

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 18 August 2016 (P.9 - P.10), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

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

4. MATTERS OF URGENCY

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

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 18th August, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	D Hugill	Councillor	M S Robson
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An apology for absence was received from Councillors C Rooke

P.9 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 21 July 2016 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 **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) 15/01240/OUT - Outline application for up to 105 dwellings with all matters reserved at Wilbert Farm, Sandhill Lane, Aiskew for Mr Robin Stead

PERMISSION GRANTED subject to a minimum of 28% affordable housing to be provided as part of the development.

(The applicant's agent, Rawdon Gascoigne, spoke in support of the application).

(Michael Chaloner spoke objecting to the application.)

- (2) 16/01300/FUL - Retrospective application for extending of an industrial unit at Unit 1, Bank Top Yard, Bedale Road, Aiskew for Mr Charles Knight

PERMISSION GRANTED

(Mr Tinker spoke objecting to the application.)

- (3) 16/01288/FUL - Extension to existing agricultural building to provide manure store at Westholme Farm, Islebeck Lane, Islebeck 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.

- (4) 16/01477/OUT - Outline application for 2 dwellings (all matters reserved) at 16 Thornlands, Easingwold for Mr & Dr Boyd

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the proposed development would not be detrimental to the character and appearance of the area or significantly harm residential amenity.

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

- (5) 16/00293/FUL - Demolition of existing agricultural buildings and construction of 2 dwellings together with ancillary works at Town End Farm, East Harlsey for Mr Michael Ward

PERMISSION GRANTED subject to an additional condition removing permitted development rights.

(Nick Barnard spoke on behalf of East Harlsey Parish Council objecting to the application.)

(Peter Gardner spoke objecting to the application.)

- (6) 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 Neasham

PERMISSION GRANTED

- (7) 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

PERMISSION GRANTED

- (8) 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 Spar 36 Garbutts Lane, Hutton Rudby for James Hall and Company

PERMISSION GRANTED

(The applicant's agent, Debbie Smith, spoke in support of the application).

- (9) 16/01422/FUL - Alterations and two storey extension to the rear of the dwellinghouse at 5 East Side, Hutton Rudby for Mr M Hill

PERMISSION GRANTED

(The applicant, Mr M Hill, spoke in support of the application.)

- (10) 16/00872/FUL - Change of use from annexe to separate dwelling at Moo Lodge, The Meadows, Kirkby in Cleveland for Mr and Mrs Emmerson

PERMISSION GRANTED

(The applicant, Peter Emmerson, spoke in support of the application.)

- (11) 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 Kirkby House Farm, Hill Road, Kirkby in Cleveland for Mr and Mrs Rowland Holmes-Smith

PERMISSION GRANTED subject to additional conditions for the retention of the closed hedge on the boundary and in relation to external lighting.

(Mary Frew spoke on behalf of Kirkby in Cleveland Parish Council in support of the application.)

- (12) 16/01221/OUT - Outline application for the construction of 2 dwellings to consider access and layout at Church View, Myton on Swale for Mr & Mrs Glew

PERMISSION REFUSED

(Julie Midsomer spoke on behalf of Myton-on-Swale Parish Meeting objecting to the application.)

- (13) 16/01323/FUL - Change of use of agricultural land to equestrian and the formation of an all-weather private equestrian arena at Land west of Beeches Farm, Newton on Ouse for Mr & Mrs C Rooke

PERMISSION GRANTED

- (14) 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.

PERMISSION GRANTED

(The applicant's agent, Alex Cowling, spoke in support of the application).

- (15) 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 and Mrs K Davison

PERMISSION REFUSED

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

(Andrew Wilde spoke on behalf of Potto Parish Council supporting the application.)

- (16) 16/01419/FUL - Alterations and subdivision of dwelling to form two dwellings at The Old Post Office, Sinderby for Mrs Rosina Gilboy

PERMISSION GRANTED

(The applicant, Rosina Gilboy, spoke in support of the application.)

- (17) 16/00712/OUT - Outline application with some matters reserved for a detached dwelling at Hill Farm, Skipton on Swale for Mr P Robinson

PERMISSION GRANTED

(The applicant's agent, Andrew Lynn, spoke in support of the application).

(Audrey Kitching spoke on behalf of Skipton-on-Swale Parish Meeting supporting the application.)

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the proposed development was compliant with Interim Policy Guidance and other relevant Local Development Framework policies.

- (18) 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

DEFER for additional information and a site visit.

- (19) 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

PERMISSION REFUSED

The meeting closed at 5.25 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 15 September 2016. The meeting will commence at 10.30am.

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 15th September 2016

Morning session – 10:30am start: 12:00noon finish

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/00373/FUL Mrs H Laws Ainderby Quernhow Page no. 13	Demolition of existing farm buildings and construction of 4 new dwellings, conversion of existing chapel building to a dwelling and ancillary works, associated parking and formation of new access For: T M Jopling & Partners At: Ainderby Hall, Ainderby Quernhow RECOMMENDATION: REFUSE
2	16/01470/FUL Mrs A Sunley Aiskew Page no. 19	Change of use of ancillary accommodation to separate residential dwelling unit For: Mr & Mrs Curtis At: 2 Aiskew Crossing, Bedale Road, Aiskew RECOMMENDATION: GRANT
3	16/01207/FUL Mrs H Laws Aiskew Page no. 23	Construction of industrial building, service yard, security fencing and associated car park For: Lifetime Home Improvements Limited At: Plot 1A Conygarth, Leeming Bar Industrial Estate RECOMMENDATION: GRANT
4	16/01468/OUT Mrs C Strudwick Bagby Page no. 29	Construction of 3 dwellings with provision of new access to the public highway. For: Mrs Debbie Price At: West View, Bagby Lane, Bagby RECOMMENDATION: GRANT
5	16/00887/FUL Mrs H Laws Carthorpe Page no. 37	Proposed replacement dwelling and construction of detached dwelling For: Mr I Lancaster At: Rosedene, Carthorpe RECOMMENDATION: GRANT
6	16/00511/FUL Mr A Thompson Dalton Page no. 45	Proposed construction of 27 dwellings with associated garaging, car parking and landscaping to exiting road layout For: Whitfield Homes Limited At: Willow Bridge Lane, Dalton RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	16/01263/OUT Mrs B Robinson East Harlsey Page no. 53	Outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for construction of one detached dwellinghouse For: Mr & Mrs Allick At: Thornflatt Cottage, East Harlsey RECOMMENDATION: REFUSE

Afternoon session – 1:30pm start

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	15/02856/FUL Mrs B Robinson Great Ayton Page no. 59	Construction of a retirement village (Use Class C3) comprising 80 1 and 2 bedroom apartments and associated community facilities (element of extra-care) For: Mr Jonathan Raistrick At: Cleveland Lodge, Great Ayton RECOMMENDATION: GRANT
9	16/01387/FUL Mrs A Sunley Kirkby Fleetham Page no. 69	Change of use of annexe to dwelling house For: Mrs Lynn Ryder At: Annexe at Glebe Farm, Low Street, Kirkby Fleetham RECOMMENDATION: REFUSE
10	(a) 16/01540/FUL & (b) 16/00009/TPO2 Mr A Thompson Newton on Ouse Page no. 73	(a) Construction of four dwellings with associated access, parking and landscaping (b) Confirmation of Hambleton District Council (Newton on Ouse) Tree Preservation Order 2016 No: 9 (a) for Mrs Toni Johnston at land to the south of Bravener Court, Newton on Ouse (b) for Hambleton District Council at land fronting Back Lane opposite junction with Sills Lane, Newton on Ouse RECOMMENDATION (a): REFUSE RECOMMENDATION (b): CONFIRM
11	16/01560/FUL Mr K Ayrton Northallerton Page no. 83	Change of use from office (B1) to private physiotherapy clinic (D1) For: Mr Andrew Wilston At: Suite 1 Evolution Business Centre Unit 6, County Business Road, Darlington Road, Northallerton RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
12	16/00393/FUL Mr A Thompson Raskelf Page no. 87	Conversion and alterations to former agricultural building to form a four bedroom dwellinghouse with detached garage, associated parking, access drive and demolition of Dutch barn to form garden For: Ms Caroline Lane At: Pigeoncote Farm, Raskelf RECOMMENDATION: GRANT
13	16/00870/TPO Mrs H Laws Snape with Thorp Page no. 93	Works to trees subject to Tree Preservation Orders 1996/14 & 1997/02 For: Snape with Thorp Parish Council At: The Avenue, Snape RECOMMENDATION: REFUSE
14	16/01472/FUL Mrs H Laws Snape with Thorp Page no. 103	Change of use of a holiday unit to a dwelling For: Mr D Shipp At: Parr Cottage, Snape RECOMMENDATION: GRANT
15	16/00883/OUT Mr A Thompson Stillington Page no. 107	Outline application (all matters reserved) for of 5 bungalows, car ports, car parking and associated infrastructure For: Ambleside Homes At: Land south of White Bear Farm, South Back Lane, Stillington RECOMMENDATION: GRANT
16	16/00876/FUL Mrs H Laws Thornton le Moor Page no. 113	Construction of two storey dwelling and detached garage For: Mrs Myers At: Land adjacent to The Hawthorns, Thornton le Moor RECOMMENDATION: GRANT
17	16/01421/FUL Mrs H Laws Thrintoft Page no. 121	Creation of 7 additional touring 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
18	16/01391/FUL Mr K Ayrton Thrintoft Page no. 127	Change of use of agricultural land to domestic and construction of 4 dwellinghouses, with associated parking, visitors parking, turning area and bin collection enclosure For: Pilcher Homes Ltd At: Thrintoft Grange, Thrintoft RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
19	16/01612/OUT Mr A Thompson Tollerton Page no. 137	Outline application with all matters reserved for the demolition of office/warehouse building and construction of four dwellings For: Mr N R Thompson & Mr N C Thompson At: R Thompson Joinery Limited, South Back Lane, Tollerton RECOMMENDATION: GRANT
20	16/00755/FUL Mr A Thompson Tollerton Page no. 145	Outline planning application for the construction of a detached dwelling with garage and access drive. For: Miss Lynne Dawson At: The Laurels, Main Street, Tollerton RECOMMENDATION: REFUSE
21	16/01347/FUL Mr A Thompson Tollerton Page no. 149	Extension to The Croft to create an ancillary annexe and creation of a new two storey dwelling on hardsurfacing to the northeast with vehicular access via the neighbouring private drive together with associated works For: Mrs M Hardy At: The Croft, South Back Lane, Tollerton RECOMMENDATION: GRANT
22	16/00953/OUT Mrs B Robinson Welbury Page no. 157	Outline planning application with all matters reserved for construction of detached single storey dwellinghouse For: Mr and Mrs L Meynell At: Land adjacent to Sunnyside, Welbury RECOMMENDATION: GRANT
23	16/00602/OUT Mr P Jones Welbury Page no. 163	Outline application for the construction of a single dwelling For: David Moore At: Glebe Farm, Tofts Lane, Welbury RECOMMENDATION: GRANT

Parish: Ainderby Quernhow

Ward: Tanfield

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Committee Date: 15 September 2016

Officer dealing: Mrs H M Laws

Target Date: 22 July 2016

Date of extension of time (if agreed): 23 September 2016

16/00373/FUL

**Demolition of existing farm buildings and construction of 4 new dwellings, conversion of existing chapel building to a dwelling and ancillary works, associated parking and formation of new access
at Ainderby Hall, Ainderby Quernhow
for T M Jopling & Partners**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Ainderby Quernhow on the northern side of the B6267. The application extends over an area of approximately 0.22 hectares and is currently occupied by agricultural buildings, some of which are disused, and a vacant chapel building. Existing dwellings bound the site to the east and west and open fields lie to the north. A public right of way crosses the centre of the site.
- 1.2 It is proposed to remove all of the existing agricultural buildings and retain the chapel building. The proposed development includes a total of 5 three bedroomed dwellings. Four of the dwellings would be two storey semi-detached new build properties. The fifth dwelling would comprise the converted and extended chapel building.
- 1.3 The proposed layout would be in the form of a cul de sac development. Two of the properties (plots 1 and 2) would lie on the roadside frontage at the south western corner of the plot with vehicular access served by the cul de sac to the rear of the dwellings. The remaining semi-detached properties (plots 3 and 4) would lie at the northern side of the application site fronting directly and centrally onto the cul de sac with a driveway access to either side of the properties. The chapel building (plot 5) would lie to the eastern side of the plot with a rear vehicular access served off the cul de sac.
- 1.4 Each dwelling would have two off street parking spaces within the curtilage.
- 1.5 The dwellings would be finished in brick and cobble with both slate and pantiled roofs.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant

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 CP5 - The scale of new housing
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies 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 comments received.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Natural England - no comments.
- 4.4 The Ramblers Association - no comments received.
- 4.5 Swale & Ure Drainage Board - a flood risk assessment should be called for dealing with the issue of amended access to the main road which could attract surface water into the development. The proposal to connect surface water to the main sewer is most unlikely to be approved by Yorkshire Water and an alternative strategy should be requested. There is no indication from the submitted papers that the NPPF hierarchy for SW drainage has been followed. The application should be deferred until such times as the flood risk and drainage arrangements are better developed with appropriate consents in place.
- 4.6 HDC Drainage Engineer - The revised submission is not adequate. The applicant needs to provide an assessment of the current surface water arrangements, and their proposed surface water arrangements. This will need to evidence a reduction of the proposed discharge of surface water compared to the existing discharge rate. They will also have to evidence that they are complying with the hierarchy of surface water discharge in priority order, so soakaway, watercourse, sewer. They will need to liaise with the Swale and Ure Drainage board as their proposed surface water discharge is to a watercourse within the SUB's statutory area so needs their consent. There is potential to condition an approval, ideally the applicant should be more expansive with their surface water management strategy, which lacks some clarity. The applicant will need to agree drainage arrangements prior to any start on site, if the development is permitted.
- 4.7 HDC Senior Scientific Officer (Contaminated Land) - The Phase 1 Desk Study Environmental Assessment submitted in support of the above development is acceptable. The report makes recommendations for further works as a site investigation in order to obtain further information on ground conditions. In light of the potential unknown contamination on site a condition is recommended.

- 4.8 Public comment - none received.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location, including the removal of the existing agricultural buildings; (ii) the impact on the character and appearance of the village; (iii) the effect of the development on

heritage assets; (iv) the effect on residential amenity; (v) highway safety; (vi) biodiversity; and (vii) drainage.

