confidence in the architect. Sympathetic design; and
- Outlook - improved (amendments requested).

4.5 Any additional responses will be reported to the meeting.

5.0 OBSERVATIONS

5.1 Kirkby is a village without status within the hierarchy set out in CP4 as adopted in 2008. In 2015 the Council adopted Interim Policy Guidance (IPG) which updates the hierarchy and provides for a more flexible consideration of new development at the edge of settlements. The document lists Kirkby as an Other Settlement and Kirkby is included with Great Broughton as an example of close villages which can together form a cluster where development in one village may support services in the other.

5.2 Accordingly the main considerations are (i) whether the development is in accordance with the criteria of the IPG in terms of the sustainability of the village; (ii) the impact of the development on its character; (iii) the likely impact on the amenity of nearby occupiers; (iv) affordable housing; (v) the implications of the proposed footpath diversion; and (vi) highway safety. The proposed extension of the garden of the existing dwelling merits separate consideration, as does the likely ecological impact of the development.

Sustainability and character

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

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies."

5.4 In terms of support for local services, Kirkby has some services, including a pub and is approximately 1 km from Great Broughton, a Service Village, which has additional services, including a school which is readily accessible via a paved footway. The IPG identifies the two villages as an example of a cluster and therefore Kirby is a considered to be a sustainable location for small-scale development and the proposed development can be considered to support local services.

Character

- 5.5 The proposal is for five houses, including two smaller, single storey houses. Although Kirkby is a small village, five houses would be consistent with the suggestion within the IPG that up to five dwellings is normally considered to be small scale. Particularly taking into account the close connection with the wider development nearby, five is considered acceptable in principle.
- 5.6 The form of the village is strongly cruciform, with a central crossroads. The existing farm buildings form a small infill in the south-eastern corner of the crossroads. Given the precedent for development in this location, the scheme retains the essential form of the village.
- 5.7 The character of the village is mixed, with historic buildings in the central core and a suburban spread beyond. The proposed dwellings form a semi-enclosed group based on traditional forms and would maintain the character of the village.
- 5.8 The site lies outside, but in part adjacent to the Conservation Area, and by the use of traditional materials and design features would not be harmful to its historic character.
- 5.9 The effect on the surroundings would be a change of character from large agricultural buildings to domestic buildings and associated activity, and subject to control over boundary treatments the net effect on the surrounding countryside would not be harmful.
- 5.10 A more detailed consideration of the design shows that the proposed dwellings make a successful attempt to suggest a hierarchy of dwellings that might arise from the development of barns and ancillary buildings around a farm house, and with the exception of the twin properties in Barn 3, provides a pleasing variety of unique designs and together with the use of brick and stone materials and clay pantiles will be fitting to the village-edge location. The proposed changes to the design of Barn 2 are minor and do not affect the acceptability of the scheme.

Neighbour amenity

- 5.11 The proposed houses would be more than 30m from the rear of neighbouring dwellings on Kirkby Lane and with the exception of an intervening garage building, are a similar distance from properties on Hill Road. The north side of the development is mainly single storey with a relatively slim two storey wing facing the boundary between Otters Hill and Bells Garth. Particularly taking into account the distance, the relative height and proximity of the existing buildings, the two storey element is not overbearing and will not result in an unacceptable loss of privacy. The north side and the west side of the proposed development are each set back from the boundary compared with the existing buildings, thus improving outlook generally from nearby houses.

Affordable housing

- 5.12 Affordable housing is no longer proposed in the scheme, and taking into account the national policy position, which has removed the scope for affordable housing provision in developments of 5 or fewer houses (in rural areas), the absence of affordable housing in this case is not a ground for refusal.

Footpath diversion

- 5.13 This would be a reversion to the historic route reportedly diverted in the 1980s to avoid pedestrian traffic through the farm yard. As now proposed it gives a simple direct route to join the eastern continuation of the path and is acceptable in principle.

Highway safety

- 5.14 Highway safety in connection with the exit of the development onto Hill Road is potentially compromised by the limited visibility to the north, which is obscured by the adjacent garden wall. The response of the Highway Authority makes reference to the decision of the Inspector at the appeal in the previous proposal for 6 holiday cottages on the site. The Inspector who dismissed the appeal for six holiday cottages in 2011 made reference to the 5 metre wide access which was considered adequate for two way traffic and noted in respect to the restricted visibility that Hill Road was not a through road. Relating the situation to that of many rural villages the Inspector did not consider this arrangement unsafe. The Inspector also noted that the access served substantial farm buildings with no evidence that it had not functioned safely in the past.
- 5.15 While there is no agricultural activity at present on the site, and the proposal would thus intensify the use of the access, the main consideration of the Inspector was the status of Hill Road, which, typically of rural villages, functions as a shared surface. Particularly as the Highway Authority does not resist this line of argument, highway safety is considered to be adequately addressed. Subject to the outcome of the safety audit required by the proposed highway condition, the works proposed at the cross roads would be a general benefit to highway safety. The safety audit has been submitted in advance and the advice of the Highway Authority has been sought. Any further advice will be reported to the meeting.
- 5.16 The Highway Authority advises that the proposed new access to serve the construction route is acceptable.
- 5.17 The overall view is taken that the proposal would not compromise highway safety, and there may be some benefit arising from works to improve visibility at the crossroads. With regard to safety of pedestrians, additional details have been submitted showing clearly the provision of a clear footpath along the access point, defined by surface treatments, with passing place within the site.

Other (non-housing) development

- 5.18 The change of use of land to domestic to serve existing house would be of benefit to the local residents concerned without harm to the surroundings or other neighbours. The proposed stable at the rear of Ravenscar is relatively unobtrusive and subject to control over the storage of manure, will not have an unacceptable harmful effect on the amenities of neighbours. The use of the northern and southern paddocks for horse grazing would not of itself require consent, and new buildings which require consent can be controlled as necessary, as they arise. Allotment gardens are to serve two existing properties in close proximity, and do not give rise to concerns

about neighbour amenity or additional car parking, as they can be served from the dwellings concerned.

- 5.19 The application includes details of bin storage (including the new recycling bin). As this would be for collection only, there is no reason to suppose that the bins would be a nuisance to near neighbours. Lighting on houses can be controlled by condition, if necessary.

Ecology

- 5.20 A reasoned risk assessment with regard to bats and owls found no evidence of bat roosting and no evidence of owl activity. There is a minor negative effect in loss of foraging habitat for bats. Mitigation is not required but compensatory measures are proposed in the form of 3 bat roost units in gable walls.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01Rev F; 04 Rev E; 05 Rev D; 06 Rev A Farmhouse floor plans; 07 Rev A; 06 Rev A Barn 1 floor plans; 09 Rev A; 10 Rev A; 11 Rev B; 12 Rev B; 13 Rev A; 14 Rev B; 15 Rev B; 16 Rev A; 17 Rev A; 18 Rev B; 20 Rev A; 21Rev D; received by Hambleton District Council on 2 March 2016 and 1 July 2016 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. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been

submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

9. 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.
10. No development shall take place until the Public Right of Way diversion has been confirmed.
11. Unless otherwise approved in writing by the Local Planning Authority, the allotment gardens hereby approved shall be used solely for recreational gardening ancillary to the domestic occupation of Kirkby House Farm and/or residents of the dwellings hereby approved and not for any other public or private use.
12. The stable hereby approved shall be used only for stabling and equestrian related storage in association with the domestic occupation of a single dwelling and not for any other business or recreational activity.
13. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' there shall be no structures or fencing of any sort erected on the land without the consent in writing of the Local Planning Authority.
14. There shall be no burning of manure on site and no storage of manure except in accordance with a scheme previously approved in writing by the Local Planning Authority.
15. No bins shall be stored on the collection point hereby approved except on the relevant collection day and the day preceding.
16. 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.
17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: a. Build out and alterations to the give way line and other lining in the vicinity of the Hill Road/Kirkby Lane junction; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii)

A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

18. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 05 Rev D. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
19. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
20. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. wheel washing facilities; e. measures to control the emission of dust and dirt during construction; and f construction access to the site.
21. The houses hereby approved shall not be occupied unless there have been implemented compensatory measures to ensure the conservation status of the local bat population in accordance with the scheme set out in Reasoned risk assessment for bats and barn owls dated September 2015 by Barrett Environmental Ltd received by Hambleton District Council 7 October 2015.
22. Before the last house hereby approved is brought into use, the temporary haul road and access hereby approved shall be removed and permanently closed-off and the highway made good in accordance with details that shall first have been approved in writing by the Local Planning Authority. After such closure, no new access shall be created without the prior approval of the Local Planning Authority.
23. 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 temporary 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 temporary construction access shall be located on Hill Road with its centre 18 metres to the south of the boundary with the property known as Meadowfields. It shall be constructed as shown on the submitted drawing reference "Proposed Temporary Construction Access from Hill Road- Revision D" and in accordance with Standard Detail number E7 (concrete or tarmac).

b. Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.