Principle

- 5.2 Ainderby Quernhow has no Development Limits and is therefore classed as being situated in the open countryside for planning purposes (LDF Policy CP4). Policy DP9 states that development will only be granted for development "in exceptional circumstances". 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 settlement hierarchy contained within the IPG, Ainderby Quernhow 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 be well located for access to local facilities and services other than by car including facilities and services in a village nearby. Ainderby Quernhow is a small settlement of approximately 22 dwellings. The village has no shops or services and there are no surfaced footpaths or footways into and out of the village. The site lies centrally within the village, the edge of which lies 0.8km along the road from the edge of Sinderby and 1.8km from Skipton on Swale, which are both defined as Other Settlements with few facilities. The site lies 2.6km from Pickhill, which is a Secondary Village. The route to all of the villages is via the country roads which are unlit and without footways.
- 5.5 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village or Other Settlements with a good collective provision of services. Sinderby only has a village hall and Skipton on Swale only has a church so collectively the three settlements do not have adequate services capable of forming a sustainable community. The IPG indicates that villages should be approximately 2km apart to allow this and although the distance to Pickhill, which is 2.6km almost complies, the route adjoining the two villages is relatively poor as the road is unlit and has no footways. Ainderby Quernhow therefore would not be considered as being capable of forming a sustainable community and is poorly located in relation to access to local facilities and services other than by car. It would therefore be contrary to criterion 1 of the IPG, that is, development should be located where it will support local services including services in a village nearby.
- 5.6 Policy CP4 of the Core Strategy sets out specific criteria for development in locations such as the application site. Development is only supported when an exceptional

case can be made for the proposals which relate to policies CP1 and CP2 (which relate to sustainable development and minimising the need to travel). In this instance it is suggested by the applicant's agent that the exceptional case may relate to the necessity of development on the land "to secure a significant improvement to the environment" (criterion ii).

- 5.7 Some of the agricultural buildings are still in use and therefore currently make a contribution to the local economy. It is understood that there is existing capacity within other farm buildings in the village and the cattle would be relocated.
- 5.8 The site is clearly visible from the road and is a prominent part of the street-scene within the village. None of the buildings are large in scale although do not make a valuable contribution to the character and appearance of the village. It is not considered that the buildings cause such environmental harm that residential development in an unsustainable location would be preferable.
- 5.9 The removal of the buildings and replacement with dwellings would significantly alter the existing rural character of the site and two storey dwellings would be more prominent. It is considered that the replacement of the existing small scale and relatively unobtrusive farm buildings with a much more formal arrangement of a residential cul-de-sac would detract from the rural character of Ainderby Quernhow and as such there is considered to be no justification for an exceptional case under CP4.

Character and appearance

- 5.10 This issue is addressed above in relation to the principle of development in the village. Notwithstanding the principle of redeveloping the site in respect of Policy CP4, it is important to consider the proposal against the remaining criteria of the IPG. Criterion 2 requires development to be small in scale, reflecting the existing built form and character of the village.
- 5.11 There are currently 22 dwellings in the village; an additional five dwellings would result in an increase of 22.7%, which is significant and is considered to be too great to be deemed "small-scale" in a village of this size and form.
- 5.12 A cul-de-sac development, although proposed to replace the farmyard development, is not a form of development that exists in the village and does not therefore reflect its existing built form and character. It is considered that the proposed development would not accord with the incremental and organic growth anticipated in the IPG and would harm the character of the village.
- 5.13 The design of the proposed semi-detached dwellings is simple and traditional with features reflecting the more traditional of the existing dwellings within the village rather than the modern properties. The submitted Design Statement considers the dwellings to complement the older buildings within Ainderby Quernhow and nearby villages. The details are considered to be in accordance with LDF Policies CP17 and DP32.

Heritage

- 5.14 The chapel building has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria:
- Age (usually more than 30 years old);
 - Rarity (not many examples locally);

- Aesthetic value/appeal (distinctive local characteristics); and
 - Townscape or landscape value (key landmark buildings - it directly faces the footpath leading from Ainderby Hall).
- 5.15 The building is of historic and architectural merit; is considered to be a Non-Designated Heritage Asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.16 The NPPF in paragraph 55 suggests isolated new homes in the countryside should be avoided but describes certain circumstances where it may be acceptable. These include:
- Where the development represents the optimal viable use of a heritage asset; and
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.17 LDF Policy CP4 (ii), “where it would be necessary to secure the conservation of a feature of acknowledged importance”, would also provide an exceptional case where such development may be acceptable.
- 5.18 The proposed extensions are excessive in relation to the existing building and, although amendments have been received that limit the development to a single storey property, the extensions are considered to overwhelm and dominate the original building to such a degree that it would lose its character. It is suggested that the principle of converting and extending the building to provide a viable alternative use is acceptable and would outweigh the unsustainable location of the site. However, it is not considered that the proposed scheme to alter and extend the building would adequately respect its historic character.

Residential amenity

- 5.19 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.20 Plot 2, which is one of the semi-detached properties at the front of the site, would lie within the footprint of an existing agricultural building but would be in close proximity to the rear elevation of the existing dwelling at Forge Cottage. The overbearing nature of the proposed dwelling, as a result of this position, may not be greater than the existing situation experienced by the residents but it is considered that new development should provide an opportunity to improve the impact on Forge Cottage rather than retain and reinforce an adverse impact.
- 5.21 The occupants are currently not overlooked due to the use of the agricultural buildings but the proposed dwelling at plot 2 has three windows at first floor in the side elevation that could overlook and therefore significantly detract from the privacy enjoyed by those occupants. The proposed development would therefore be contrary to LDF Policy DP1.

Highway matters

- 5.22 There are no objections by the Highway Authority to the removal of the agricultural buildings and the creation of a cul-de-sac development of 5 dwellings subject to appropriate conditions.

Biodiversity

- 5.23 A bat and barn owl survey confirms there are no potential habitats within the farm buildings although the chapel building has some potential for bat roosts. There is evidence of the use of many of the buildings for nesting birds and therefore scheduling of work must avoid disturbance.

Drainage

- 5.24 Insufficient detail has been received to address the concerns of the Swale & Ure Drainage Board but the Council's Engineer confirms that this information can be submitted at a later date and an appropriate condition imposed on any planning permission granted.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed new dwellings would be located in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Ainderby Quernhow and the surrounding villages and the excessive distance to the nearest Secondary Village of Pickhill, it is considered that Ainderby Quernhow cannot form part of a sustainable cluster as required by the Council's Interim Policy Guidance. In addition, the proposed development is not small in scale and would not reflect the existing built form and character of the village as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9 and the Council's Interim Planning Guidance (2015).
 2. The proposed alterations and extensions to the existing chapel building would be contrary to Policies CP16 and DP28 of the Local Development Framework and the advice within the NPPF due to the unacceptable impact of the development on the historic character and appearance of this Non Designated Heritage Asset.
 3. The proposed development would cause a substantial loss of amenity to neighbouring residential property by reason of overlooking and an unacceptable sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.

Parish: Aiskew

Ward: Bedale

2

Committee Date : 15 September 2016

Officer dealing : Mrs A Sunley

Target Date: 12 September 2016

Date of extension of time (if agreed):19 September 2016

16/01470/FUL

**Change of Use of Ancillary Accommodation to Separate Residential Dwelling unit
at 2 Aiskew Crossing, Bedale Road, Aiskew
for Mr & Mrs Curtis**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey semi-detached dwelling with a two storey annexe extension and a detached double garage. The dwelling is located north-east of Aiskew and is adjacent to the A684 and the Wensleydale railway crossing.
- 1.2 Planning permission was granted in 2011 (11/00860/FUL) for a two storey side extension to provide annexe accommodation to the existing house. A revised application was received in 2012 (12/00975/FUL) for the construction of a larger two-storey extension and a detached double garage. A planning condition (no.3) was added to both these planning permissions stating that the annexe shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as 2 Aiskew Crossing, Bedale Road, Aiskew
- 1.3 This application seeks planning consent for the retrospective change of use of the ancillary accommodation to a separate residential dwelling unit

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 11/00860/FUL: Proposed side extension to provide annexe accommodation to existing house as amended by details received by Hambleton District Council on 22 June 2011 - Permitted
- 2.2 12/00975/FUL: Proposed two storey side extension, to provide annexe accommodation to existing house - Permitted
- 2.3 13/00618/NMC: Proposed non material amendment - amended window and door position - to previously approved scheme (12/00975/FUL Proposed two storey to provide annexe accommodation to existing house - Permitted

3.0 NATIONAL AND LOCAL POLICY:

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

Development Policies DP1 – Protecting Amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP1 - Sustainable development

4.0 CONSULTATIONS

- 4.1 Site notice - No response, expiry date 3 August 2016
- 4.2 Highways – Response date 6 September 2016: The Local Highway Authority recommends a condition is attached to any permission granted.
- 4.3 Network rail - Response date 26 July 2016: Network Rail has no observations to make
- 4.4 RAF Linton - Response date 8 August 2016: MOD has no safeguarding objections to this proposal
- 4.5 Parish Council - Response date 21 July 2016 - The Council has no observations.
- 4.6 Wensleydale Railway - No response, expiry date 5 September 2016

5.0 OBSERVATIONS

- 5.1 The main planning issues raised by this application are the principle of permitting a change of use to form a new dwelling outside development limits and whether; i) the proposed change of use would have a detrimental impact on the existing dwelling or; ii) the residential amenities of nearby properties; and iii) highway safety.

Principle

- 5.2 The ancillary structure and dwelling is outside the development limits of Aiskew, which is a Service Centre with Bedale 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.
- 5.3 Policy CP4 also supports the re-use of existing buildings in the countryside where it would help to support a sustainable rural economy, subject to also meeting the requirements of policies CP1 and CP2. In this instance the proposal involves the change of use of an existing building, which will not help to support a rural economy. Therefore the proposal does not comply with the requirements of policy CP4.
- 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 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."
- 5.5 Bedale with Aiskew is defined in the Interim Policy Guidance and Policy CP4 as a Service Centre which is classified as a sustainable settlement. The dwelling lies approximately 325m from the edge of the Aiskew development limit boundary. There is an existing footpath and infrastructure that links this area to the main town of Aiskew and Bedale which is considered to largely meet with criterion 1 of the IPG which states; 'Development should be located where it will support local services including services in a village nearby.
- 5.6 Whilst the site is not immediately adjacent to the built form of Aiskew, taking into account the existing nature of the structures and the support offered for new development by the Interim Policy Guidance and the proximity of the site to Aiskew, the formation of a separate dwelling in this location is considered to be sufficiently sustainable to accept the principle of the conversion to form an additional dwelling.

Highway matters

- 5.7 The access to the main dwelling and annexe is acceptable in terms of manoeuvring and the parking of cars and the design and location of the annexe is such that there will be no adverse impact on neighbouring properties and their amenities.

Residential Amenity

- 5.8 The rear private space would be segregated to allow a separate garden area for the host dwelling and the annexe. Hambleton District Councils Local Development Framework, Development Policy 1 states: 'Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants'. In this instance the private amenity space is limited, however it is considered sufficiently large enough to accord with council guidance.

Character and appearance

- 5.9 The visual appearance of the dwelling, the annexe and the amenities of the surrounding area will not change and are considered to be acceptable in that it would maintain the appearance of the street scene and visual amenity of the surrounding area.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered R101, R102, R103 and

103B; received by Hambleton District Council on 27 June 2016; unless otherwise approved in writing by the Local Planning Authority.

3. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number R100 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies; DP3, DP9, CP4, CP1, CP2 and IGN - Interim Guidance Note - 7th April 2015

3. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

Parish: Aiskew

Ward: Bedale

3

16/01207/FUL

Committee Date: 15 September 2016

Officer dealing: Mrs H M Laws

Target Date: 21 July 2016

Date of extension of time (if agreed): 23 September 2016

**Construction of industrial building (Class B2), service yard, security fencing and associated car park
at Plot 1A Conygarth Way, Leeming Bar Business Park, Leeming Bar
for Lifetime Home Improvements Limited.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the entrance to the Leeming Bar Business Park on the northern corner of Conygarth Way and Leases Road and is land within the ownership of Hambleton District Council. The site covers an area of 0.3ha and is currently vacant. Timber post and rail fencing bounds the site to all sides with a hedgerow along the southern and part of the western boundaries; new hedging has also been planted along the eastern boundary. The land is slightly sloping downwards from north to south.
- 1.2 It is proposed to construct a building to be used for Class B2 General Industrial purposes in connection with the manufacture of windows, doors and conservatories. The business currently operates from a site at Plews Way on the nearby Industrial Estate but wishes to re-locate to a more prominent site, allowing for future expansion and to provide an adequate and secure service yard.
- 1.3 The building would be sited centrally within the plot, with car parking (22 spaces) and cycle parking to the front and a servicing area to the rear; the two areas would be accessed separately. The footprint of the building would be 48m x 20m with a ridge height of approximately 8m. The building would be finished in natural stone to part of the front and side of the building with profiled steel sheeting to the remaining building and roof.
- 1.4 Galvanised steel paling security fencing is proposed around the perimeter of the service yard with a height of 2.4m
- 1.5 The business currently employs 30 full time staff. It is proposed to employ 36 full time staff at the proposed site.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The layout of Phase IV of the estate (now referred to as the Leeming Bar Business Park) was approved in 2004.
- 2.2 16/01208/ADV - Application for Advertisement Consent for the display of two non-illuminated upvc panel signs. Application not yet determined.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP12 - Priorities for employment development

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no response to date.
- 4.2 Highway Authority - no objections subject to conditions
- 4.3 Highways England - no objection.
- 4.4 Yorkshire Wildlife Trust - no comments.
- 4.5 Natural England - no comments.
- 4.6 HSE - does not advise against the granting of planning permission.
- 4.7 SABIC - the developer must consult SABIC should any work lie within 50m of the Major Accident Hazard Pipeline.
- 4.8 Ministry of Defence - no safeguarding objections.
- 4.9 HDC Economic Development Officer - we would support this application as it allows the growth of an existing business in the area and creates additional employment. I understand that some of the staff parking will be at the rear of the site to ensure that vehicles are retained within the site boundaries and do not overflow onto the public highway.
- 4.10 Public comments - none received to date.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of the proposed building in this location; (ii) the siting and design of the building and the impact on the character of the area; (iii) any effect on residential amenity; and (iv) highway matters.

Principle

- 5.2 Paragraph 28 of the NPPF states that in order to promote a strong rural economy local authorities should support the growth and expansion of all types of sustainable businesses and enterprise in rural areas both by the conversion of existing buildings and well-designed new buildings.
- 5.3 The site is part of the Leeming Bar Business Park which is within the defined Development Limits of Leeming Bar, a settlement designated in the context of Policy CP4 as a Service Village.

- 5.4 The site is in a sustainable location within a designated Business Park with good communication links. There are no objections in principle to the development, which complies with the NPPF and the LDF policies.

Design and impact on the streetscene

- 5.5 The Leeming Bar Development Brief for Phase IV requires a high standard of design specifically for gateway sites such as the application site. A design statement has been submitted, which acknowledges the need for good design due to the prominent position of the site at the junction of the Business Park. Amended plans have been received, which significantly increase the amount of natural stone to the front and side elevations and introduce additional glazing. The design is of a simple and functional development reflecting its manufacturing purpose and which, with the implementation of a landscaping scheme, would enhance the overall appearance of the site.
- 5.6 The proposed materials are similar to other buildings elsewhere on the Business Park. A landscaping scheme requiring peripheral tree and shrub planting will, in due course help to soften the impact of the development.
- 5.7 The proposed floor levels of the development reflect the existing landform and, although resulting in a prominent building on the approach along Leases Road, would not be out of keeping with the surrounding streetscene.

Residential amenity

- 5.8 The nearest residential use to the site is the Pembroke Caravan Park, which lies approximately 75m to the south east. It is unlikely that the activities undertaken at the site would adversely affect the amenity of that site to any greater degree than occurs as a result of industrial estate traffic travelling along Leases Road.
- 5.9 The staff and visitor car park would be accessed from the main Business Park road and the service yard would be accessed from the turning head at the far side of the site, which would minimise noise and disturbance to properties on Leases Road.

Highway safety

- 5.10 The Highway Authority has no objections to the proposed development subject to conditions requiring the submission of detailed drawings.

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, including details of the colours of the walls and roof sheeting, 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 and thereafter retained.

3. 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.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the 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: visibility splayslining and signing 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 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 and footways/footpaths when requested cross sections at regular intervals showing the existing and proposed ground levels kerb and edging construction details typical drainage construction details.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
5. 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.
6. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 111:16/01B and 02B received by Hambleton District Council on 25 May and 16 and 25 August 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. 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.

4. 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.
5. 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.
6. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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Parish: Bagby
Ward: Bagby & Thorntons
4

Committee Date: 15 September 2016
Officer dealing: Caroline Strudwick
Target Date: 22 August 2016
Date of extension of time (if agreed): 22 September 2016

16/01468/OUT

Construction of 3 dwellings with provision of new access to the public highway at West View, Bagby Lane, Bagby for Mrs Debbie Price

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This proposal relates to an area of land measuring 3174sqm, lying to the west of Bagby village. The north eastern boundary runs along the rear boundary of dwellings fronting on to Sandown Close and the site is bordered on the south east by a dwelling known as West View, that fronts on to Bagby Lane.
- 1.2 On the southern boundary of the proposed site there is a large hybrid Black Poplar tree. A provisional TPO (16/00008/TPO2) was made on the 22nd July 2016. The tree is large, and so an extensive underground root network is expected.
- 1.3 The proposal is for outline approval, with all matters reserved for later approval, however detail is given that the scheme is for three three-bedroom houses and that a new access would be taken from Bagby Lane. The position of the proposed dwellings is on the fringe of the village.
- 1.4 Bagby is a secondary village, as set out in the Interim Policy Guidance Note Settlement Hierarchy 2014.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 00/50073/P - Construction of a building to comprise four stables with tack room/feed store and manure store for use in conjunction with existing agricultural land for the keeping of horses for domestic purposes; Granted 30 May 2000.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Development Policy DP1 - Protecting amenity
Development Policy DP28 - Conservation
Core Policy CP16 - Protecting and enhancing natural and man-made assets
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Development Policy DP3 - Site accessibility
Development Policy DP8 - Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP4 - Access for all
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Bagby Parish Council – objects on the following grounds:

- The access is not acceptable; it is too narrow and too close to Longways;
- The land should remain agricultural;
- The proposed properties would impinge on existing property;
- Most buildings surrounding the proposed site are single storey;
- Any planning granted on this plot would open up the possibility of further development in the future on the blue outlined plot;
- The proposal would be detrimental to the current view of the village; and
- It would include the removal of yet more trees including one very rare black poplar tree.

4.2 Highway Authority – No objection subject to conditions.

4.3 Natural England - No comment.

4.4 Woodland Trust - Objects on the basis of damage and potential loss of a large notable black poplar. It is essential that the impacts of this development on the important and valuable black poplar are fully considered before any planning decision has been made. The applicant has so far failed to consider these impacts.

4.5 The Ramblers' Association - No objection to the outline application, however the proposed access road is too narrow for mixed usage and as such objection may be made for the final proposal.

4.6 Ministry of Defence - No safeguarding objections.

4.7 Public comment - 44 letters and emails of objections have been received; however some of these are multiple submissions. The reasons for objection include:

- The tree protection area will potentially push the dwellings nearer to Sandown Close;
- Harm caused to the black poplar tree;
- No further houses are required in Bagby;
- Coalescence with Thirsk;
- Danger caused by the nearby airfield and flight paths;
- Traffic congestion;
- Habitat destruction;
- Dangerous access point opposite a children's playground;
- Impact on infrastructure;
- Impact on countryside and rural character of the village;
- Impact on residential amenity;
- Height and scale of dwellings; and
- Flooding issues on site.

A petition has also been received, signed by 91 people objecting to the application.

5.0 OBSERVATIONS

5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character; (iii) the impact on the black poplar tree which is subject to a provisional Tree Preservation Order (TPO); (iv) access issues; and (v) the impact on residential amenity.

Principle

- 5.2 Bagby is a Secondary Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "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 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Bagby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development.

Character

- 5.6 The development is small in scale at three dwellings and this site is located close to other properties within the settlement and close to local facilities including the children's play area. As such the location of the proposed dwellings would relate well to the existing settlement. A plan submitted as part of the application shows three plots marked out along an access track, with the full site running to the rear of 11 – 25 Sandown Close. The three dwellings, when considered alongside West View and its annexe, would round off development at this end of the village
- 5.7 The site is screened to some degree by housing on Bagby Lane; however there are extensive views of the site on the approach from the A19, north up Bagby Lane. Therefore any reserved matters submission for this development would need to take into consideration the need for soft landscaping within this rural landscape setting to avoid detrimental impact on the natural environment.
- 5.8 It is considered that the dwellings can be accommodated within the capacity of the existing village infrastructure.

Tree issues

- 5.9 Reserved matters to finalise the scale, design and location within the plots should also recognise and respect that the hybrid black poplar tree is the singular most important feature in the field, and to avoid any detrimental impact on the open character and appearance of the surrounding countryside the dwellings should be positioned so that they do not encroach on the tree and impact on the setting of the tree, as well as protecting the health of the tree.
- 5.10 A tree report prepared on behalf of the applicant has identified the tree as likely to be a hybrid black poplar, but it is a large landmark tree which should be retained as part of the proposed development. The report goes on to advise that the layout for the proposed development is located at least 15 m from the tree and that shading issues are also considered in the layout. An amended plan shows the road curving round the tree on the outside of the tree protection area and the areas of plot one and two reduced. This is an indicative plan and if approved a more detailed plan demonstrating how the tree will be protected can be required for submission at the reserved matters stage.
- 5.11 The site is highly visible from both Bagby Lane when approaching the village and from the two public foot paths to the north of the site. Careful consideration will be required at the detailed stage as to the most appropriate position of the dwellings and their design and materials to respect the natural and existing built environment and to preserve the views of the village.
- 5.12 A large number of letters of concern refer to the preservation of the protected tree. The use of planning conditions and the need for detailed approval of the layout and design can provide adequate protection for the site.

Access issues

- 5.13 The access arrangements proposed would be satisfactory and the Highway Authority has no objection subject to the imposition of appropriate conditions. As such the proposal is in accordance with policy. The final details of the road from the access point on Bagby Lane to the new dwellings would be decided at the reserved matters stage, although more detailed plans showing how the road would be constructed to avoid any damage to the tree can be required by a condition at this outline stage.

Residential amenity

- 5.14 The proposed plot areas are generous and would allow for significant planting to protect existing residential amenity of dwellings on Sandown Close and Bagby Lane. It is considered that three dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties if due regard is paid to the existing dwellings and the tree. The scale and positioning of the dwelling houses, of which no details have been submitted, would be dealt with through reserved matters.

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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: (i) Three years from the date of this permission; (ii) The

expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s); (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning. The works shall be implemented in accordance with the approved details and programme.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; and (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6VAR. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. 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) vehicular parking; (b) vehicular turning arrangements; and (c) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.

8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In the interests of highway safety.
4. In the interests of highway safety.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Carthorpe

Ward: Tanfield

5

16/00887/FUL

Committee Date: 15 September 2016

Officer dealing: Mrs H M Laws

Target Date: 14 June 2016

Date of extension of time (if agreed): 23 September 2016

**Proposed replacement dwelling and construction of new detached dwelling
at Rosedene, Carthorpe
for Mr I Lancaster**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the northern side of the main village street at the western end of the village and is currently occupied by the single storey dwelling known as Rosedene along with its domestic curtilage. The eastern part of the site previously formed part of a field that is now a disused strip of land adjacent to an access serving three dwellings to the rear, recently converted from farm buildings.
- 1.2 It is proposed to remove the existing dwelling and construct two detached dwellings, each with an integral single garage. The application has been amended to replace the original proposal for two full height detached dwellings with two dormer style dwellings. The proposed dwellings are similar in scale, height and design; are 3-4 bed roomed two storey properties with the first floor accommodation provided within the roofspace and served by dormer windows and rooflights.
- 1.3 The dwellings would be finished in brick and render and concrete tiles with upvc double glazed windows.
- 1.4 The access serving the existing bungalow would be used for one of the dwellings; a new access is proposed to serve the dwelling at the eastern end of the site.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/00124/MBN - Prior notification (on site to the rear of application site) for change of use of agricultural building to dwelling; Granted 17 March 2015.
- 2.2 15/02240/MBN - Prior notification (on site to the rear of application site) for change of use of agricultural building to dwelling; Granted 25 November 2015.
- 2.3 15/01809/OUT - Outline application (on site opposite the application site) for construction of a dwelling house with all matters reserved; Granted 20 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 CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

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

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

4.0 CONSULTATIONS

- 4.1 Parish Council - Comment was made that yet again large houses are being built in the village rather than smaller properties more suitable and affordable for younger people / smaller families. For example the existing low profile bungalow is being replaced with a substantial house.

Further comments following amendments - Carthorpe has had a number of planning permissions approved in recent months and the Parish Council are concerned about the cumulative effect the passing of this application to provide an additional property will have on the village and it's public services. There are a number of properties that have been passed – some built and some not – in addition to existing houses standing empty.

- 4.2 Highway Authority - Conditions recommended.
- 4.3 Environmental Health Officer - This service has considered the above amended application and based on the information provided we believe there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections.
- 4.4 HDC Senior Scientific Officer (Contaminated Land) - no objection.
- 4.5 Public comment - comments have been received from two local residents, which are summarised as follows:
- A proposed window would look down onto 2 bedroom windows in an adjacent property and could be frosted glass;
 - Two storey dwellings would be out of keeping with the design and character of all the nearby single storey bungalows;
 - Adverse effect on neighbouring properties by reason of an overbearing effect due to collective size, depth, height and massing;
 - In an area where single storey properties are expected;
 - Inappropriate and unsympathetic layout and siting; and
 - Harmful to rural and undeveloped character of the environment.

The above comments have been reiterated in one response to the amended plans

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 as Carthorpe 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 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, Carthorpe 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 on the edge of the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have long been linked economically and socially which continues to the present day and collectively have churches, a primary school, two pubs and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village with a footway for almost all its length. Criterion 1 would be satisfied.

Impact on the character of the village and the rural landscape

- 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 proposal is for the replacement of the existing dwelling and an additional 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 the village street and would not extend the built form of the village any further into the adjacent fields and is therefore in accordance with the built form of the village. As such it is considered that there would be no harmful impact to the natural, built and historic environment from a replacement dwelling and an additional dwelling in this location. It is, however, necessary to consider the design in more detail.
- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. A Design Statement is not required with the application in this instance.
- 5.8 The proposed dwellings are simply designed, well-proportioned double fronted properties to be finished in brick, render and tiles. The dwellings are similar in style and materials to the existing dwellings along this part of the village street and would not detract from the character and appearance of the streetscene or the surrounding

rural landscape. The dwellings have been set back behind the building line of the existing dwelling but this does not appear as a contrived positioning of the properties within the site and is more appropriate considering their greater height. The proposal is in accordance with LDF Policies CP17 and DP32.

- 5.9 Outline planning permission was granted in October 2015 for the construction of a dwelling house opposite the application site. The development was considered to be in accordance with the Interim Planning Guidance. No details of that dwelling have been provided but it is not considered that this application would preclude the development of that site in the future.

Neighbour amenity

- 5.10 The dwellings would lie approximately 20m from the existing nearest neighbour to the east and 22m to the south east. There would be adequate separation distances between the existing and proposed dwellings and between the two proposed dwellings for there to be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is in accordance with LDF Policy DP1.

Highway safety

- 5.11 The Highway Authority has no objections to the use of the existing access and the creation of a new access in this location.

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 dwellings shall not be occupied until the boundary treatment relating to that property has been implemented in accordance with the approved details and thereafter retained.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (d) The crossing of the highway verge and footway shall be constructed in accordance with the Standard Detail number E6; and (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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C52 village street from a point measured 2.4 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 and retained for their intended purpose at all times.
10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: (a) have been constructed in accordance with the submitted drawing (Reference SCH738/2/A Proposed Site Plan); and (c) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered SCH738 2.B and 3.B received by Hambleton District Council on 18 April and 1 August 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 and the appearance of the streetscene in accordance with LDF Policies CP1, CP16, DP1 and DP30.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

12. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Dalton
Ward: Sowerby & Topcliffe
6

Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 8 June 2016
Extension agreed until: 16 September 2016

16/00511/FUL

Proposed construction of 27 dwellings, with associated garaging, car parking and landscaping to exiting road layout at Willow Bridge Lane, Dalton for Whitfield Homes Limited

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks full planning permission for 27 houses on part of a site of previous planning permissions. 16 houses of the original development are not included in this application as they are either complete, occupied or under construction. The proposal would increase the number of houses on the wider site from 36 to 43.
- 1.2 The submitted proposal comprises a mix of dwellings: ten two-bedroom houses; three three-bedroom houses; 13 four-bedroom houses and a five-bedroom house. This compares to the previous approved building mix of: four one-bedroom flats; three two-bedroom houses; six four-bedroom houses; and seven five-bedroom houses.
- 1.3 Building heights are all two-storey to fit within the local context. The vehicular access is proposed off Willow Bridge Lane, the road leading from Dalton north towards the A19 and has been constructed.
- 1.4 The change in viability reflects the change in house types and a reduced level of revenue due to the lack of demand for higher level of executive housing, the impact of the mortgage standards review to housing over £450,000 and most significantly the contamination and abnormal costs being higher than previously anticipated with these now either complete or tendered for with significant levels of concrete removal also taking place. The applicant has been seeking to address these matters since the Deed of Variation was agreed in August 2015 and assess all options during construction but with limited interest in larger properties a change of house types was necessary and therefore the viability assessment has been submitted with the current application.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/01428/FUL - 31 dwellings, public open space, access and landscaping; Granted 21 December 2010.
- 2.2 12/01346/OUT - Outline application for 36 dwellings including means of access; Refused 28 November 2012; appeal allowed 4 July 2013.
- 2.3 13/02560/REM - Reserved matters application for the construction of 36 dwellings including means of access; Granted 20 February 2014 subject to a S106 Agreement securing (a) 14 affordable units (38.88% of the total) and £23,000 toward affordable housing in the Thirsk area; (b) £53,384 towards education provision; and (c) £140,335 toward off-site open space sport and recreation provision.
- 2.4 15/01317/MRC - Variation of Condition(s) of planning approval 13/02560/REM - Re-configuration of C house type to include the construction of an extension; Granted 5 August 2016. The grant of permission was followed by a Deed of Variation to the

planning obligation associated with 12/01346/OUT to reflect changes in the specification, but not re amount, of affordable housing within the development.