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 CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to 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 order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.
9. To ensure that the development is appropriate to the amenities of the surroundings in accordance with Local Development Framework Policy CP1 and DP1.
10. To ensure that the reasonable enjoyment of the use of the public right of way which crosses the land of the application site is not harmed by commencement of development in accordance with the Local Development Framework Policies CP19 and DP39.
11. To enable the local planning authority to assess the impact of any alternative use, in accordance with the policies of the local plan.
12. In order that the Council can assess the impact of any alternative use, in accordance with the policies of the Local Plan.
13. In the interests of the open character of the countryside, and the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP16, DP 30, CP1 and DP1.
14. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
15. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.

16. In accordance with policy CP2 and DP4 and in the interests of highway safety.
17. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
18. 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.
19. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
20. In the interest of safety and the general amenity of the development.
21. In the interests of nature conservation, in accordance with Local Development Framework policy CP16 and DP31.
22. In the interests of highway safety.
23. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

This page is intentionally left blank

Parish: Myton-on-Swale
Ward: Raskelf & White Horse
12

Committee Date: 18 August 2016
Officer dealing: Mr Andrew Thompson
Target Date: 21 July 2016
Date of extension of time (if agreed):

16/01221/OUT

**Outline application for the construction of two dwellings to consider access and layout
At Church View, Myton on Swale
For Mr & Mrs Glew**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a field to the south of Cherry Tree House, Church View and the Old School House with an existing field access from the main road. To either side of the field is Church Farm and its associated farm buildings and the Old Vicarage which is set back from the main road in line with the rear of the field. Within the field are two timber stable buildings and a polytunnel. The application is relatively flat except for a sunken area in the middle of the field. The sunken area of land forms a pond in times of heavy rainfall and in winter months.
- 1.2 The application is in outline form considering access and layout only. The application proposes two detached houses in the north eastern and north western portion of the field. The proposals show within the layout access to be taken through the existing field access. The proposals also show detached garages in front of the proposed access and the sunken area being retained as a pond.
- 1.3 Whilst the sunken area of land is noted, the site itself lies within Flood Zone 1. It is also noted that Myton-on-Swale has no Conservation Area.
- 1.4 The applicant has submitted a planning statement considering the material planning considerations and policies for the area. This concludes that:
- "The Council is positively supporting development within sustainable settlements at the moment and Myton on Swale constitutes one of the locations where development is being supported. Through this Statement we have demonstrated that the proposal is of an appropriate scale and that it meets the policy requirements of the Interim Policy Guidance concerning Policy CP4 of the Core Strategy. In light of the benefits that would come from the delivery of new housing in maintaining the Council's five year supply of deliverable sites and the supply of affordable housing and in the absence of any significant harm caused to the character and appearance of the area or neighbouring residential amenity, we consider the proposal to be acceptable and policy compliant."
- 1.5 The application is also supported by an ecological assessment which indicates that the vegetation on the site to be cleared has a low ecological significance in the local area; the trees close to but outside the development area are generally of low quality. Landscaping could be included within the development to promote a wider variety of wildlife to use the site than already occurs and the existing ephemeral pond will be retained an enhanced.

2.0 RELEVANT PLANNING HISTORY

- 2.1 On the application site: 16/00527/OUT - Outline application for the construction of 5 dwellings; Withdrawn 18 May 2016.

- 2.2 Other application under the Interim Guidance Note within the village - 15/01151/FUL - Construction of a dwelling; Granted 29 October 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
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 DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
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
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Parish Council - A detailed seven page report of the Parish Meeting which was attended by 18 people representing 12 households which equates, according to the Parish Council to 25% of the village. This is summarised as follows:

- No need for the development or benefit arising from it;
- There are no shops, school, bus service or public house;
- Village cannot form a cluster with other villages;
- Further development would be likely on the field, this proposal would set a precedent;
- The linear and single file pattern of development would be broken by the proposed development;
- The development would be out of keeping with the character of the village - in particular large and modern housing would be out of keeping with the older properties;
- Access to the village is problematic given the single track access routes without passing points;
- The proposed development would be wholly dependent on the private car and would not minimise the need for travel;
- There is a lack of waste water facilities;
- High river water/water table levels impact on drainage issues; and
- Access to the village can be cut off by flooding.

- 4.2 Highway Authority - No objection subject to conditions

- 4.3 Scientific Officer (contaminated land) - No objection.
- 4.4 Swale and Ure Drainage Board - No objection subject to a drainage condition being added.
- 4.5 County Archaeologist – The development lies within the historic village of Myton-on-Swale. The village takes the traditional form of two rows of properties facing each other over a village green and main street. This is typical of Norman planning and re-organisation following the Conquest in 1066AD. It is very likely that a settlement of some form was present prior to 1066AD, although its exact location and form is not known. The village can be considered as a heritage asset (NPPF Annex 2) as a settlement that has been in continuous use for over 1000 years. The properties at Myton-on-Swale have a direct frontage onto the former village green, now enclosed as front gardens. The land to the rear of each property takes the form of a long narrow plot. This will have been used in the medieval period for agriculture, stock rearing, light industry, waste disposal and, in the case of the development site, a pond is present. The plots terminate at a well-defined boundary that acted as a back lane to the settlement. These plots are traditionally open in character and form an important aspect of the setting of the village. The loss of open space behind the village frontage could be considered substantial harm to the setting of the village (NPPF para 135). The proposed dwellings at Church View are set well back from the village frontage. In terms of archaeology the rear plots are of some archaeological potential. They generally contain remains such as dispersed pits, gullies and drainage ditches. These types of remains are of local interest but are not usually of such significance as to preclude development. A conditioned response to allow archaeological recording would be proportionate to the scale of the development.
- 4.6 Public comment - 25 responses raising the following issues:
- The properties which have been applied for are going to sit behind the current lay out of this historic village;
 - Set a precedent for the village with other arable land which could be sold off for building;
 - Nearby locations in Thirsk and Easingwold have developments occurring, there is no need for development in the village;
 - The village has no amenities;
 - The village could not be described as being in a cluster of villages;
 - There is no access to public transport;
 - The village allowed for two properties to be built within the village previously, one of these is currently under construction, this development will be 50% more than advised for our village;
 - The village is picturesque and holds significant historical relevance;
 - The roads within the village are single carriageway and in poor repair and prone to flooding;
 - The area where the development is proposed for is a marsh and subject to flooding
 - Drainage concerns;
 - People within the village have seen and photographed newts within that marsh which will need to be relocated;
 - Children have to play in the street as there is no park or designated safe area for them, as the roads are single carriageway this is dangerous;
 - The proposals are dominant to the countryside;
 - Impact on the operations of the farm;
 - Site is part of the historic character of the village;
 - Approving the proposals would be contrary to the Human Rights Act; and

- Advice appears to be given by planning officers that residential development on this site was acceptable.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the impact on the character of the area, including the heritage of the area; (iii) neighbour amenity; (iv) flooding and drainage; (v) access; and (vi) ecology and wildlife.

Principle of Development

- 5.2 In policy principle terms, Myton-on-Swale has no development limits and the village is defined within the updated settlement hierarchy as an Other Settlement. It is therefore a location where development plan policies, specifically CP4, only allow development in exceptional circumstances. None of the exceptions allowed by Policy CVP4 are claimed and so the proposal is contrary to the development plan. However, it is necessary to consider the impact of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

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

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

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

- 5.5 Myton-on-Swale is defined as an Other Settlement in the IPG settlement hierarchy. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The IPG indicates that in order to be sustainable, and therefore appropriate for development, an Other Settlement must be capable of clustering with either a Service Village or a Secondary Village or with

one or more Other Settlements that would jointly provide the necessary supporting services and facilities. In all cases, the settlements in question should be no more than approximately 2km apart and without significant barriers such as rivers between them.

- 5.6 Myton-on-Swale is located 4km from Helperby and Brafferton and approximately 3.9km from Tholthorpe. The IPG advises that development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable.
- 5.7 The village is too far from settlements with the amenities and facilities that would support a sustainable development and the application therefore cannot draw support from the IPG.
- 5.8 The IPG advises that small scale development normally constitutes five or fewer dwellings. The Parish Council accept that a further dwelling would be appropriate; however this does not alter the above assessment against the first criterion of the IPG. Overall, given the lack of facilities in Myton-on-Swale, further development is not supported by the IPG.

Impact on the character of the area, including the heritage of the area

- 5.9 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character, setting or appearance of heritage assets. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.10 Myton-on-Swale is characterised by linear development with a few built elements set back some distance from the main road including The Old Vicarage and The Old Barn at Church Farm. These are exceptions to the prevailing pattern of development and the proposed construction of two new dwellings in a tandem arrangement with Church View would not reflect the existing built form and character of the village, as required by IPG criterion two.
- 5.11 St Mary's Church, opposite the entrance is a Grade II* listed building, Old Vicarage and The Old School House are potential non-designated heritage assets. The relationship of the proposal to each should be considered due to their cultural importance to the village and historic design features. For the reasons given in the previous paragraph, the development would create an insensitive relationship with these heritage assets and is contrary to the LDF Policy CP16 and DP28.

Neighbour amenity

- 5.12 The proposal includes details of layout to be considered at this stage. It is noted that the proposed dwelling on the west of the two would be some 30m to the rear of the boundary with Old School House whilst the other property would be approximately 15m to the rear boundary with the neighbouring property of Cherry Tree House and about 50 metres between the dwellings. With the external appearance and precise position of windows to be determined at a later date, it is considered that both houses could be designed in a manner to ensure that overlooking and privacy would not be adversely affected.
- 5.13 The access would be between Cherry Tree House and Church View and there are limited windows on the facing side elevations. Overall it is considered that there would be no significant harm to the amenities of residents arising from the proposal.

Flooding and drainage

- 5.14 At the time of a recent site inspection the field was dry. Previous inspections have taken place for other applications in Myton-on-Swale in winter months and these showed standing water in the field. Evidence has also been submitted from residents showing standing water within the field.
- 5.15 It is also noted that residents highlight that access to Myton-on-Swale, at times, has been constrained by flooding, particularly last winter, although access has still been possible. Having regard to the size and scale of the development and the amount of area that would be left undeveloped, should all other matters be considered acceptable a suitable drainage scheme could be secured by condition including provision of appropriate surface water drainage ponds in accordance with sustainable drainage systems. Consequently it is not considered that flooding or drainage could be substantiated as a reason for refusal.

Access

- 5.16 Residents highlight this as a source of concern; however the comments of the Highway Authority should be noted in that it raises no objection in principle. In view of this advice, it is considered that the additional traffic associated with two dwellings would not have a significant impact in terms of highway safety. The access could be accommodated safely within the space. Therefore it is not considered that highway safety would be compromised.

Ecology and wildlife

- 5.17 The applicant has submitted an Ecological Assessment as part of the application which does not conclude that the application site forms a significant habitat with regard to wildlife and makes a series of recommendations, highlighted at paragraph 1.5 which includes that should newts or protected species be found on the site, suitable licences would be required from Natural England. Further a detailed landscaping scheme could be designed to create enhancement to the natural environment with appropriate planting and mitigation. It is therefore considered that the proposal is not contrary to Habitat Regulations and suitable planning conditions could be added to reflect the recommendations of the Ecological Report should the development be permitted.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. Myton-on-Swale is a village that is remotely located with no or few services or without convenient access to services in a nearby settlement by alternative modes of transport. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. National guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. In this instance no special circumstances have been demonstrated and the proposal would be isolated from shops and services which are approximately 4km from the application site. The proposal is therefore considered to be contrary to Local Development Framework policies CP1, CP4, CP16, DP9, DP10 and DP30 and the Council's Interim Planning Guidance and in particular, but not exclusively, paragraphs 29, 37 and 55 of the National Planning Policy Framework. It would therefore be an isolated form of unsustainable development.

2. The proposal by reason of the position of the dwellings within the site, their size and scale in relation to The Old School House, Cherry Tree House and Church View and other properties in Myton-on-Swale would be out of keeping and poorly related to the built form and character of the settlement. The proposal would also be poorly related to the historic character of the village, and the setting of non-designated heritage assets in terms of The Old Vicarage and The Old School House. The proposal would therefore cause harm and is contrary to policies CP1, CP4, CP16, CP17, DP9, DP10, DP28, DP30, and DP32 of Hambleton Local Development Framework, the Council's Interim Planning Guidance and the aims and objectives of the National Planning Policy Framework.

This page is intentionally left blank

Parish: Newton-on-Ouse
Ward: Easingwold
13

Committee Date : 18 August 2016
Officer dealing : Mr Andrew Thompson
Target Date: 18 August 2016
Date of extension of time (if agreed): 22 August 2016

16/01323/FUL

**Change of use of agricultural land to equestrian and the formation of an all-weather private equestrian arena.
at OS Field 2957 Land West Of Beeches Farm Newton On Ouse North Yorkshire
for Mr & Mrs C Rooke.**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The application site is land to the west of Tollerton Lane to the north of Newton-on-Ouse. The main buildings for Beeches Farm, to which the application relates, are on the opposite side of the highway. The application site is bordered by hedges to the north with Cedar Lodge (an agricultural workers dwelling) to the southeast and agricultural storage buildings to the east.
- 1.2 The application proposes an all-weather surface to exercise their horses which are stabled at Beeches Farm. The proposed development would be positioned against the established hedgerow, the field boundary to the north of the area the subject of this application. The size of the arena would extend to 50m x 30m. The arena would be bound by a 1.2m high timber post and rail fence.
- 1.3 The land is currently used for grazing purposes with the proposed arena being for private purposes.

2.0 RELEVANT PLANNING HISTORY

- 2.1 11/02804/FUL - Application for the retention of an existing portable building for continued use as an agricultural workers dwelling - Granted 28.11.2012
- 2.2 09/03917/FUL - Construction of a treated timber clad building for the storage of machinery and produce - Granted 29.06.2010

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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Parish Council - No objection
- 4.2 NYCC Highways - No objection
- 4.3 Site notice displayed and neighbouring residents notified. No comments received.

5.0 OBSERVATIONS

- 5.1 The key determining issues are the impact on the character of the countryside and the relationship to the nearby residents.
- 5.2 The application site is well contained and surrounded by hedges with agricultural buildings blocking public views. The site would be accessed from Tollerton Lane through the existing field gate and whilst there would be alterations to the field, the land is relatively flat and the proposals would be unobtrusive to the wider countryside.
- 5.3 Cedar Lodge is an agricultural workers dwelling and whilst the amenities of the residents living in the property are noted, there would not be a significant increase in noise to merit a refusal on these grounds. The proposals would be for private use which would also lessen the use and the need for additional stables would not be required as the horses are currently kept at Beeches Farm which is within close proximity of the arena.
- 5.4 There is no external lighting included in the proposals which could be harmful to the character of the countryside and the amenity of residents.
- 5.5 The proposals are therefore considered to be acceptable and in accordance with policy.