- 2.5 None of the above included any indication that viability was in question.
- 2.6 16/01018/S106 - Variation of Section 106 agreement associated with Application 12/01346/OUT (reduced affordable housing contribution); Pending consideration.

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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP10 - The scale and distribution of new employment development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
Supplementary Planning Document - Size, type and tenure of new homes - Adopted September 2015
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - The original planning granted for this site was for a total of 36 houses. This new proposal increases that figure to 43. With the actual number of proposed properties increasing, will there be more affordable housing on the site and does the Section 106 contribution increase? We feel that there is insufficient

information in the application for us to be able to give our decision and therefore request a delay pending more information being made available to us on the points raised.

- 4.2 Highway Authority - previously approved the highway layout and construction as part of the earlier application reference 13/02560/REM. This proposal retains that same highway layout.
- 4.3 Scientific Officer (contaminated land) - No objection subject to conditions - the developer will need to submit a Remediation Strategy detailing how the contamination will be remediated and then a final Verification Report once remediation has been completed.
- 4.4 Environmental Health Officer - No objection
- 4.5 Swale and Ure Drainage Board - The drainage strategy is acceptable.
- 4.6 Yorkshire Water - No objection or conditions requested
- 4.7 Ministry of Defence - No safeguarding objections.
- 4.8 NYCC Education - based on the new mix a contribution of £91,773.00 would be sought.
- 4.9 Rural Housing Enabler – The proposal meets the national space standards and notes an open book assessment has been submitted.
- 4.10 Public comment - 2 letters of objection have been received which can be summarised as:
 - Lack of facilities in the village;
 - No need for houses;
 - Traffic impact;
 - Pedestrian safety; and
 - HGVs moving through the village.

5.0 OBSERVATIONS

- 5.1 The principle of residential development has been established by previous planning permissions and this has been implemented on the application site and remains extant through the ongoing building work. Whilst the comments of residents have been noted there is no change in circumstances that would allow the principle of residential development to be reviewed.
- 5.2 The key issues are therefore (i) the impact of the increase in numbers on the character of the area; (ii) the impact on highways; and (iii) the delivery of affordable housing and education contributions.

Character of the Area

- 5.3 The proposed changes maintain a similar built form and character, subdividing larger properties into semi-detached properties and the 4 one-bedroom flats being re-worked as 2 two bedroom houses. The proposal includes a wide range of detail including the proposed bricks, roof tiles and boundary treatments.
- 5.4 Taking account of the previously approved scheme and the proposed amendments, the proposal would increase the number of smaller properties in the housing mix,

which would be more in accordance with policy aims to match new housing to local need.

Highways

- 5.5 The proposed scheme maintains the previously approved highway layout, with the position of the access unaltered. Additional properties would be created through subdivision of larger properties. The comments of the Highway Authority are noted and notwithstanding the concerns of local residents, the proposal is not considered to generate a significant level of additional development that would substantiate a reason for refusal.

Affordable housing and infrastructure contributions

- 5.6 16 houses of the original development are not included in this application proposal because they are either complete, occupied or under construction. Seven of those houses have already been transferred to Chevin Housing Association as affordable units under the terms of a planning obligation.
- 5.7 The applicant wishes to be released from the normal policy requirement to provide further on-site affordable housing, meaning that the amount of affordable housing would fall to 16% overall (7 of 43) compared with a policy expectation of 40%. The applicant has submitted a viability assessment to support this assessment and it has been reviewed independently. Following detailed discussion and assessment the report concludes that having regard to the abnormal construction costs further levels of affordable housing cannot be achieved.
- 5.8 The Council's Viability Assessor highlights that it is clear that the applicant has identified higher abnormal costs which would appear to be in line with expectations given the previous usage of the site. A 40% affordable provision cannot be realised from the site. In line with sites elsewhere in the District such as Fox Covert Close and Wilbert's Farm, both in Aiskew near Bedale, agreed construction costs and abnormal costs at generally similar levels give rise to lower affordable housing provisions
- 5.9 Whilst the Education Authority seeks a specific contribution of £91,773.00 based on the housing mix, that does not need to be considered at the application stage but through the future allocation of funds collected through the Community Infrastructure Levy (CIL).
- 5.10 The viability assessment indicates that the applicant cannot provide 40% affordable housing and make the normal CIL contributions without the development becoming unviable. Their application seeks to prioritise infrastructure provision over affordable housing but the decision on the appropriate balance of benefits must rest with the Local Planning Authority. As submitted, the scheme would contribute £174,792 to CIL but no more affordable housing than what has already been delivered, but it would be possible to secure a contribution towards affordable housing by means of a planning obligation, which would then allow the CIL contribution to be reduced through the application of CIL Relief. The following table sets out a range of options with the same financial viability:

Affordable housing %	CIL contribution
16% (as proposed)	£174,792
20% (2 additional 4-bedroom dwellings)	£6,392

30%	-£330,408
40% (as current S106, policy compliant)	-£751,408

- 5.11 The delivery of higher levels of affordable housing would eliminate all CIL contributions with 30% and 40% exceeding the level of the CIL contribution and would therefore be unviable. It would not be possible to deliver further affordable housing on-site without affecting viability and therefore an off-site contribution should be assessed. A wide infrastructure delivery would arise from the CIL contribution, for example towards parish projects (15% of the contribution), open space improvement, education and contributions to strategic projects such as North Northallerton and it is also noted that significant levels of affordable housing has already been delivered in Dalton through other developments in recent times (in particular the neighbouring development and Harriers Croft developments).
- 5.12 Having weighed all matters and the delivery of affordable housing that has already occurred in Dalton, it is therefore recommended that the level of Affordable Housing remains as built at 7 dwellings (16%) and the level of CIL as outlined at £174,792 would deliver the most benefit to the local community 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 development hereby permitted shall be carried out in accordance with the approved plans and documents submitted to the Local Planning Authority on 2 March 2016 reference: Y81:897.01 Rev A, Y81:897.300, Y81:897.301, Y81:897.302, Y81:897.303, Y81:897.304, Y81:897.305, Y81:897.306, Y81:897.307, Y81:897.308, Y81:897.309, Y81:897.310, Y81:897.311, Y81:897.312, Y81:897.313, Y81:897.314, Y81:897.315, Y81:897.316, Y81:897.317, Y81:897.318, Y81:897.319, Y81:897.320, Y81:897.321, Y81:897.322, Y81:897.323, and Y81:897.186 Rev H.
 3. The boundary treatment shall be implemented in accordance with the details submitted on the approved plans and thereafter retained in accordance with the approved details.
 4. No development shall be commenced until a scheme for the remediation of contamination, including ground gas protection measures, has been submitted and approved by the local planning authority. 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.
 5. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been

implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

6. 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.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure that the development is in keeping with the character of the area.
3. To ensure that the proposals are in keeping with the character of the area and ensure an adequate level of amenity for future occupiers of the development.
4. In the interests of human health and the environment.
5. In the interests of human health and the environment.
6. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

7. In the interests of highway safety
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In the interests of highway safety.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: East Harlsey
Ward: Osmotherley & Swainby
7

Committee Date: 15 September 2016
Officer dealing: Mrs B Robinson
Target Date: 26 July 2016
Date of extension of time (if agreed): 16 September 2016

16/01263/OUT

Outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for construction of one detached dwellinghouse at Thornflatt Cottage, East Harlsey for Mr & Mrs Allick

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The site is agricultural land adjacent to an existing dwelling, located approximately 450m beyond the eastern outskirts of East Harlsey, and accessed from the road by a track and private drive approximately 150m long. The site is a hardstanding adjacent to a former agricultural building, reported to be not currently in use. To the north the site is backed by a 2.5m block work wall and earth bank. Elsewhere the site is bounded by fencing. Close to the west of the site there are two dwellings, and to the north of the houses there are ranges of traditional farm buildings and modern farm sheds.
- 1.2 The proposal is an outline application for a single dwelling and it has been confirmed that only access is to be considered now. This would be via the track serving Thornflatt Farm and Thornflatt Cottage.
- 1.3 The application includes indicative details of a detached two storey house positioned to the east side of the plot. The details show a projecting gable at the front and a small projecting gable at the rear. The house would have four bedrooms and a spacious internal layout. Although no details are specified the elevations presented suggest brick and tile materials are intended.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/01/043/0102A - Alterations and extensions to dwelling to also incorporate the change of use of existing agricultural building and land to domestic use; Granted 17 June 2002.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP2 - Access
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Policy Guidance Note
National Planning policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - Objects and recommends refusal. The grounds of objection are:

- East Harlsey is a ribbon village with the majority of houses facing the road which runs from Town End Farm to the A19. There is no second tier development on the north side of that road and limited second tier development on the south side of that road, other than a C11th church, Harlsey Hall which dates to medieval times, one property built without planning permission at time of building, and one-to-be constructed property approved by the Planning Committee recently.
- The site does not lie within the built form of the village, which ends at Keeper's Cottage with only two houses forming part of a previous agricultural development on the north side of the road from that point to the A19. If granted, this development will set a precedent for development of East Harlsey along and to the north of the road leading to the A19. This development would, therefore, be in conflict with Hambleton District Council's guidance in that it would change the character of the village.
- The application is for development of agricultural land, no application having been submitted to change use of this particular piece of land. The development is contrary to HDC policy on release of change of use of agricultural land to housing development. The Parish Council sees no reason, at this time, for extension of the build of the village to include development on agricultural land and believe this would be in conflict with the Interim Guidance.
- In the past 12 months Hambleton District Council Planning Committee has approved 8 applications for new houses, all against the wishes of the local Parish Council. East Harlsey Parish Council is in favour of limited development but a continuation of such approvals, this included, will change in a detrimental way the character of the village and thus conflict with the interim guidance. The Parish Council view was that a small increase in number of properties would be sustainable and would not adversely affect the character of the village. Since that translates to about 4-8 buildings in total and recent applications already exceed that minimum, the Parish Council believe we are close to the maximum of 8-10 properties in total. Since this property is not within the built form of the village and is outside the Interim Guidance of a maximum of 5 properties it should not, therefore, be approved.
- The application is for second tier development and, as such, would be the first example of second tier development to the north of the village street. Given that the character of the village is that it is a ribbon village with almost no second tier development this application would fundamentally change the character of the village and is, therefore, outside the Interim Guidance.
- The development is contrary to HDC policy on release of change of use of agricultural land to housing development.

4.2 Public comment – None received.

4.3 Highway Authority – No objection subject to conditions.

4.4 Yorkshire Water - No comments.

5.0 OBSERVATIONS

- 5.1 The main considerations to take into account in the determination of this application are whether: (i) the principle of a dwelling in this location is acceptable; and whether the proposal would detrimentally impact on (ii) residential amenity and (iii) road safety.

Principle

- 5.2 The site is in an isolated rural location outside the built-up part of East Harlsey. Policies CP4 and DP9 state that development will only be granted for development outside Development Limits in exceptional circumstances, six of which are set out in CP4. The application does not claim any of the exceptional circumstances identified in the policy and as such the proposal would be a departure from the Development Plan.
- 5.3 It is also necessary to consider more recent national policy in the form of the National Planning Policy Framework. Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including; the needs of a rural worker; as optimal use of a heritage asset; reuse of a redundant building leading to enhancement of the immediate setting; or exceptional design. None of these exceptions are claimed by the proposal.
- 5.4 NPPF Paragraph 55 also 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".
- 5.5 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, in 2015, the Council adopted Interim Policy Guidance (IPG) relating to the settlement hierarchy and housing development in the rural areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and provides for a more flexible consideration of new development within and at the edge of settlements.
- 5.6 A supporting statement suggests that development is sustainably located in terms of East Harlsey village and, due to its position close to the existing buildings, should not be considered isolated. It suggests the development would be sustainable in economic, social and environmental terms, and is therefore supported by the NPPF.
- 5.7 Additional supporting information draws attention to a case in Hambleton (Old Tom's Barn, Scholla Lane, Bullamoor) where the Inspector considered building work to construct a new house would provide support to the economy and be sustainably located with regard to Northallerton. However, that decision rested on a misguided interpretation of policy CP4 and there are several other appeal decisions relating to broadly similar applications within Hambleton in recent years on which Inspectors have interpreted policy correctly and where the appeals have been dismissed as a consequence. The Bullamoor appeal decision is therefore not considered to be a determining factor in this case.
- 5.8 The IPG seeks to provide small scale organic growth which reflects the character of rural villages and appropriate small scale development in sustainable locations adjacent to the main built form of a settlement can be supported. As noted in paragraph 1.1, the application site is some way from the built up part of the settlement, with the access to the road being approximately 440 metres beyond the last house in the village on the same side of the road. The IPG indicates that proposals should be located "adjacent to the main built form of a settlement" and that

would clearly not be achieved in this case. As such, the proposal does not conform to criterion 2 of the IPG, which requires new development to reflect the existing built form and character of the village. The proposal is contrary to the policies of the Council and the principles which prevent new isolated homes in the countryside contained in the NPPF.

- 5.9 The applicant has also put forward particular social benefits of the development in terms of support for local primary schools, which they say are currently vulnerable to closure, through lack of numbers. It is not considered that a decision on this application would make the difference between a school remaining open and closing and therefore this point cannot justify approval of a new dwelling which is not otherwise acceptable, particularly taking into account that the IPG has already supported several family sized houses within and immediately adjacent to East Harlsey village, thus providing social benefits without undermining adopted local policy. The benefits put forward by the applicants in terms of potential economic and social benefits arising from a single dwelling are slight and are not considered to overcome the established principles against new houses in the countryside contained within the Council's adopted policies, and the principles of the NPPF.
- 5.10 The meaning of 'isolated' must be interpreted in the context of the general principles of sustainability contained in the NPPF and adopted policies, and cannot be considered to support new housing in the countryside based on proximity to existing rural buildings, without other justification.
- 5.11 Paragraph 17 of the NPPF has as its first principle that planning should be plan-led. Hambleton District Council has taken note of the approach of the NPPF and adapted the interpretation of its policies accordingly by means of the Interim Policy Guidance and is considered to be consistent with the NPPF on the issues under consideration here. Therefore development which is contrary to adopted policies should not be supported.
- 5.12 Additional supporting information submitted with the application draws attention to an appeal at Newton under Roseberry where innovative technology, referred to as Vibration Sun Technology was considered by the Inspector to justify an exception dwelling under NPPF paragraph 55 (together with other issues, similar to Old Tom's Barn). The applicant requests this be taken into account in the present application, and that permission be granted subject to a condition regarding the use of this technology. Further information suggests the technology concerned is a system to maximise the efficiency of various renewable energy sources however in the absence of details it is not demonstrated that the available technology is so innovative and exceptional as to justify approval of a dwelling in this case. In any event, there is no reason why the same technological benefits could not be gained from a development in an alternative policy-compliant location.