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) and/or details received by Hambleton District Council on 7 and 23 June 2016 unless otherwise agreed in writing by the Local Planning Authority.
3. The proposed arena shall be used only for private use associated with Beeches Farm, Tollerton Lane, Newton-on-Ouse and shall not be used for commercial purposes.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 DP1, DP30 and DP32.

3. Having regard to the rural character of the area and the countryside and to ensure that the development does not significantly impact on the amenities of nearby residents.

This page is intentionally left blank

Parish: Pickhill with Roxby

Ward: Tanfield

14

Committee Date: 18 August 2016

Officer dealing: Mrs H M Laws

Target Date: 7 June 2016

Date of extension of time: 26 August 2016

16/00808/OUT

Outline application with some matters reserved (access to be considered) for the construction of four dwellings

At land east of Amberleigh House, Lowfields Lane, Pickhill

For Pickhill Top Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within the village of Pickhill at the eastern edge of the village, opposite the Primary School, and covers an area of 0.872 hectares. The site forms part of an agricultural field occasionally used for grazing sheep. A mature hedgerow lies along the southern boundary of the application site abutting the highway known as Lowfields Lane. The site rises steeply up from the road and the hedgerow into the field, which continues to rise up beyond the boundary of the application site.
- 1.1 Adjacent to the site (to the west) lies Amberleigh House, currently the last dwelling on this side of the road opposite the village green. Opposite the site to the south west lies Pickhill Primary School. The site lies outside but adjacent to the Pickhill Conservation Area.
- 1.2 The application is for outline permission with some matters reserved for the construction of four dwellings amended from the original submission of six dwellings on a larger site. Access is a matter included for consideration at this stage. An indicative layout has been submitted illustrating four, two storey detached dwellings fronting onto Lowfields Lane, facing southwards. Access to the dwellings would be by means of independent driveways from Lowfields Lane.
- 1.3 The proposed development includes a proposal to widen the road along Lowfields Lane for the length of the site frontage, which would require the removal of the hedgerow.
- 1.4 The documents submitted with the application include a Planning Supporting Statement; a Design and Access Statement; a Heritage Statement; a Highway statement; a Preliminary Assessment of Land Contamination (PALC) form; a Phase I Contamination Desk Study; and an Ecological Impact Assessment.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies 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 to the amended plans.
- 4.2 Highway Authority - no objections, conditions recommended.
- 4.3 Yorkshire Water - conditions are recommended regarding surface water drainage.
- 4.4 NYCC Principal Archaeologist - I agree that the development lays outside of the historic core of the medieval settlement at Pickhill. There is good evidence that the site has been in use for agricultural purposes for a significant amount of time and this can be seen in the form of prominent ridge and furrow remains that cover the field in which the development is proposed. Although the ridge and furrow is of local interest it is not designated and has no legal protection. I take the point made in the heritage assessment that the proposal will only have a minor impact on the ridge and furrow and that the majority will be preserved. Given the strong likelihood of long term agricultural use following the Norman Conquest, the site has a low archaeological potential. I therefore have no objection to the proposal and have no further comments to make.
- 4.5 Environmental Health Officer - no objection in principle to the proposed development, subject to full and detailed information being submitted to support a future application. The documentation that accompanies the application makes insufficient reference to matters of waste disposal provision, water supply and waste water drainage/sewage system provision. I would require specific referral to be made to these matters, with details of the measures which will be taken clearly specified.
- 4.6 Drainage Engineer - The Environment Agency's flood zone maps do not show river related flooding affecting the site or adjacent land. The EA's susceptibility to surface water flooding maps show that there is a surface water flooding risk to Lowfields Lane immediately in front of the new development and land to the south of the development, shown pink on the plan. The applicant should investigate the extent of this susceptibility to surface water flooding to inform their design if the application progresses. The applicant will have to investigate surface water management options for the development. Unless a suitable surface water management scheme can be provided the development could not progress irrespective of whether permission is granted.
- 4.7 Public comment - correspondence has been received from 11 local residents, whose comments (mostly relating to the original scheme for six dwellings) are summarised as follows:
 - I would ask that a condition is put on the approval that the six houses are all located on the existing highway frontage. To allow the houses to be built within the site i.e. up the hill from the existing highway, would mean these are visible from the Green and would severely compromise the nature of the conservation area that is The Green. Building into the site would also severely compromise

- the privacy of houses built on east side of The Green as the new properties would be very much higher than the existing properties;
- The proposed land is and has always been agricultural and displays the topography of ridge and furrow working;
 - As Chair of Governors of Pickhill School, I fear that the proposed application will constitute a severe safety hazard for the school. There has been considerable increase in traffic using the Lane in recent years and any further increase, especially with drives onto the Lane, would be extremely worrying. There is currently limited space for parents to deliver and collect their children as there is for the daily mini bus. Any encroachment could be extremely dangerous;
 - The village school is opposite the site for the proposed houses, on a corner where it is not always easy to see oncoming traffic until the last minute. Unfortunately young children are not always aware of the dangers of moving traffic. This planned development will only increase traffic in an already sensitive area;
 - In very wet weather the village green floods, making access impossible, sometimes for several days;
 - I was under the impression the field the proposed houses are being sited in was a "Greenfield" site;
 - On reading the Highways Statement it appears that Swainby Lane is only being widened adjacent to the new development and not all the way down to Money Hill. Also it appears that the area used regularly by parents, visitors to the school, school bus etc. is to be used by visitors to the new development, this, I feel would be of great detriment to the safety of the children;
 - My understanding is that although there is outline application for six dwellings the ultimate objective is for at least twice this amount. Lowfields Lane is already constantly busy with traffic ranging from cars through to HGVs, heavy agricultural machinery and school buses and coaches. More dwellings will inordinately increase the traffic to an unsafe level next to a school on a road not designed for the width of a lot of the vehicles using this stretch on a daily basis;
 - There is no footpath access to the school on Lowfields Lane;
 - The proposed development area is medieval ridge and furrow land and to my knowledge a conservation area;
 - I object strongly to anybody building on greenbelt land for purely personal gain;
 - The proposed development is on a blind corner, which is situated on one side of the road and the village school on the other. Therefore, any increase in the traffic represents increased risk of accidents;
 - At present Lowfields Lane affords people amenity for walking or riding. An amenity that would be reduced, should the proposed development should be allowed;
 - Lowfields Lane is single track along its entire length with few passing places and is used for access to several residences, farms and agricultural land. The lane is frequently used by HGVs, heavy agricultural machinery and motor cars. For this reason we believe that any further development is not practice without serious consideration to upgrading this lane;
 - I object due to what would be the inevitable traffic increase along a very narrow road;
 - The driveways are at right angles to the narrow road and it is clear vehicles would have to be reversed out of, or into, those driveways;
 - Hambleton Council must act responsibly when agreeing to new sites for development and must consider the impact on the infrastructure of the village. All the roads need upgrading to keep up with the increase in traffic from the additional housing been built. Lowfields Lane is a single track road all the way from the bridge on the Green and to beyond the school. Traffic struggles at times, especially at the school and any additional housing in this area will only increase the problem; and

- I understand there have been several applications within the village limits which have already been granted. It would be very sad for more houses to be built, especially when this field is a "greenfield" area, which is supposed to be protected from development.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to: (i) the principle of new dwellings in this location outside Development Limits; (ii) the cumulative impact of further housing development in Pickhill including an assessment of the likely impact of the proposed dwellings on the character and appearance of the village; (iii) neighbour amenity; (iv) heritage assets; (v) flooding; and (vi) highway safety. There is no requirement for either the provision of or a contribution towards affordable housing on this site following the Ministerial Statement relating to contributions and small scale developments as the proposal falls below the six unit ceiling for affordable housing contributions in designated rural areas.

Principle

- 5.2 The site falls outside the Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.