Residential amenity and road safety

- 5.13 If the development were otherwise acceptable in principle, issues to consider would include design (CP17 and DP32), amenity (CP1 and DP1), impact on the wider countryside (CP16 and DP30), and highway safety. These are not considered in detail here however there is scope for a scheme that would meet the requirements of these policies. However, access is for consideration at this stage. The use of the current access to serve an additional dwelling is unlikely to raise any highway safety concerns and it is noted that the Highway Authority has not objected to the application.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal represents unsustainable development on a site outside of the Development Limits of the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The proposed development is also isolated from the built form of East Harlsey village and cannot benefit from the provisions of the Council's Interim Policy Guidance Note - Development in Villages, and overall is therefore contrary to the advice of the National Planning Policy Framework paragraph 55 concerning development in rural areas.

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Parish: Great Ayton
Ward: Great Ayton
8

Committee Date: 15 September 2016
Officer dealing: Mrs B Robinson
Target Date: 18 April 2016
Date of extension of time (if agreed): 20 September 2016

15/02856/FUL

Construction of a retirement village (Use Class C3) comprising 80 apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The site is located off the east side of Newton Road, approximately 400m east of High Green. The site is on the north side of the private access road to Cleveland Lodge, a grade II listed building. Cleveland Lodge lies approximately 100m beyond the site. The land rises gently at the eastern end. The site is bounded on the north and west side by a band of trees. There are additional individual trees along the drive. The trees are subject to Tree Preservation Orders. A public right of way runs east-west approximately 150m to the south of the site. The area of the site is approximately 0.9 ha.
- 1.2 To the north of the site, beyond the tree belt, the site backs onto bungalows on Roseberry Crescent and two storey houses on Farm Garth. Beyond the north-west corner of the site is a detached two-storey brick house with decorative brick work, possibly a former lodge. Opposite the site, on Newton Road, the existing development is mainly two storey housing, in terraces.
- 1.3 The application is for 80 retirement apartments comprising 20 one- bedroom and 60 two-bedroom units. The apartments are in four blocks, up to three stories in height and laid out in an angled radial arrangement. The application also proposes a central single storey community hub building with a lounge and kitchen area, management office and visitor accommodation.
- 1.4 The final design of the buildings feature gable ends and stepped roofs, and external materials are mainly brick with stone detailing. The buildings feature angled window projections, and balconies. Landscaped gardens are proposed on the south side of the buildings.
- 1.5 The development is accessed from Newton Road via the existing entrance, with an internal access road along the north side of the buildings, with parking arranged in groups in the spaces between blocks on the north side.
- 1.6 The major part of the site is allocated in the Hambleton Local Development Framework under SH4 for very sheltered housing. The development extends eastwards approximately 34m beyond the allocated site.
- 1.7 Northumbrian Water (NW) has a flood alleviation project on Cleveland Lodge land to the south of the application site, which is separate from the planning application but which is planned to be implemented concurrently with the development. The associated drain is shown routed along the new service road on the north side of the site.
- 1.8 The application was submitted with Ecological, Historic Environment, Drainage (Northumbrian Water Storage Pond), Arboricultural and Transport assessments.

- 1.9 In the course of the application a revised Transport Statement has been submitted, together with a Travel Plan.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01400/FUL - Construction of 44 extra care units with associated community facilities (Use Class C2 and a 40 bed residential care home (Use Class C2); Withdrawn 18 January 2016.
- 2.2 15/02049/LBC - Repositioning of boundary wall (to facilitate the access associated with this application); Pending determination.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing of housing
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
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Core Strategy Policy CP21 - Safe response to natural and other forces
Allocation Policy SH4 – Cleveland Lodge, Great Ayton
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - Members were disappointed that the Care Home Facility had been removed and that there are no bungalows contained within the proposal. The size of the site is outside of the agreed scale contained within the Local Development Framework.
- 4.2 Historic England - The application should be determined in accordance with the national and local policy guidance and on the basis of your specialist conservation advice.
- 4.3 Northumbrian Water - Currently there is no capacity within the public sewerage system to accommodate the surface water flows from the development site without increasing flood risk within the catchment where there are already properties which suffer flooding. There has however been positive dialogue with the landowner regarding a collaborative surface water drainage solution which would not only reduce the flood risk to properties but would also provide a sustainable drainage outlet and storage for the development site. No details of the disposal of surface water have been submitted with the planning application. Condition requested.
- 4.4 Environment Agency – No comments.

- 4.5 Network Rail - No objection; asks that new residents are made aware of a nearby footpath crossing of the railway crossings and that level crossing safety leaflets are included in information/welcome packs.
- 4.6 NYCC Archaeology - No known archaeology constraints.
- 4.7 Yorkshire Gardens Trust - Reduced massing (compared with previous scheme, now withdrawn) and more sympathetic approach to the retention of existing trees and hedgerow will have a lesser impact. A sympathetic landscaping scheme is important to integrate the scheme with selective new planting a management plan for the existing historic planting and the creation of new garden features for the enjoyment of the future residents.
- 4.8 NYCC (Lead Local Drainage Authority) – No objection; condition requested.
- 4.9 Public comment – two representations in support, stating that the care facility is much needed, and 19 representations objecting on the following grounds:
- The proposal is not in accordance with the Allocation requirements because of a reduction in very sheltered residential accommodation (Use Class C2);
 - The development will make traffic worse; Newton Road is hazardous and there is doubt about suitability of the footpath (on one side only) for mobility scooters. There are discrepancies in the transport statement, which retains references to the previous scheme.
 - Two and three storey blocks are excessive, out of keeping with nearby housing and larger than originally contemplated; the village cannot sustain any more development;
 - The tree constraints plan is insufficient and an arboricultural assessment is not included with this application;
 - The design does not blend in with the parkland setting as claimed in the Design and Access Statement, which includes outdated references to the previous scheme;
 - There would be a harmful effect on Cleveland Lodge (Listed Building) and the associated Lodge; loss of parkland to Cleveland Lodge;
 - An inspector turned down an appeal at a nearby site due to the value of open land to the village;
 - Trees will not provide amenity screening in winter and there would be adverse effects through overlooking, kitchen emissions and a dominating effect; and
 - Flood risk.

5.0 OBSERVATIONS

- 5.1 The majority of the site is within the Development Limits of Great Ayton where there is a good range of services available. The majority of the site is allocated for very sheltered housing, being independent housing with an element of close/extra care, at a density of at least 70 dwellings/ha, and 50% affordable housing. As such the principle of the development is not in question, unlike the School Farm site referred to by an objector, and the determination of the application should turn on detailed assessment of the proposal, including how closely it conforms to the Allocation.
- 5.2 The proposed development extends eastwards beyond the allocated site by approximately 35m, and includes an additional 0.14 ha of land. Overall the density would be 88 dwellings/ha. While the site extends beyond the allocation the additional proportion is relatively minor overall and the proposal can continue to be assessed against the other relevant policies prior to final consideration of acceptability.

- 5.3 The key issues to be considered are: (i) whether the development would deliver appropriate affordable and extra care housing as required by Policy CP9 and the detail of the allocation; (ii) design and the likely impact on the setting of the Listed Building and the surrounding parkland; (iii) the likely effect on trees and ecology; (iv) residential amenity; (v) highway safety; and (vi) flood risk.

Affordable and extra care housing

- 5.4 The majority of the site is allocated (Policy SH4) for independent housing for older people, with an element of close/extra care. The terminology regarding the care provided is not given an explicit definition within the policy however the supporting text sets out that the site will be developed for very sheltered/extra care housing, “providing self-contained accommodation in the form of one or two bed flats, with access to care and support”. A management statement has been submitted with the application which describes the development as provision for older people, and that a minimum amount of domestic assistance will be provided as standard with access to additional help as required, and 24 hour emergency assistance. Provision within the building structure specific to the needs of older people includes charging points for mobility scooters, passing points in corridors, and access to a community area.
- 5.5 The National Planning Policy Framework and supporting guidance set out that housing provision is necessary to meet demographic trends, and the needs of older people. In response the Council has adopted a Size, Type and Tenure of New Homes Supplementary Planning Document (SPD) which considers measures to increase options for older people in Hambleton to make down-sizing or moving to specialist housing simpler and more attractive. The SPD notes that the alternative options are currently limited. The document identifies that private provision will be important as social housing is not an option for many older people in Hambleton with income and/or assets above the qualifying level.
- 5.6 It is considered that while the proposed scheme proposed offers limited care on entry, it would provide access to care and support as required in the allocation, and would therefore make a significant contribution to meeting the recently identified needs of older people for small accommodation, with scope for extra care as required. As a private development this can be negotiated between the parties concerned. Overall, the proposal is acceptable as broadly in accordance with this aspect of the allocation.
- 5.7 Due to the additional costs relating to management of the apartments and the nature of the site, the provision of affordable housing has been considered on the basis of a commuted sum because on-site affordable housing would not be able to contribute to service charges. The ability of the development to provide an equivalent sum to fund off-site provision of affordable housing has been taken into consideration through a viability assessment which has been considered by the Council’s independent assessor, Kier (formerly Mouchel).
- 5.8 The submitted evidence indicates that viability of the proposal is constrained by land costs and high quality materials and accordingly the applicant believes that a maximum sum of £680,000 is justified, compared with similar projects. This has been reviewed by the Council’s advisor, who considers that the scheme could make a contribution of approx. £860,000 and still be viable.
- 5.9 Whilst the applicant does not accept the Council’s advisor’s findings, he is prepared to offer £800,000 in the hope that the matter can be agreed locally. It is understood that if the scheme became the subject of an appeal, the applicant would revert to his previous position and seek to justify a maximum contribution of £680,000.

- 5.10 The offer falls approximately £60,000 short of the sum recommended by the Council's advisor. Both valuations would come under further scrutiny if agreement cannot be reached locally and the application became the subject of an appeal, so it cannot be assumed that either valuation would prevail. Considering the relatively small shortfall, 7% of the sum recommended by the Council's advisor, and the advantages in securing timely development of the allocated site, it is considered on balance that the offer should be accepted as a pragmatic solution in this instance.

Design and setting

- 5.11 Design is a criterion of the allocation, and policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. In this case the site is located within the parkland setting of a Listed Building and as well as the design issues outlined above, the effect on the setting of the Listed Building and the parkland setting is to be taken into account.
- 5.12 The submitted design statement sets out the historical background to the site and describes its features including tree belts to the north and west and the parkland setting. The evolution of the design takes account of the linear form of the site and the southerly aspect by putting the access road and parking to the rear of the proposed buildings and positioning the higher parts of the development towards the rear of the site.
- 5.13 When seen from the public footpath to the south the development will be seen as a radiating cluster of buildings each falling gently in height and animated by angled windows and balconies and with the eastern building nestled within the land form. The development as a whole will be contained within the enclosing tree shelter belts to north and east and while some trees along the drive may be removed, appropriate landscaping, and materials, which can be ensured by condition, would result in an acceptable form of development. Through the course of the application the applicant has agreed to the use of improved and locally relevant building materials, which offers an improved relationship to the character of the village as a whole.
- 5.14 Due to its position the development would not be particularly visible in relation to Cleveland Lodge and in the terms set out in the NPPF would result in less than substantial harm to the heritage asset which must be off-set by public benefit to be considered acceptable, in this case the provision of extra care housing.
- 5.15 The parkland setting is not designated, and requires a balanced judgement as to the scale of any harm or loss and the significance of the parkland. In this case the use of the linear field is of benefit and the tree cover is sufficient to screen the development from most directions. The key view point would be from the south where the development may be viewed from the nearby public footpath and it is important that the design is high quality and the scheme laid out so that the landscape becomes part of the design. Amendments to the design have incorporated improved architectural detailing and use of higher quality materials. This has reduced the extent of white painted render and brought in vernacular brick and slate materials for walls and roofs. Therefore whilst the overall scale and mass of the development will be significant, the use of vernacular materials would provide visual balance in relation to the surroundings and taking into account the public benefit of the scheme will result in less than substantial harm to the non-designated parkland setting.
- 5.16 In conclusion, the proposed development takes into account local character and setting and results in less than substantial harm to the significance of the heritage

assets and the harm is outweighed by the public benefit of the proposal in delivering housing for older people for which there is an identified need.

Trees and ecology

- 5.17 An arboricultural pre-development report submitted with the application assessed the trees and identified some to be removed to allow for drainage access from the north and to provide for an enlarged access from Newton Road. A subsequent Arboricultural Impact Assessment has been received and sets out that three trees along the existing drive would need to be removed due to their proximity to the proposed building. A 'no dig' surface, such as a cellular confinement system is proposed for the access road, limited to the indicative position of the proposed Northumbrian Water (NW) drain, and also key areas in front of buildings 1 and 3 (numbering from west). The arboricultural report acknowledges that the extent of encroachment into root protection zones is beyond that recommended in BS5837:2012 (Trees in Relation to Design, Demolition and Construction) but notes that the recommended construction method would limit potential harm overall, and recommends future monitoring. A subsequent amended Arboricultural Impact Assessment omits the line of the proposed NW sewer, as a revised route is under consideration. The applicant has agreed in principle that if the application is approved they will do the necessary investigations for an alternative route.
- 5.18 The development would result in the loss of protected trees including three trees which are currently significant parkland features along the existing drive to Cleveland Lodge. Taking into account the allocated site size and recommended minimum density within the allocation, it is realistic to suppose that the development would result in significant effects on the natural landscape and loss of some trees would result. There is scope to consider that in the changed environment resulting from the proposed development new planting suited to the proposed development can be provided by means of a high quality landscaping scheme which would have the positive benefit of providing a response to the design of the new development, in the context of the parkland setting. The protection of retained trees can be ensured by a suitable condition.
- 5.19 The provision of the NW drain along the service road on the north of the site would require deep digging in this area, and an independent arboricultural assessment for the Council (A Whitehead Associates) has identified that this is a source of significant potential harm to the trees in this area along with issues related to the proximity of the development to tree canopies. A subsequent Arboricultural Impact Assessment submitted by the applicant acknowledges the latter point by the removal of two trees (numbered 75 and 80) and considers that remaining trees along the driveway can be appropriately pruned without harm to their structural integrity. An alternative route of the NW drain between buildings 1 and 2 would reduce some of the impact on trees and has been the subject of discussion. As a result of the discussion, both the applicant and NW have expressed willingness in principle to route the drain away from the majority of the root protection zones along the proposed drive and if the proposal is otherwise acceptable, a suitable scheme can be secured by condition. There is scope to require additional planting within the shelter belts which would replace trees which suffer decline in the longer term as a result of the drainage scheme or other works.
- 5.20 The submitted ecological report identifies that the southern boundary hedge is considered important and that there is bat roosting potential within some retained trees. The hedge would be retained, save for some breaks for pedestrian access, and subject to monitoring of future intention to remove trees with potential as bat roosts, the scheme does not raise significant concerns about ecological issues.

Residential amenity

- 5.21 Neighbours to the north with a facing elevation to the site would be a minimum of approximately 30 m away from the developed area of the site and particularly taking into account the well-established tree screening that is available in the summer and which would also soften views into the site through the winter months, there would not be an unacceptable harmful effect on the amenities of nearby occupiers. A traditional lodge building at the north-west corner of the site would be slightly closer to the development and occupiers of the lodge would view the development at an angle and as a result the scheme would not be unacceptably harmful to amenities, particularly taking into account an existing partly restricted outlook from the lodge into the roadside tree belt.

Highway safety

- 5.22 The applicant has been working with the Highway Authority to resolve issues of concern, and a revised Transport Statement and a Travel Plan have been produced.
- 5.23 The applicant has met with NYCC highway officers and planning officers and the key issues outstanding are:
- The justification for the proposed parking provision; and
 - Consistency and detail within the Transport Plan and Travel Plan.
- 5.24 To deal with parking, the applicant is undertaking a survey of parking usage at similar developments, the findings of which will be reported to the meeting. The Highway Authority has given advice on clarifications and additional supporting information required in the Transport and Travel Plans. The informal advice of NYCC officers is that the outstanding issues are surmountable, and it is anticipated that a set of draft conditions will be available for the Committee's consideration.

Flood risk

- 5.25 As described above, the proposal is concurrent with a separate flood alleviation scheme by Northumbrian Water to which the development would be linked and the proposed housing scheme does not therefore raise concerns about additional flood risk.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) the satisfactory completion of a planning obligation to secure a contribution of £800,000 toward affordable housing in the Stokesley sub-area in lieu of on-site provision; and (b) the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered SK5500 Rev G; SK5520 Rev F; SK5572 Rev B; SK5582 Rev E; SK5510 Rev L; SK5570 Rev B; SK5571 Rev B; SK5581 Rev F; SK7010 Rev A; SK7011 Rev A; SK7000 Rev E received by Hambleton District Council on 23 December 2015 and 1 August 2016, unless otherwise approved in writing by the Local Planning Authority.
 3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied except by older persons in accordance with a

scheme of qualifying occupiers and care provision previously approved in writing by the Local Planning Authority.

4. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.
6. The development hereby approved shall not be commenced except in full accordance with an Arboricultural Method Statement and Tree Protection Plan previously approved in writing by the Local Planning Authority. The details submitted for approval should include (amongst other measures) full details of any works to the canopy of retained trees and a programme of supervision and inspections by an appropriately qualified arboricultural consultant. The development shall thereafter be carried only in accordance with the agreed details and scheme, unless otherwise agreed in writing by the Local Planning Authority.
7. 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.

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 DP28.
3. To provide for the identified needs of the population, in accordance with Local Development Framework Policy CP8 and DP13.
4. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing

by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

5. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
6. In the interests of the protection of trees, in accordance with Local Development Framework Policy CP16 and DP28.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

Informatives

1. With regard to Condition 6, it is expected that the scheme of arboricultural supervision will include arboricultural inspections to show that surface water drain, porous drive, trenching and foundations have been installed in accordance with the approved tree protection measures, and a provisional order of supervisions by an arboricultural consultant, including notifications to the Local Planning Authority that the measures have been complied with at each stage.
2. With regard to Condition 7, the landscaping scheme should include measures for additional tree planting within shelter belts to the north and east of the site, as well as open areas around the proposed buildings.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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16/01387/FUL

**Change of use of annexe to dwelling house
At Annexe at Glebe Farm, Low Street, Kirkby Fleetham
For Mrs Lynn Ryder**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey brick and stone farm house with a single storey converted brick and stone agricultural building. The single storey converted agricultural building forms an annexe to the main dwelling. The dwelling and the farm are in a rural position off Low Street, approximately 1.85km west of the village of Kirkby Fleetham, approximately 2.2km by road.
- 1.2 There are agricultural buildings to the north of the site, one of which is located in very close proximity to the front elevation of the annexe.
- 1.3 Planning permission was granted in 2013 (13/00770/FUL) for the conversion of agricultural buildings to form ancillary residential accommodation. A planning condition stated that the annexe shall not be occupied as a separate independent dwelling.
- 1.4 This application seeks planning consent for the change of use of the ancillary accommodation to form a separate residential dwelling.
- 1.5 The submitted site location plan identifies a tight residential curtilage around the annexe building that will form the proposed residential curtilage. This does not include any on-site car parking as confirmed by the submitted planning application form.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 76/0158/FUL - Alterations and extension to dwellinghouse and construction of a private garage with store: Granted 27 January 1977.
- 2.2 13/00770/FUL - Alterations to agricultural building to form ancillary residential accommodation: Granted 11 June 2013.
- 2.3 13/01350/APN - Application for prior notification for the construction of a steel portal framed agricultural storage building: Granted 23 July 2013.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policy DP1 – Protecting Amenity

Development Policy DP3 - Site accessibility

Development Policy DP9 - Development outside Development Limits

Development Policy DP30 – Protecting the Character and Appearance of the Countryside

Development Policy DP32 – General Design

Interim Guidance Note - adopted by Council on 7th April 2015
Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Ministry of Defence - No safeguarding objections.
- 4.2 Parish Council - No observations.
- 4.3 Public comment – None received.

5.0 OBSERVATIONS

- 5.1 The main planning issues raised by this application are (i) the principal of permitting a change of use outside Development Limits; (ii) highway safety; (iii) residential amenity; and (iv) whether the proposed change of use would have a detrimental impact on the existing dwelling.

Principle

- 5.2 The ancillary structure and dwelling is located 2.2km (by road) beyond the development limits of Kirkby Fleetham, which is a Secondary Village within the hierarchy set out in CP4 of the adopted Hambleton Local Development Framework. This distance is considered to be too great for the proposal to be considered under the Interim Policy Guidance (IPG). This is addressed in paragraphs 5.6 - 5.7 below.
- 5.3 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.
- 5.4 Policy CP4 also supports the re-use of existing buildings in the countryside where it would help to support a sustainable rural economy, subject to also meeting the requirements of policies CP1 and CP2. In this instance the proposal involves the change of use of an existing building, which will not help to support the rural economy. Therefore the proposal does not comply with the requirements of policy CP4.
- 5.5 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.
- 5.6 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."

Kirkby Fleetham is also re-categorised as a Service Village in the updated settlement hierarchy contained in the IPG. Service villages are considered to be sustainable settlements.

- 5.7 The annexe and its host dwelling is considered to be an isolated form of development. It lies approximately 2.2 kilometres by road from the Development Limits of Kirkby Fleetham and has no footpaths or adequate infrastructure that links this area to the main village of Kirkby Fleetham. This site does not conform with Criterion 1 of the IPG which states; 'Development should be located where it will support local services including services in a village nearby'. The supporting text refers to a village nearby as being within 2 km. It should also be stressed that this is referring to the distance between villages, and not the distance between a village and more isolated development. Therefore the proposal cannot be considered favourably under the IPG, irrespective of its compliance with other IPG criteria.

Highway matters

- 5.8 The existing access to the main dwelling and annexe is acceptable in terms of manoeuvring and the parking of cars and the design and location of the annexe is such that there will be no adverse impact on neighbouring properties and their amenities. However, the submitted site location plan and application form indicates that the proposed dwelling will not be served by the existing on-site car parking, which raises concern as to the future car parking and access arrangements.

Residential amenity

- 5.9 The rear amenity space would be segregated to allow a garden area to the host dwelling and the annexe. The submitted site location plan identifies this as a relatively tight area around the existing annexe building. This would mainly comprise a patio area to the rear and a passageway to the front and side. Hambleton District Council's Local Development Framework, Development Policy DP1 states: 'Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants'.
- 5.10 It is considered that the limited amount of amenity space proposed is representative of the site's unsuitability to be used as an independent dwelling. The outlook to the front is also somewhat compromised by the relationship with the existing agricultural buildings. It is also probably that the close proximity to the agricultural use would result in a loss of amenity to the occupiers of the proposed new dwelling. When combined with the concerns over parking arrangements, it is considered that the proposal would not make provision for the basic amenity needs of the occupants of the proposed dwelling.

Character and appearance of the dwelling

- 5.11 The visual appearance of the host dwelling and the proposed new dwelling will not change significantly and are considered to be acceptable in that they would maintain

the character and appearance of the site and visual amenity of the surrounding area.

- 5.12 In making this assessment, consideration has been given to the Planning Statement submitted during the consideration of the application. This makes further reference to paragraph 55 of the NPPF, which states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as when the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. However, in this instance the building is already in use and its immediate setting has already been improved when it was converted to an annexe.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposal represents unsustainable development on a site outside of the Development Limits of the Hambleton Settlement Hierarchy without a clear and exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework, which (amongst other things) seeks to reduce the need for travel by car, relieve pressure on the open countryside and locate new housing close to existing services and facilities. The development would result in a new isolated home in the countryside, contrary to National Planning Policy Framework paragraph 55 concerning residential development in rural areas.
 2. The residential amenity provided for the occupants of the proposed dwelling is compromised by its size and relationship with adjoining agricultural buildings. When combined with the concerns over parking arrangements, this is considered to be representative of the site's unsuitability to be used as an independent dwelling. Therefore the proposal is considered to be contrary to policies DP1 and DP32, which requires development to make provision for the basic amenity needs of occupants and provide well designed private open space.

16/01540/FUL
16/00009/TPO2

- (a) **Construction of four dwellings with associated access, parking and landscaping
At land to the south of Bravener Court, Newton on Ouse
For Mrs Toni Johnston**
- (b) **Confirmation of Hambleton District Council (Newton on Ouse) Tree Preservation
Order 2016 No: 9
At land fronting Back Lane opposite junction with Sills Lane, Newton on Ouse**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a field to the east of Back Lane, Newton on Ouse to the south of Bravener Court and opposite the junction with Sills Lane. The site is fronted by a highway verge 3m to 8m in width with a hedgerow fronting the site and a number of trees on the verge and within the application site. To the south of the site is a pond which relates to historical pits and filled ground and allotment gardens.
- 1.2 The application proposes four dwellings. Two would be three-bedroom dormer bungalows on the northern end of the site, one would be a detached four-bedroom two-storey dwelling and the fourth would be a detached four-bedroom two-storey dwelling at the southern end of the site. Access is proposed to be via two shared drives off Back Lane.
- 1.3 During the course of the application a Tree Preservation Order has been made in relation to the trees on the highway verge or at the front of the site. A majority of these are in the ownership of the County Council. This report seeks to consider both the trees within the Tree Preservation Order (16/00009/TPO2) and whether to confirm the order in full, partially or not at all. There are a total of seven wild cherry trees, a zelkova (a deciduous tree native to Japan), a red oak and two sycamores considered individually under the Order and the hawthorn hedge considered as a group with the Order. The application proposes to fell three of the wild cherry trees and replace the hedgerow to form the access and allow the development to be built.
- 1.4 The application is supported by a Design and Access Statement, Planning Statement, Heritage Statement, Flood Risk Assessment, Landscape Statement, Preliminary Assessment of Land Contamination, Sustainability Statement, Tree Survey and Ecological Assessment.
- 1.5 The application site is outside the Conservation Area and the village does not have Development Limits. Newton-on-Ouse is classed as an Other Settlement in the settlement hierarchy. However Linton on Ouse & Newton on Ouse are a quoted example of a cluster villages within the Council's adopted Interim Planning Guidance.
- 1.6 Amended plans were received on 30 August 2016 detailing the following changes:
- Plot 1 - a 400mm reduction in width (site depth) of the main house plan and the chimney moved within and in line with the gable structure;
 - Plot 2 - the home office element has been removed;
 - Plots 3 and 4 - a 500mm reduction in the width of the main part and the first floor layout adjusted to remove the need for the extended dormer with a residual

dormer left to serve the main bedroom. 300mm has also been removed from the depth in the entrance zone with the lounge bay removed for ease of access.

With these adjustments the overall footprint has been reduced, with plot 4 moved away from the northern and plots 3 and 4 from the rear boundary.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00901/HYB - Hybrid application for: Site A full planning application for the construction of a four bedroom dwellinghouse and Site B outline planning application for the construction of up to 4 additional dwellinghouses (all matters reserved); Withdrawn 26 May 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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP42 - Hazardous and environmentally sensitive operations
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 - does not object in principle to additional houses in the village, although this Planning Application was unanimously objected to the application as it currently stands for the following reasons:

Wildlife and European Protected Species

- The pond adjacent to the development supports a population of great crested newts which is a European protected species;
- The pond is also important for bats and at least two species in relatively large numbers are regularly seen flying around the pond search for insects;
- The current overgrown hedge creates an important wildlife corridor and refuge for both bats and newts;

- The building of houses behind the hedge will inevitably result in a significant reduction in its height and width thereby reducing its conservation value; and
- Proposals in the application should secure the management and protection of this resource.

Visual and landscape impact

- Trees, specifically cherry trees, are a significant characteristic of the village lining the grass verges throughout it;
- The trees on the verge and owned and managed by the Parish Council and fall outside the ownership of the applicant; and
- The landscape report fails to acknowledge the presence of the war memorial and carefully tended grass either side that extends across the front curtilage of the planning application.

Design of buildings

- The proposed large house is out of character and completely out of context with the surrounding houses on Bravener Court.

Access and parking

- Concern about the capacity to support significant numbers of additional cars;
- Construction vehicles may result in damage to the road and verge; and
- Impact on fishing club visitors.

Infrastructure

- The capacity of the soakaways, sewage and associated drainage is at capacity.

Potential for additional houses

- The design of the application allows for additional houses to be built behind the site – suspected to be a future aspiration of the applicant; and
- Disappointment at the lack of affordable housing in the application.

4.2 Ministry of Defence - No objection.

4.3 Natural England - No comments.

4.4 Yorkshire Wildlife Trust – No objection. The submitted great crested newt (GCN) survey is acceptable. As long as a licence is obtained from Natural England before the development goes ahead and all the mitigation is put in place there should not be an impact on GCN. The developer should maximise the amount of semi-natural habitat suitable for wildlife and connect up hedgerows and field margins as much as possible.