4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill which has facilities including a school, church and pub. In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement. Criterion 1 would be satisfied.

Cumulative growth and character

- 5.7 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". 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 adjacent to residential and agricultural uses.
- 5.8 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. This part of Pickhill is characterised by linear, frontage development; the indicative layout illustrates frontage development immediately adjacent to existing dwellings and opposite the school.
- 5.9 The scale of the development would be small as suggested by the Interim Policy Guidance (up to five dwellings) as the proposal illustrates a scheme of four dwellings. The proposal shows frontage development which is considered to be in keeping with the existing development on this side of the village green and appropriate to the village. The illustrative layout indicates that the four dwellings would be detached although it may be that a terrace of cottages would be more in keeping with the character of the village. However, the layout is not for consideration at this stage and this could be considered in greater detail under a reserved matters submission if outline permission is granted.
- 5.10 There have already been several planning permissions granted in Pickhill, following the adoption of the IPG in April 2015. These amount to permissions for up to 16 houses in Pickhill and therefore it is considered appropriate to consider whether an additional four dwellings can be considered as acceptable when the cumulative impact is taken into account. The previous planning permissions (three in number) include development at Chapel Farm (eight dwellings) in the centre of the village on the western side of the main village street; Pickhill Engineering (five dwellings) in the north western corner and the land to the rear of The Cottages (three dwellings), also towards the north western edge of the village. Given the separation from the previous approvals it is considered that an additional four dwellings on the eastern side of the village would not be seen in conjunction with those developments and therefore would not result in a significant amount of new development that would overwhelm or harm the existing built form of the village. In contrast, it would sustainably extend the development form and help to support the existing services and facilities in the village such as the school, the pub and the church.
- 5.11 The following detailed advice within the IPG is considered to be relevant:

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

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

The character of the site is currently an undeveloped field but, as it does not extend beyond the speed restriction sign or beyond the School it does not appear to go beyond the existing confines of the village in respect of its character and proximity. It is therefore not considered to be part of the open countryside, which lies beyond.

- 5.12 It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. The proposed development would require the removal of the hedgerow along the road frontage, which would alter the character of the site. The ecological assessment confirms that the hedgerow is not a species rich feature; mitigation is recommended with regard to the site's ecological value, which includes the removal of vegetation outside of the bird nesting season and best working practice during the period of construction. A condition is recommended. It is proposed to plant new hedgerows along the front boundaries of the dwellings between the access points, which would provide soft edging along the roadside between the main part of the village and the adjacent countryside.

Neighbour amenity

- 5.13 The effects of the proposed dwellings on the amenity of existing local residents would be more accurately assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwelling at Amberleigh House, and would not therefore be contrary to LDF Policy DP1.

Heritage assets

- 5.14 The site's importance due to the presence of ridge and furrow system within the field has been raised by several local residents but the NYCC Principal Archaeologist has confirmed that the site has a low archaeological potential due to the length of time it has been in agricultural use and due to it being a relatively small corner of the main field.

Flooding

- 5.15 The application site does not fall within an area of flood risk but a comment has been received regarding the propensity for the village green to flood and block the road leading to Lowfields Lane. This part of the road appears to be susceptible to flooding, so there is a slight risk and it would be important for the scheme to carefully consider plans regarding the surface water drainage of the application site. A condition to this effect is recommended.

Highway safety

- 5.16 The Highway Statement submitted with the application concludes that (for six houses as originally proposed) the increase in traffic is unlikely to be significant and there are adequate visibility splays that would ensure safe operation of the accesses. Road widening would allow two vehicles to pass. There is concern from several local

residents that the proximity of the site to the School could be a hazard but vehicles associated with the application site will be slow moving at this point on Lowfields Lane either for access or egress of the proposed driveways. The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

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; or (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (d) the layout of the proposed buildings and spaces including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
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 above foundation level until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
7. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained

and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
9. The package of mitigation measures as detailed within the Ecological Impact Assessment produced by E3 Ecology Ltd and dated April 2016 shall be carried out in full.
10. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) the details of the access shall have been approved in writing by the Local Planning Authority; (d) the crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6 var; (e) any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (f) that part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Lowfields Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 0.6 metres and the object height shall be 1.05 metres. Once created, these visibility areas shall be maintained clear of any obstruction (visibility splays cannot cross over several plots and must be contained within individual plots and the public highway) and retained for their intended purpose at all times.
13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until: (i) the details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (a) widening of the existing highway and bringing the existing highway up to an acceptable approved standard; and (iii) a programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or

buildings or other works until (i) details of the widening of the existing highway and bringing the existing highway up to an acceptable approved standard; and (ii) a programme for the completion of the proposed works have been submitted to and approved in writing by the Local Planning Authority.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have (a) been constructed in accordance with the submitted drawing (Reference CAL010216/07a Proposed Site and Location Plan and (b) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in writing to their withdrawal.
17. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (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.
18. The permission hereby granted shall not be undertaken other than in complete accordance with drawing number CAL01216 03E received by Hambleton District Council on 27 July 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development commences.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in

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

6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To protect the amenity of 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.
8. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
9. To minimise the risk to the ecological value of the site in accordance with LDF Policies CP16 and DP30.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
12. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
13. In accordance with LDF Policies CP2 and DP4 and in the interests of the safety and convenience of highway users.
14. In accordance with LDF Policies CP2 and DP4 and in the interests of the safety and convenience of highway users.
15. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
16. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
17. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Potto
Ward: Osmotherley & Swainby
15

Committee Date: 18 August 2016
Officer dealing: Mrs B Robinson
Target Date: 5 August 2016
Date of extension of time (if agreed): 19 August 2015

16/01041/FUL

**Construction of detached dwelling following demolition of existing storage building and change of use of existing buildings to ancillary domestic outbuildings to the new dwelling and associated works
at 10 Cooper Lane, Potto
for Mr & Mrs K Davison**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site includes a mown grass paddock/orchard where there is also a substantial store building of blockwork and sheeting in the north east corner, an open sided store on the south-west side, and stable building, opposite the existing house. The site lies to the rear of the dwelling at Village Farm. There is an existing gated access into the site from Cooper Lane, on the west side of the site.
- 1.2 The site is at the northwest edge of Potto which is mainly linear in form, with an established limb of development westwards at the north end of Cooper Lane, where there are a number of houses and the village hall.
- 1.3 The proposal is to construct a detached dwelling to the rear of Village Farm, in place of the existing open sided store building. The proposed house is two storey, with first floor rooms contained in the roof space, served by roof lights on the south elevation and dormers on the north and west elevations. The plan of the house is "T" shaped. Materials are intended to be brick with slate roofs. The existing store and stable buildings are included within the site and would remain under the control of the owners.

2.0 RELEVANT PLANNING HISTORY

- 2.1 07/03186/FUL - Retrospective application for the change of use of agricultural building to general storage, installation of external cladding and 3 windows; Granted 7 May 2008.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

4.0 CONSULTATIONS

- 4.1 Parish Council - recommend approval.
- 4.2 Public comment – one response:

- No objections to the proposed building;
 - Concerns about access for construction vehicles and risk of harm to the new surface of the road, which is paid for privately by residents; and
 - Alternative access is available from Butcher Lane (in suitable conditions) or through the car park of the Dog and Gun (public house).
- 4.3 Highway Authority – expresses concern about the width of Cooper Lane but the access already serves six properties and the village hall, so a refusal on highway grounds for one more property would be difficult to sustain. Conditions are recommended.
- 4.4 Northumbrian Water - no comments to make.
- 4.5 Ramblers Association - Notes that access to the site will be along Cooper Lane, a designated public footpath.
- 4.6 Scientific officer (contaminated land) - No objection.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are: (i) whether the principle of development in this location is acceptable; (ii) its likely impact on the character of the area; (iii) whether the proposal would have any detrimental impact on the amenity of neighbouring occupiers and; (iv) whether the development would have any detrimental impact on highway safety.