4.5 Environmental Health Officer - No objection.

4.6 Yorkshire Water - No objection subject to a drainage condition.

4.7 Public comment - 21 letters of objection have been received (a further 3 duplicates have also been received). The objections are on the following grounds:

- The proposal is contrary to the Interim Planning Guidance and policies;
- Lack of facilities in Newton-on-Ouse;

- Precedent for other plots purchased for housing from Land and Property Bank;
- The long term future of the RAF base is uncertain and should it be discontinued there would be a surplus of housing stock should no alternative use be found for the site;
- No benefit to the local community;
- The design and size of the proposed development does not conform to the character and appearance of the area;
- Plot 1 is oversized compared with existing houses along Back Lane;
- Impact on the existing residents of Back Lane and Bravener Court, including overlooking and loss of privacy;
- Back Lane is narrow and cannot cope with traffic; it is clearly marked as 'Unsuitable for Motor Vehicles'; the access is unsafe and the proposal would make it more dangerous for pedestrians and the increasing number of cyclists using Back Lane as part of a dedicated cycle route;
- Impact on trees which are an integral part of the landscape;
- Impact on the War Memorial;
- Impact on the verges and the current use for vehicles parking there; deliveries to the proposed properties would mean more parked vehicles obstructing Back Lane and Sills Lane; and
- Impact on protected species, wildlife and habitats, including hedgehogs, bats and great crested newts.

4.8 Five further letters of objection repeating the above comments have been received in response to the amended plans.

4.9 In relation to the TPO, the applicant's tree consultant for the planning application states that the trees requiring removal are unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories. They argue that the hedgerow is a gapped hedgerow without significant landscape value and has limited benefit. It is noted that the development proposals include a management and enhancement of the Hedgerow, an action that would mitigate the loss by improving the visual amenity of the landscape.

5.0 OBSERVATIONS

5.1 The key determining issues for the planning application are (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) access arrangements; (v) impact on trees and the Tree Preservation Order; and (vi) ecology.

5.2 The case for confirming the Tree Preservation Order, the second subject of this report, can be considered under point (v).

Principle

5.3 Newton-on-Ouse 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 CP4 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".

- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy and this is considered below.
- 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 As an Other Settlement in the current 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. The IPG identifies Newton-on-Ouse and Linton-on-Ouse as an example of cluster villages. It therefore recognises that the two villages share a sufficient level of services and facilities to be a sustainable community. The supporting Planning Statement concurs, noting that the proposed development would be located where it can support local services in Newton and nearby Linton-on-Ouse.
- 5.7 The IPG advises that small scale development normally constitutes five or fewer dwellings. There have been no other applications within Newton-on-Ouse that have been considered under the remit of the IPG and considering the size and character of the village the proposal could be considered as a small-scale development. Noting the concerns of residents, the application site is not located in the Green Belt and any proposal for further development of the field would need to be considered on its merits, including the cumulative impact of development. It is therefore not considered that the proposal would set a precedent for further development. Overall, whilst the lack of facilities in Newton-on-Ouse is noted, given that the village forms a sustainable cluster the development is supported by the IPG in principle. The proposal is therefore considered to meet criterion 1 of the IPG and that to be small in scale, the first part of the requirements of criterion 2, in the context of the village.

The character of the area

- 5.8 The applicant contends that the proposed form, use of brick and design details would fit to the character of the village and the immediate vicinity of the site. They also consider that whilst the proposal would result in an extension of the village, it would be one directly related to the linear and in depth expansion of the village that has occurred in recent years both west and east of Back Lane. In this context they consider it is an organic development that anticipates an appropriate development pattern. The applicant also states that their proposed strategy for minimising adverse impacts is one, which when considered in the context of a minimal impact and intrusion on the openness of the fields behind, has overall no detrimental impact. Finally, they point out that the proposed development could connect into the existing infrastructure satisfactorily.
- 5.9 The area is a mix of property styles and character with modern development (e.g. Bravener Court) being a mix of two-storey and single-storey properties. Properties on Sills Lane and further south on Back Lane are close to the back of the highway with small back gardens. Further there are also large outbuildings and garages fronting Back Lane to the south. A different character exists on Cherry Tree Avenue where dwellings are predominantly older and larger.
- 5.10 The form of the village, in particular Sills Lane and opposite the application site, are dwellings which occupy a significant proportion of their plots with small back gardens, with many being bungalows. Further to the south the properties are larger and of more significant scale and mass and the proposals reflect this form of the village. The size of the rear gardens would be no different to other properties, for example Oak Tree House and Foldyard House.
- 5.11 The concerns relating to the War Memorial are noted however this is located on the highway verge to the north, next to 18 Bravener Court. The application site is some 15m to the south of the Memorial and therefore should not adversely impact on this feature.
- 5.12 It is also noted that the trees and hedgerows are a feature of Back Lane and Sills Lane. Whilst some are managed and maintained as part of residential boundaries, particularly fronting Sills Lane, the avenue of trees along the Back Lane frontage of the site, and the hedge behind them, are not. Avenues of trees are a distinctive feature of Newton on Ouse, most notably along both sides of Cherry Tree Avenue, in the heart of the Conservation Area, but the eastern side of Back Lane is also marked by a grass verge with trees planted within it. This feature is particularly strong heading south from the junction of Back Lane and Bravener Court, such that it limits the impact of the relatively modern development at Bravener Court on the character of Back Lane. The feature continues southward beyond Bravener Court, along the frontage of the application site, and the proposed positioning of dwellings and the formation of two accesses suitable for vehicular traffic across the verge would have a significant and adverse impact on this important aspect of local character.
- 5.13 The application proposes two access points. The northern access, serving plots 3 & 4, would require two wild cherry trees to be felled, both classified C1 by the applicant's tree consultant within a scale that spans A1 – A3, B1 – B3 and C1 – C3. They are described as "unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories". However, this assessment is considered to be flawed as it concentrates on each tree in isolation and does not give sufficient weight to the wider significance of the group, which forms an avenue along Back Lane at point of the transition from village to countryside. The creation of this vehicular access would introduce a significant break in the avenue of trees and also in the grass verge, both of which are important to local character.

- 5.14 The southern access, opposite Sills Lane, serving plots 1 & 2 would formalise a field access and would not require any trees to be felled. However, it would require a hard surfaced crossover to be constructed and this would have an adverse impact on the character and appearance of this section of Back Lane, albeit less than the impact of the northern access.
- 5.15 The proposed management and enhancement of the retained sections of hedgerow reflects the local character. The loss of a section to form the northern access would have an adverse impact but considerably less than that of the tree removal and the construction of the access.
- 5.16 It is considered that Plot 1 would be out of keeping with the size or bulk and mass of other properties in the vicinity of the application site on Back Lane and around Sills Lane, whilst it would be similar in built form to Mulberry Cottage further to the South with Plot 2 similar to White Rose Cottage (which neighbours Mulberry Cottage), the lack of garden and proximity to the boundaries would be out of keeping and harmful when viewed from New Road to the south..
- 5.17 Plots 3 & 4 would be dormer bungalow form (i.e. the upper floor within the roof space with dormers) with wings projecting forward to between one and two metres back from the hedge. The projecting wing to plot 4 in particular would be uncommonly close to the road, at the point where the verge is shallowest (approximately four metres). Furthermore, whilst the submitted plans suggest tree T1, a wild cherry, would not be removed, the dwelling and hard surfacing around it would occupy a quarter of the canopy area and the foundations would be approximately one metre from the trunk. Furthermore, the eaves of the projecting wing would be 3.8 metres above ground level and the ridge would be 5.5 metres above. This would be likely to require significant canopy removal. Taking all these factors into consideration it is questionable whether the tree would survive the development, with consequent adverse impact on the character of Back Lane.
- 5.18 Overall, for the reasons expressed above, it is considered that the proposal would have an adverse impact on the character of the area.

Residential amenity

- 5.19 The concerns of local residents are noted, particularly those of neighbouring properties on Bravener Court (the closest of which is number 20). The boundary of Bravener Court is relatively open to the rear with a low boundary fence bordering the application site. It is noted that the separation distance at the nearest point would be approximately 21.35m between plot 4 and 20 Bravener Court and approximately 24m to the dormer window. It is also noted that the proposal shows plots 3 and 4 as dormer bungalows which reduces the height, bulk and mass of the proposals in relation to the impact on neighbouring properties. The side facing window to plot 4 would serve a bathroom and could be safeguarded as obscure glazed.
- 5.20 It is considered that the separation distance is therefore sufficient to maintain appropriate privacy to existing and future residential occupiers.

Access

- 5.21 The application proposes two access points. It is noted that the Highway Authority did not raise an objection to the safety or character of the highway to the previous application (reference 16/00901/HYB) which included a great number of access points to Back Lane to serve five dwellings. The position of southern access

(opposite Sills Lane) is the same as previously proposed and in the same position as the current field gate.

- 5.22 The proposal includes an appropriate level of parking and therefore it is considered that it would be acceptable in this respect.

Impact on trees and the Tree Preservation Order

- 5.23 As noted at paragraph 1.3 a tree preservation order was made on 3 August 2016 following the receipt of the application and the request to consider the trees and hedgerows.
- 5.24 As noted by the Parish Council and local residents and set out earlier in this report, the wild cherry trees on the verge are an important part of the character of this part of the village. It is understood they have been managed and maintained by the Parish Council although their ownership lies with the County Council.
- 5.25 As noted earlier, the comments of the applicant's tree consultant that the trees to be removed are unremarkable, of very limited merit or impaired condition are based on an assessment that does not take full account of the value of the avenue of trees as a group.
- 5.26 In considering the proposal, it is noted that the trees that would be lost are poorer specimens in arboricultural terms; however, their removal from the avenue without replacement would have a negative impact on the character of Back Lane.
- 5.27 It is therefore considered appropriate to confirm the Order in relation to all of the trees as shown on the draft Order, i.e. T1, T2, T3, T4 and T5 (wild cherry), T6 (zelkova), T7 (red oak), T8 and T9 (sycamore) and T10 and T11 (wild cherry) which collectively contribute positively to the character of the area.

Ecology

- 5.28 The applicant has submitted an ecological report noting that presence of great crested newts (GCN) could have major impacts on the viability of the site for development and subsequently undertaken GCN survey work. GCN are fully protected through The Conservation of Habitats and Species Regulations 2010 as a European Protected Species (EPS). They also receive protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
- 5.29 The survey revealed that a small GCN population is present at the pond, therefore any development of the site would need to be undertaken under the terms of a licence from Natural England. The precise terms of granting or not granting the licence are a consideration for Natural England. The submitted GCN survey, which is agreed by the Yorkshire Wildlife Trust, states that the pond is of sufficient distance from the application site for the impact on the species to be considered low. Development could not start unless the licence was granted but there is no evidence that harm to habitats would occur from the development.

6.0 RECOMMENDATIONS

- 6.1 That subject to any outstanding consultations the planning application is **REFUSED** for the following reasons:
1. The proposed development by reason of its impact on trees, punctuation of the grass verge with new accesses, the proximity to the front boundary, in particular Plot 1, and the lack of garden space would be out of keeping with the character of the area. As

such the proposal would be contrary to Policies CP1, CP16, CP17, DP1, DP31, DP32 and DP33 of the Hambleton Local Development Framework and guidance contained in the Council's Adopted Interim Planning Guidance and the aims and objectives of the National Planning Policy Framework.

- 6.2 That the Hambleton District Council (Newton on Ouse) Tree Preservation Order 2016 No: 9 be confirmed in relation to trees shown as T1, T2, T3, T4 and T5 (wild cherry), T6 (zelkova), T7 (red oak), T8 and T9 (sycamore) and T10 and T11 (wild cherry).

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Parish: Northallerton
Ward: Northallerton North & Brompton
11

Committee Date: 15 September 2016
Officer dealing: Mr K Ayrton
Target Date: 2 September 2016
Date of extension of time: 16 September 2016

16/01560/FUL

Change of use from office (B1) to private physiotherapy clinic (D1)
At Suite 1 Evolution Business Centre, Unit 6, County Business Park, Darlington Road,
Northallerton
For Mr Andrew Wilson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application is referred to Planning Committee as the application site is owned by the Council.
- 1.2 The site relates to the Evolution Business Centre, which is a purpose-built, modern facility developed by Hambleton District Council. It is located on County Business Park to the north of Hambleton town centre. The facility provides a mix of office accommodation, conference and meeting facilities with access to a range of on-site support services.
- 1.3 The accommodation ranges in size from 25sqm to 75sqm. The facility is served by a secure car park.
- 1.4 The surrounding area comprises a mix of uses typical of those found on an industrial estate, including a timber merchant, heating centre, and small scale industrial units.
- 1.5 It is proposed to change the use of unit 6 (50 sq m) from B1 offices to D1 physiotherapy clinic. The proposal does not involve any internal or external alterations. The submitted Planning Statement confirms that the applicant is a chartered physiotherapist and has worked in private practice for over 20 years in Northallerton. They are currently based at The Wensleydale Suite at The Friarage Hospital in Northallerton. However, there is limited space to expand to meet the growing demands of the business.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 No relevant planning history.

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 CP12 – Priorities for employment development
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP16 – Specific measures to assist the economy and employment
Development Policies DP17 – Retention of employment sites
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – No Observations

4.2 Council Workspace Officer – Confirmed that the Evolution Business Centre opened in late 2009 as a managed office facility as this has been identified as a gap in the market for Northallerton. Unfortunately, completion of the building coincided with the economic downturn and take up of the office units has been slow. There are 30 suites available to rent of sizes 25, 30, 50 and 75 sq m. The 25 sq m suites are most popular. The occupancy levels quoted in the planning statement are accurate and it has been more difficult to let the larger suites; one of the 75 sq m suites has been converted to a conference room to assist with the running costs of the building and is a key activity within the centre.

The change of use of one of the 50 sq m suites to a physiotherapy clinic would not cause any issues to the current users of the building and would bring into use previously unoccupied space which would be seen as favourable. There would still be 6 larger suites available in the centre for any businesses looking to expand or larger businesses wanting to move in.

5.0 OBSERVATIONS

5.1 The main issues to consider are:

- Principle of Development
- Highways

Principle of Development

5.2 The main issue to consider is the principle of the proposed use in this location. The lawful use of the unit is B1 office. Therefore consideration needs to be given to the impact of the loss of B1 office floorspace from the District's supply.

5.3 The supporting planning statement argues that the Evolution Business Centre currently has a 50% vacancy rate. It goes on to state that there is little prospect of this situation changing significantly in the foreseeable future. The supporting statement also claims that the proposed use will occupy larger offices, which are known to be more difficult to let.

5.4 The Council's Business and Development Team have confirmed that the statements are an accurate representation of the current circumstances.

5.5 Policy DP17 (retention of employment sites) states that sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted, unless it meets one of five criteria. These include (amongst others):

- i. The supply and variety of available alternative employment land is sufficient to meet District and local requirements.

5.6 It is noted that policy DP17 simply relates to the protection of employment sites. There is no definition (e.g. B1, B2 and B8) of what comprises an employment use in the policy and supporting text. In this instance, the proposed D1 use will generate a level of employment – the submitted application confirms that the business currently employs three members of staff, which include one physiotherapist, an accounts clerk and a secretary. There is also one associate physiotherapist who works with the

business. It is understood that it is also the intention to employ two additional members of staff including another physiotherapist and a physiotherapist assistant.