Principle

- 5.2 The site falls outside of the development limits of a sustainable settlement, as Potto has no status in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The application does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and includes an updated hierarchy of settlements, including a list of 'other' settlements which are not of themselves sustainable.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, Potto is included as an Other Settlement. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services.

- 5.5 The approach of the Interim Policy Guidance is that Service and Secondary Villages are deemed sustainable in their own right whilst Other Settlements are unlikely to be considered sustainable unless they form part of a cluster with adequate existing services and facilities. This can be achieved through clustering with a Service or Secondary Village or with sufficient Other Settlements to have "a good collective level of shared service provision". In every case, a cluster "is unlikely to constitute a sustainable community "if there are significant distances (approximately 2km) or barriers between settlements (e.g. rivers with no crossing)". Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable.
- 5.6 Potto has facilities including a church, a village hall, and a pub and there being few facilities, it must be decided whether the addition of these facilities to those in other settlements no more than (approximately) 2km away, results in sufficient provision to constitute a sustainable community.
- 5.7 The nearest settlement is Hutton Rudby, a Service Village with a range of services including a shop, post office, pubs, churches, village hall and a school. Potto and Hutton Rudby are approximately 2km apart and as such under the terms of the guidance can be considered to form a sustainable cluster. Potto is therefore considered to form a sustainable community and the development of an additional dwelling is acceptable in principle.

Character

- 5.8 The remaining criteria of IPG to be considered would be (2) built form and character of the village (3) impact on the local environment and (4) impact on the surroundings.
- 5.9 In terms of built form and character, the village is strongly linear in form with an established pattern of growth leading westward off Cooper Lane at the north end. The majority of the village comprises frontage development. The development of a dwelling on the site would result in a tandem arrangement with the new dwelling occupying a backland site that would not reflect the existing form of the village or form a natural infill within the current pattern of development. The proposed development of this site for a dwelling is therefore considered to be harmful to the overall character and form of the village and fails to comply with the requirements of the Interim Policy Guidance in these terms.
- 5.10 The design of the proposed house is broadly traditional in character and, in association with the existing mixed housing along this part of Cooper Lane, and elsewhere in Potto, it would be sympathetic to the character of the village.
- 5.11 The site includes the site of an existing utilitarian building, and an area of mown grass, and natural features such as the hedged boundaries would not be affected. Consequently the development is not considered harmful to the natural environment or to have significant effects on the historic environment.
- 5.12 There is no evidence that the development could not be accommodated within the existing infrastructure of the village.

Amenity

- 5.13 The proposed design avoids dormers facing the existing dwelling and there is scope to consider that, subject to suitable conditions, the development would not be harmful to the amenities of neighbouring occupiers.

Highway safety

- 5.14 Taking into account the comments of the Highway Authority the development would not be harmful to highway safety. The concerns of a neighbour with regard to access are capable of being addressed by a suitable scheme for construction of the access, if the development were otherwise acceptable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development is a form of backland development which does not reflect the form and character of the village in this locality or form a natural infill within the current pattern of development, contrary to the Council's Interim Policy Guidance Note for housing development in villages. The proposed development is considered to be contrary to the requirements of the Interim Policy Guidance, Core Policy CP17 and Development Policy DP32.

Parish: Sinderby

Ward: Tanfield

16

16/01419/FUL

Committee Date: 18 August 2016

Officer dealing: Mrs H M Laws

Target Date: 15 August 2016

Date of extension of time: 26 August 2016

Alterations and subdivision of dwelling to form two dwellings

At The Old Post Office, Sinderby

For Mrs Rosina Gilboy

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Sinderby, on the eastern side of the village street. The application site forms part of a dwellinghouse, which is an end of terrace dwelling with a driveway to the side and detached garage to the rear.
- 1.2 The dwelling is currently a four bedroom property, which was originally two properties that formed part of a terrace of three units. The adjacent dwelling, Spring House, lies at the northern end of the terrace.
- 1.3 It is proposed to sub-divide the dwelling and create two dwelling units; each would be a three bedroom unit as it is proposed to provide an additional room within the roofspace to be served by rooflights and an existing dormer window on the rear elevation. The external alterations include the reinstatement of a door and the construction of a porch on the front elevation. The middle dwelling was previously known as Middling Cottage.
- 1.4 Parking is proposed at the front of the proposed dwelling, which would require the removal of the brick boundary wall. The existing parking for The Old Post Office is provided by a driveway on the southern side of the dwelling and this would be retained for the existing dwelling.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 09/00689/FUL - Alterations and extensions to dwelling to form two dwellings and alterations/extensions to outbuilding to form domestic garage/studio; Withdrawn 23 April 2009.
- 2.2 09/01800/FUL - Single storey rear extension, alterations and extension to outbuilding to form a domestic garage/studio; Granted 24 August 2009.
- 2.3 15/01777/FUL - Single storey rear extension; alterations and extensions to outbuilding to form a garage/studio and loft conversion; Granted 29 September 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 DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

4.0 CONSULTATIONS

- 4.1 Parish Council - No comments received.
- 4.2 Highway Authority - conditions recommended.
- 4.3 Public comments - a letter has been received from a neighbouring resident who confirms that he has no objection to the proposal.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of creating an additional dwelling unit in this location; (ii) the impact of the proposed alterations on the character and appearance of the dwelling and the surrounding area; and (iii) the impact on residential amenity.

Principle

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, Sinderby is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The facilities within Sinderby comprise a village hall. The only settlement within approximately 2km is Pickhill, which is a Secondary Village in the Settlement Hierarchy. It is accessible from Sinderby by the unlit road, which has no footway. Whilst Pickhill has a pub, a primary school and a church, there are no cycle paths, footpaths or bus routes linking the two villages. Crucially however, the distance between the proposed application site and the services in Pickhill by road is less than 2km, which is considered to be an acceptable separation allowed for in the IPG. It is considered that Sinderby and

Crakehall are capable of forming a cluster with sufficient facilities and services to support a sustainable community and would satisfy Criterion 1.

Character and appearance

- 5.5 The existing dwelling was originally two smaller properties in-keeping with the scale of the other dwelling in the terrace. The proposed alterations result in two smaller family homes, which would be lower in cost and more affordable than the existing dwelling.
- 5.6 The proposed alterations are minor and would not detract from the character of the dwelling and would have no greater impact on the appearance of the area. The removal of the boundary wall for parking at the front of the property would not detract from the character and appearance of the area.

Residential amenity

- 5.7 The site is already in residential use but approval of the application would effectively double the number of households. It is considered that the proposed subdivision of the rear and front gardens would result in adequate amenity space for each of the proposed dwellings and would provide private space for the properties; there would be no unacceptable overlooking or overshadowing as a result of the development, which would be no greater than currently experienced between the existing dwelling and its neighbour. The proposed development would be in accordance with LDF Policy DP1.

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. 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.
 3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plans and drawing numbered 09/0014/02A received by Hambleton District Council on 20 June and 6 and 28 July 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

This page is intentionally left blank

16/00712/OUT

**Outline application with some matters reserved for a detached dwelling
at Hill Farm, Skipton On Swale
for Mr P Robinson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the northern side of the A61 road in Skipton on Swale village to the east of the Smithy with the former Skipton Bridge Methodist Church to the rear. The land slopes gently up from the road to the former Methodist Church with the application site sitting between and opposite two storey dwellings on the road frontage.
- 1.2 The application is in outline and proposes a detached dwelling of 4 or more bedrooms on land between the Smithy and The Grove, set back from the road and utilising an existing access point. The application is to consider access and layout with other matters to be considered as Reserved Matters.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 00/51353/P - Outline application for the construction of a dwelling; Refused 15 August 2001, Appeal Dismissed 11 February 2002 on highway grounds.
- 2.2 At a similar time there were also applications approved for the conversion of the former Methodist Church.
- 2.3 Opposite the site: 98/51212/O - Outline application for two dwellings with domestic garage and alterations to an agricultural building to form a dwelling; Refused 11 September 1998 on design grounds.
- 2.4 99/51302/O - Outline application for a dwelling and alterations to an agricultural building to form a dwelling; Granted 14 February 2000.
- 2.5 Westholme (to the west of the application site): 2/94/133/0034 - Outline application for a dwellinghouse; Granted 25 July 1994.
- 2.6 2/97/133/0034A - Details of detached dwellinghouse and domestic double garage; Granted 2 September 1997.
- 2.7 2/03/133/0034B - Detached dwelling and garage; Withdrawn 12 February 2004.
- 2.8 14/01203/FUL - Dwelling and garage and alterations to access; Refused 6 August 2014; Appeal Dismissed 19 January 2015 on the grounds that Skipton-on-Swale was not a sustainable location.
- 2.9 15/01349/FUL - New dwelling with associated garage (re-submission of 14/01203/FUL); Granted 18 August 2015.
- 2.10 Near to the application site to the south (Land at Catton Road): 15/02750/OUT - Outline application for a dwelling and detached garage: Refused 18 April 2016.

2.11 The above application was refused on the following ground:

The proposed new dwelling would be located in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton at Local Development Framework Policy CP4. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable development by maintaining or enhancing the vitality of the local community. The proposal fails to meet the requirements of criteria 2, 3 and 4 as the location of the site fails to reflect the existing built form and character of the village and will have a detrimental visual impact upon the open character and appearance of the surrounding countryside. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP3, CP4, DP9 and DP10 of the Hambleton District Council Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (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 DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
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 comment received.
- 4.2 Highway Authority - No objection as this proposal utilises an access previously approved as part of an earlier application.
- 4.3 Public Rights of Way Officer - No objection subject to an informative relating to the protection of the right of way.
- 4.4 Environmental Health Officer - No objection.
- 4.5 Scientific Officer (contaminated land) - No objection.
- 4.6 Public comment – None received.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the impact on the character of the area, including the heritage of the area; (iii) neighbour amenity; and (iv) access.

Principle of Development

- 5.2 In policy principle terms, Skipton-on-Swale has no Development Limits and the village is defined within the updated settlement hierarchy as an Other Settlement. Development Plan policies make a presumption against development in such locations unless one of the exceptions set out in Policy CP4 applies. No such exception is claimed and therefore the proposal is contrary to the development plan. However, the National Planning Policy Framework (NPPF) published in March 2012 must also be considered. Paragraph 55 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy and this is considered below.
- 5.4 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.5 Skipton on Swale is defined as an Other Settlement in the updated settlement hierarchy. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby.
- 5.6 It is noted that the Appeal Inspector in 2015 stated that:

"Skipton on Swale is a small village and, with the exception of a church, has no shops, public house, school or other community facilities. Although it is on a bus route, the service is on school days only providing a school service to Ripon Grammar school and Thirsk School. The nearest settlements with a reasonable range of services and facilities are Carlton Miniott (2.8km) and Topcliffe (approximately 6 km by road from the application site), with the more distant market town of Thirsk providing a much wider range and choice. It is noted that Thirsk Railway Station is approximately 5km from the site. All these settlements and services are some distance from the village and are not realistically accessible by bicycle or foot from the appeal site due to the absence of footpaths and the speed and heavy traffic on the A61. The neighbouring settlements where there are services are significantly beyond the "approximately 2km between settlements" distance quoted in the IGN. The occupiers of the proposed dwelling would therefore be heavily reliant upon the private car to access them, contrary to sustainability objectives in Policies CP1 and CP2 of the LDF which seek to minimise the need to travel. The proposal would also conflict with one of the core land-use planning principles in the Framework which requires planning to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling...".

- 5.7 The village is therefore some distance from amenities and facilities and is considered to be a sustainable location for development under local or national policy.

Impact on the character of the area

- 5.8 The application site lies between substantial buildings which front the street and The Grove which is set back from the roadside. The site is relatively open and there are no distinctive features on it that would prevent development. The former Methodist Church is an attractive building but is not listed and is not considered to be a non-designated heritage asset.
- 5.9 The proposed dwelling would be set back from the road and would be in a similar position to the neighbouring property of The Grove. The proposal would introduce a change in the character of the area but this would not be significant when considered in the context of the overall character of the village. As such, a design-based refusal, as per the past proposal to the south (15/02750/OUT) is not considered appropriate.
- 5.10 It is considered that the development would not have a detrimental impact on the natural, built or historic environment and would therefore meet the tests of criterion 3. Neither would it have a detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements (criterion 4).

Neighbour amenity

- 5.11 The proposal shows a building that would be positioned in the centre of the site. The external appearance and scale of the proposal are reserved matters but it is considered that a suitably designed building, in keeping with properties such as The Grove and possibly inspired by the vernacular of the Methodist Church, could be accommodated on the site whilst respecting the amenities of the occupiers of neighbouring properties.

Access

- 5.12 The comments of the Highway Authority are noted and the use of the existing access point onto the A61 is also noted. The proposal shows parking and turning space within the site. There are therefore no concerns raised with regard to highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. Skipton on Swale is a village that is remotely located with few services and without convenient access to services in a nearby settlement by modes of transport other than the car. The proposed new dwelling would be located in a village that is identified as an Other Settlement in the revised Settlement Hierarchy for Hambleton at Local Development Framework Policy CP4. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable development by maintaining or enhancing the vitality of the local community. The proposal fails to meet the requirements of criterion 1 as the site is not located where it will support local services. The proposal also fails to meet any of the exceptional circumstances set out in Policies CP1 and CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP4, and DP9 of the Hambleton Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (2015) and in particular, but not exclusively paragraphs 29, 37 and 55 of the National Planning Policy Framework and would be an isolated form of unsustainable development.

This page is intentionally left blank

Parish: Thrintoft
Ward: Morton on Swale
18

Committee Date: 18 August 2016
Officer dealing: Mrs H M Laws
Target Date: 15 August 2016
Date of extension of time: 26 August 2016

16/01421/FUL

**Creation of 7 additional touring caravan pitches within the existing caravan site, and the change of use of land to create a touring caravan storage area and new visitor car park At Canada Fields, Moor Lane, Yafforth
For Mr Kevin Tiplady**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies approximately 4km to the north west of Northallerton on the southern side of Moor Lane (B6271). Access to the site is directly from the road, adjacent to a mature copse of trees bounding the roadside to the north west of the access. Immediately behind the trees there is a range of agricultural buildings, and a cabin style dwelling. The buildings are used in association with a pig rearing enterprise.
- 1.2 An access track serves the caravan site on which there is permission currently for 15 touring caravans. The reception for the site is provided by the cabin style dwelling, which lies adjacent to the access; an amenity block lies adjacent to the caravan site and wildlife/fishing ponds lie to the south.
- 1.3 Permission is sought for an additional 7 pitches for touring caravans within the boundary of the caravan site. The hardstanding areas are already in place. The application would bring the total number of pitches to 22. The site boundary remains the same as previously approved; therefore the proposal is to increase the density of the caravans within the existing approved site.
- 1.4 It is also proposed to provide a caravan storage area, between the caravan site and the trees along the northern boundary. The storage would cover an area of approximately 480sqm. The existing grassed paddock would be finished in gravel on compacted hardcore.
- 1.5 A car parking area is proposed as the cars are separated from the caravans to reduce disturbance to residents, and also for visitors to the fishing ponds, with space for an additional 10 cars.
- 1.6 It is proposed to plant an evergreen hedge around the storage and parking areas.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/01132/FUL - Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans; formation of caravan hard-standings, access track, car parking, waste disposal point and construction of a reception building and amenity building; Granted 20 July 2012 limiting the number to a maximum of five touring caravans on the site at any time.
- 2.2 14/00159/FUL - Access track and hook up facilities to accommodate 10 additional touring caravans at existing caravan site; Granted 2 May 2014 allowing a maximum of 15 touring caravans at any time.

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 CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - no comments received.

4.2 Highway Authority - There is a concern with regard to the car parking provision at the site and how this will work if all the caravan pitches are occupied. It is likely that the area marked caravan storage area will be utilised at peak times however the operation of this should be confirmed. Given the availability of space within the application site there is unlikely to be an effect on the highway because of car parking. There will be an increase in vehicle movements to and from the site but as it is an established site there are no objections.

4.3 Environment Agency - no objections to this development. Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

4.4 Environmental Health Officer - reply awaited.

4.5 Public comments - none received.

5.0 OBSERVATIONS

5.1 The issues to be considered include (i) the policy implications of the intensification of the use of the site; and whether the scale of development is appropriate in respect of (ii) the visual impact of the development on the landscape; and (iii) highway safety.

Policy

5.2 Paragraph 28 of the NPPF requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors. This would include support for provision of tourist and

visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres and farm diversification projects.

- 5.3 Policy CP4 allows development in principle if the site lies within the Development Limits of settlements that are defined in the Settlement Hierarchy, and which is of a scale and nature appropriate to secure the sustainability of each settlement. The application site lies well beyond any defined Development Limits boundary. Policy CP4 requires justification for development to be permitted in a less sustainable location. The proposed development is an expansion of the commercial operation at this location, which would help to support local businesses and the local rural economy. The proposed development supports the local economy by providing employment and by providing custom to local pubs, shops and tourist attractions. The proposed intensification would therefore help to support a sustainable rural economy by meeting the needs of tourism in this location.
- 5.4 The proposal is associated by ownership with an agricultural use on the site, and this type of tourism use, which requires a rural location, and which does not inhibit the agricultural use of the site is a suitable farm diversification, in accordance with policies CP15 and DP26.

Visual impact and landscape

- 5.5 The application site covers an area of approximately 0.77ha, part of which is the approved caravan site. It is discreetly located to the rear of the belt of mature trees bounding the main road (Moor Lane, B6271). The site is more clearly visible from the road to the north west leading to Little Langton.
- 5.6 An assessment of the potential visual impact of the proposed development has been undertaken on behalf of the District Council, which confirms that the site cannot be clearly seen from Moor Lane other than fleeting glimpses through the dense woodland strip, although this would not be so effective during the winter months. From the single track road to Little Langton the site is clearly visible for a distance of about 130m. It is recommended that mitigation be undertaken in the form of allowing the hedgerow to grow to a greater height and the planting of trees inside the hedgerow line, which would, in time, provide a higher level screen.
- 5.7 Additional planting has been required by conditions of previous planning permissions and has been implemented. It is recommended that a condition is imposed requiring the scheme of mitigation to be undertaken in order to bolster the landscaping along the north western boundary of the site.

Highway safety

- 5.8 The proposed development is served by an existing site access and the Highway Authority has confirmed that it is not unsafe in terms of visibility. The provision for additional caravans and caravan storage would result in an intensification of the use of the access but visibility at the access is acceptable and 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. From one month from the date of this decision the development must comply with the following requirements: (i) the caravans are occupied for the holiday purposes only; (ii) the caravans are not occupied as a person's sole, or main place of residence; and

(iii) the site owner/operator maintains an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

2. From one month from the date of this decision and unless otherwise approved in writing by the Local Planning Authority in advance, there shall be no more than 22 touring caravans on site at any time.
3. No part of the development shall be in use after the end of the first planting and seeding season following the approval of the application (i.e. 31 March 2017), unless the landscaping scheme (drawing number A3/01A) received by Hambleton District Council on 8 August 2016, has been implemented in full. 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. The additional evergreen hedge shown on drawing A3/01A shall be maintained so as to not exceed 5 metres in height.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered A3/01A received by Hambleton District Council on 20 June and 8 August 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc., and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
2. To enable the Local Planning Authority to assess the impact of any different number of caravans against the policies of the Local Plan.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: West Tanfield

Ward: Tanfield

19

Committee Date: 18 August 2016

Officer dealing: Mrs H Laws

Target Date: 27 July 2016

Date of extension of time: 26 August 2016

**16/01157/FUL &
16/01158/LBC**

**Construction of porch to front elevation of the dwellinghouse
at Prospect House, West Tanfield
for Mr & Mrs A Cumming**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The dwelling is a two storey detached property that lies on the corner of the main village street and the Nosterfield Road at the eastern end of the village. It is a grade II listed building that lies within the West Tanfield Conservation Area.
- 1.2 It is proposed to construct a porch extension to the front elevation of the dwelling. The porch would have a footprint of 3.5m x 2.5m with a ridge height of 3.5m. The walls would be finished in coursed stone with a grey stone slate roof and softwood windows and door. The submitted detailing includes stone quoin detailing to match the existing dwelling.
- 1.3 The works require planning permission and listed building consent. This report is therefore concerned with two applications.
- 1.4 The applications are presented to Planning Committee at the request of the Ward Member.

2.0 RELEVANT 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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no comments received (expiry date for representations 4/7/2016)
- 4.2 HDC Conservation Officer - Prospect House is a farmhouse of 18th century construction featuring coursed squared stone with quoin stones to each gable. Quoins are also used for the door surround and windows feature stone lintels and cills as well as shaped kneelers and stone water tabling. Chimneys are of brick. The significance of the external elevation lies in its heavy use of stone detailing, particularly in the quoins surrounding the central front door. This is clearly a house of

distinction, expressed through the use of such fine stone detailing. The addition of a porch to the front will in my opinion result in harm to the character of the listed building. The proposed porch will mask one of the most important elements of this building and alter the simple rhythm of the elevation which amounts to less than substantial harm to the significance of the designated heritage asset. NPPF requires less than substantial harm to be weighed against the public benefit of the proposal. There is no public benefit to this proposal.

4.3 Public comment – none received.

5.0 OBSERVATIONS

5.1 The main issues to be considered in respect of the planning application relate to (i) the effect of the alterations on the character and appearance of the West Tanfield Conservation Area and (ii) the character and appearance of the grade II listed building; and (iii) the impact on the amenity of adjacent residents. Issue (ii) is the sole concern in respect of the listed building application.

Conservation area and listed building

5.2 The National Planning Policy Framework, paragraph 131, states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Para 132 goes on to state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

5.3 Policy CP16 states that development will not be supported if it has a detrimental impact on the interests of a man-made heritage asset; Policy DP28 requires consideration to be given to the position and massing of new development in relation to the particular feature.

5.4 The front of the dwelling is clearly visible within the streetscene and is prominent within the Conservation Area, which is a designated heritage asset. The importance of the Conservation Area results from the buildings and spaces within it. Any harm caused to a building may harm the importance of the surrounding Conservation area.

5.5 The significance of the existing dwelling as a heritage asset lies at least in part within the detailing on the front elevation. The construction of the porch would mask this detailing thereby harming its special interest and as a consequence would be detrimental to the character and appearance of the West Tanfield Conservation Area. There are no public benefits resulting from the proposed development and therefore no overriding reason to allow the resultant harm. Refusal of the application is therefore recommended as being contrary to LDF Policies CP16 and DP28 and the advice within the NPPF.

5.6 The proposed development would have a detrimental impact on the character and appearance of the surrounding West Tanfield Conservation Area as a result of the harm to the listed building. It is recommended that planning permission is refused.

Residential amenity

5.7 The proposed development lies far enough from the neighbouring residents for it to have no adverse impact on residential amenity.

6.0 RECOMMENDATION

6.1 Planning application 16/01157/FUL:

That subject to any outstanding consultations the application is **REFUSED** for the following reason:

1. The proposed porch extension would harm the special interest of the grade II listed building and be detrimental to the character and appearance of the West Tanfield Conservation Area contrary to LDF Policies CP16 and DP28 and the advice within the NPPF.

6.2 Listed building application 16/01158/LBC:

That subject to any outstanding consultations the application is **REFUSED** for the following reason:

1. The proposed porch extension would harm the special interest of the grade II listed building contrary to LDF Policies CP16 and DP28 and the advice within the NPPF.

This page is intentionally left blank