- 5.7 Having regard to the above, there is an argument to say that the proposal complies with the policy in that it retains an employment generating use. However, even if a different view were to be formed, the development could still be found to be acceptable if it complies with one of the exception criteria.
- 5.8 In this instance, having considered the submitted planning statement and comments from the Council's economy and development team, it is considered that the loss of the B1 unit would not have an adverse impact on the supply of employment land to meet the District and local requirements. Indeed it is noted that the Council's Workspace Officer has confirmed that 'there would still be 6 larger suites available in the centre for any business looking to expand or larger businesses wanting to move in'.
- 5.9 It is therefore considered that the proposal accords with criterion i of policy DP17.

Alternative Locations

- 5.10 The supporting statement simply states that 'other locations within the town that could accommodate a private physiotherapy practice as an alternative to the Evolution Business Centre have been considered. However, there are none that are as well suited to the business or currently available'. Whilst further information would have been welcomed, there is only a requirement to satisfy one of the criteria of policy DP17. It is also noted that a physiotherapist is not listed as a 'main town centre use' in the NPPF. Whilst it is acknowledged that the town centre would be a more sustainable location, there is no policy requirement to demonstrate why the D1 use cannot be located there.

Highways

- 5.11 The business centre is served by a car park, sited to the west and north of the building. This will be available to the users of unit 6 and has sufficient capacity for the D1 use proposed. Therefore the proposal will not be harmful to highway safety.

Conclusion

- 5.12 The proposed development will not have an adverse effect on the supply and variety of available employment land. Further, the proposed use will generate a level of employment that is comparable with the existing B1 use. Therefore the proposed development is considered to accord with the requirements of all relevant Local Development Plan policies.

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.

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.

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Parish: Raskelf
Ward: Raskelf & White Horse
12

Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 13 June 2016
Date of extension of time (if agreed): 16 September 2016

16/00393/FUL

Conversion and alterations to former agricultural building to form a 4 bedroom dwellinghouse with detached garage, associated parking, access drive and demolition of Dutch barn to form garden at Pigeoncote Farm, Raskelf for Ms Caroline Lane

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the north west of Church End, near the south western end of the village. The buildings are located behind dwellings which front onto Church End. To the rear (north west) of the site are other agricultural buildings with fields beyond.
- 1.2 The main body of the application site measures 30 metres x 23 metres and includes a large two- storey brick and tile 19 metre x 5.3 metre x 6.4 metre high barn adjacent to the garden of Apple Tree House. Attached to the rear of the barn is a large enclosed Dutch barn constructed in steel framing and corrugated metal sheeting. The application site also includes the 38 metre x 6 metre access to the road between frontage dwellings. The present barn is situated at the end of the access from Church End.
- 1.3 It is proposed to demolish the Dutch barn, leaving the brick barn to form a 4-bedroom 2-storey dwelling. The alterations include changes to door and window openings and a new ground floor window in the north east end elevation and the installation of new roof lights. The corrugated building on the site is to be removed. A structural survey has been submitted confirming that limited rebuilding is involved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/89/122/0086 - Construction of 2 dwellings and conversion of agricultural building to a dwelling; Refused 27 September 1989.
- 2.2 2/89/122/0086A - Outline application for alterations and extension to existing agricultural building to form a dwelling; Refused 2 April 1990, Appeal dismissed 4 February 1991.
- 2.3 06/01580/FUL - Alterations and extensions to agricultural building to form a dwelling; Refused 20 October 2006.

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 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 DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Raskelf Parish Council - No objection.
- 4.2 Highway Authority - No objection subject to a condition preventing mud spoils on the road.
- 4.3 Yorkshire Water - No objection.
- 4.4 Environmental Health Officer - No objection; no land contamination issues.
- 4.5 Public comment - no responses.

5.0 OBSERVATIONS

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

Principle

- 5.2 Raskelf is a Secondary Village within the Settlement Hierarchy set out in policy CP4 and updated in the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "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 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
 - 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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and considering the application site and the relationship to the main village facilities of Raskelf the proposals are well located and will support local services and would be in accordance with the aims of sustainable development.
- 5.6 In terms of the other criteria of the IPG, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure. The impact on the character of the area and natural environment are discussed below.

Character of the area

- 5.7 Evidence has been submitted regarding other barn conversions in the village which have had approvals for dwellings. The submitted structural survey confirms the building is suitable for conversion. The building is of a form, bulk and general design which is in keeping with its surroundings and the history of the building and the removal of the other unsightly buildings would be an enhancement to the character of the area. Overall the scheme follows the character of incremental change and growth of the village. Whilst it would create a form of tandem development, the building already forms that pattern and therefore the impact on the character of the village would be limited.
- 5.8 It is proposed that the partial first floor would be extended throughout and the existing opening of the building would form the majority of the new windows and doors. No new openings would be formed on the south east and south west elevations since these form the boundary to the property. Four roof lights would be used on the south east side to allow for natural light and ventilation into the bathrooms and the staircase.
- 5.9 The garage would be in the style of an agricultural building as a two car tandem garage. All materials proposed reflect the surrounding dwellings and would be in keeping with the main building. The alterations proposed are generally an enhancement to the character of the area and as such are in compliance with criteria 2 - 5 of the Interim Guidance Note.

Residential amenity

- 5.10 Having considered the general built form and character of the area and the relationship between properties, the proposal is considered unlikely to have an adverse effect on the amenity of the adjoining frontage neighbouring dwellings due to the separation of properties and the proposed positioning of windows to habitable rooms.

Access arrangements

- 5.11 The comments of the Highway Authority are noted. There would be sufficient on-site car parking and the access arrangements as proposed would be satisfactory. The proposal is considered to be in accordance with the aims of the adopted policy and therefore satisfies the 6th and final criterion of the Interim Guidance Note.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the Location Plan, Block Plan and Design and Access Statement received by Hambleton District Council on 15 February 2016 unless otherwise agreed 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. 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

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 Hambleton Development Plan Policies DP1 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste

1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Snape with Thorp

Ward: Tanfield

13

16/00870/TPO

Committee Date: 15 September 2016

Officer dealing: Mrs H M Laws

Target Date: 25 May 2016

Date of extension of time (if agreed): 26 August 2016

**Works to trees subject to Tree Preservation Orders 1996/14 & 1997/02
at The Avenue, Snape
for Snape with Thorp Parish Council**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application relates to the avenue of mature lime trees on the western approach into the village of Snape. The Avenue is an exceptionally attractive and historic feature which was originally planted in the eighteenth century and comprised 35 limes on each side of the road. A 'reserve' avenue, approximately 8m outside the main lines, was planted by the Parish Council 25-30 years ago. A formal Tree Preservation Order was confirmed on the original trees in 1997, this Order does not currently extend to the two outer lines of trees.
- 1.2 A tree survey undertaken by A Whitehead Associates Ltd has been submitted with the application in support of proposed works to the trees. The survey refers to a total of 113 trees, which are within both the mature and the younger avenues.
- 1.3 The conclusion of the survey is that the mature avenue is dying back and is also suppressing the young avenue, particularly on the northern side because it is effectively shaded by three rows of trees. It is proposed to undertake works to 55 of the trees, mostly within the mature avenue. The proposed work includes the removal of 1 large leafed lime and 5 common lime trees and reducing the height of 30 trees by between 2m and 7m. Some of the work includes crown cleaning and deadwooding. All of this work relates to trees within the mature avenue.
- 1.4 The Parish Council has submitted the proposed scheme of works following a community consultation exercise asking residents which of three options they preferred. The options were as follows:
1. Do nothing except the minimum tree surgery required;
 2. Removal of a number of trees with replanting between; and
 3. Removal of the whole of the old avenue pursuant to allowing the development of the younger (replacement) avenue.

Approximately 40% of households replied (153 responses), with 46% voting for option 2; 39% voting for option 1 and 13% for option 3.

- 1.5 The report submitted by Mr Whitehead states that, as far as he is aware, the mature avenue has only been pruned twice, the last time being more than 10 years ago when he understands, that even then there was chronic dieback in the mature avenue and identifiable suppression of the young avenue. The trees have been dead-wooded at twelve yearly intervals but there is currently a large amount of dead wood in the trees within the mature avenue. Pruning of some of the mature crowns is recommended where the crowns are meeting the crowns of the young trees.
- 1.6 Mr Whitehead considers that if there is no intention to retain and protect the young avenue there would be no need to reduce the mature crowns to prevent suppression, however the proposed work is based on the assumption that the young avenue will be retained.

- 1.7 Mr Whitehead recommends that if approval is granted it should be subject to a condition requiring the six felled trees to be replaced with large leafed limes of 10-12cm girth, planted in the gaps.
- 1.8 A second tree survey has been commissioned by and undertaken on behalf of several local residents who object to the application proposal. This report has been undertaken by Barnes and Associates and details are included within Section 4.0 below.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The Parish Council has had regular permissions to carry out maintenance works to the trees since the formal Order was confirmed in 1996 and updated in 1997 (TPO 1996/14 and TPO 1997/02).
- 2.2 04/02142/TPO - Application for consent to carry out works to tree subject to Tree Preservation Order No. 1997/2 (deadwooding, crown lifting one tree, removal of one limb). Permission granted 21/12/2004.
- 2.3 07/03161/TPO - Application to carry out works to 10 trees the subject of TPO 1997/2 (pruning of lower branches). Permission granted 27/11/2007.
- 2.4 08/03880/TPO - Application to carry out works to 7 trees the subject of TPO 1997/2 (deadwooding). Permission granted 6/11/2008.
- 2.5 12/01389/TPO - Proposed works to trees subject to Tree Preservation Order No 1997/02 (removal of one tree, pruning and deadwooding of 19 trees). Permission granted 6/8/2012. No requirement for replanting.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – (is the applicant).
- 4.2 The Ramblers - No objection.
- 4.3 NYCC Tree Officer - It is recommended the application is refused. Many of the individual tree work recommendations are deemed unnecessary, inappropriate and severe with inadequate work specifications to assist in determination, which will have a negative impact on the health of the subject trees. A full copy of the comments is appended to this report.
- 4.4 HDC Conservation Officer - In medieval times, Snape had a deer park to its south west. The deer park is historically significant in the setting of the village and its relationship to Snape Castle. The deer park is shown on the 1720 Warburton map and many of the property names and coverts in this area reflect that use, such as Springs House, Snape Lawns and Warrener's Bottom. The avenue of trees links the former deer park and Snape Castle, framing the view on approach to the castle.

Today we cannot see the castle from this viewpoint but it is likely to have been visible prior to the current screening behind the wall seen on site today. Regardless of whether we can see the castle or not, this is a significant approach towards the castle and represents an original link between it and the former deer park. The trees are of significant age and are valuable in the landscape setting of the wider context of Thorpe Perrow Arboretum which is a designated park and garden lying immediately to the north. The management of this avenue should take a landscape preservation perspective and only carry out the minimum works necessary in order to retain the historic trees and the enclosure which the avenue brings. Two reports have been undertaken; the first proposes extensive works including the felling of several trees. The second is a much reduced scheme which aims to preserve the historic avenue carrying out necessary and minimal works. The Council has sought independent advice (from NYCC) which should in my view be followed.

4.5 Public comment - Nine letters of objection have been received from local residents, some of whom have commissioned their own tree report, which has been submitted. The comments of the residents are summarised as follows:

- The maintenance schedule is too severe;
- The avenue is very special and can never be replaced by the 'new' avenue, which is too wide;
- The proposed work will devastate the old trees;
- There is no recognition by the Parish Council of how the old and new avenues complement each other;
- Some residents believe the young avenue will eventually replace the old avenue but others consider they were planted too far back from the road;
- The young trees could form part of a triple avenue;
- It is understood that the Parish Council feel they must take positive action to ensure insurance cover;
- There must be a less draconian option that would suffice given that Mr Whitehead's report only shows one tree in imminent danger of collapse;
- If the two surveys come to markedly different conclusions then a third survey may be necessary;
- The habitat afforded by the trees to wildlife should be taken into account;
- The visitors to the avenue, such as walkers and cyclists, contribute to the village economy;
- The cost of implementing the Barnes report is likely to be considerably less than the cost of felling up to 50 trees;
- The trees could help to inhibit flooding of the avenue in the event of increased rainfall in future years; and
- In the interests of conservation of the environment, as well in the interests of economy and audit, the District Council, acting as a responsible Planning Authority, ought to accept the findings of the Barnes Report, continue the protection of the trees involved, and refuse this application.

4.6 The alternative tree report has been undertaken by Barnes & Associates. The findings and alternative recommendations are as follows:

- The trees are in good condition and appear to have good vitality;
- Increased frequency of assessment and level of management (including preparation of a management plan) required;
- Opportunities to provide additional trees;
- Remedial work is required in respect of 28 trees, which includes crown lifting to 5.2m (to allow vehicle access) and canopy remodelling;
- Urgent additional assessment is required in respect of 2 of the trees (2 common limes not proposed in the application to be felled); and

- It is recommended that access to the site is restricted when the wind speeds approach 'near gale' or 'moderate gale' (30mph) although appreciates that improved management is a more realistic alternative.

5.0 OBSERVATIONS

- 5.1 The issues to be considered relate to the impact of the proposed works on the Avenue and the consequent appearance and character of the approach into the village.
- 5.2 It has been noted above that the Avenue is an exceptional feature and makes a significant contribution to the character and appearance of the surrounding landscape and the approach into the village. The Avenue is of historic and aesthetic merit and is therefore a feature of acknowledged importance. The NPPF in paragraph 109 requires the planning system to protect valued landscapes. In view of the importance of the avenue it is considered therefore that any works should not be greater than required in order to protect the trees and their environmental value.
- 5.3 It is appreciated that the trees require regular management and maintenance and there are no objections in principle to maintenance works being undertaken. These can include removal of deadwood and any works that are necessary as a result of a tree becoming dangerous without the need to obtain the Council's approval. However, there is concern that the works proposed within the application are too severe and would result in harm to the character and appearance, and therefore the importance, of the Avenue.
- 5.4 According to Mr Whitehead's report, the reason for much of the proposed work is due to the suppression of the young avenue caused by the mature avenue. The independent report undertaken on behalf of the District Council by NYCC does not consider this to be adequately proven and is not in any event an overriding reason to carry out otherwise unnecessary works on the mature avenue. Natural decline of the mature avenue will in time, it is suggested, allow more light through to the younger trees.
- 5.5 When the young avenue was planted in approximately 1990 it was with the intention that it would become a replacement feature in anticipation of the eventual demise of the mature avenue. The young avenue is not currently the subject of a Tree Preservation Order, although it would be prudent to impose one in the near future in order to safeguard the eventual realisation of this strategy.
- 5.6 It is also concluded by NYCC that the results of much of the proposed works cannot be anticipated; if a greater degree of work is undertaken than required it could lead to further complications in the future. The removal of trees should not be taken lightly for health and safety reasons as the creation of a gap could have an adverse impact on the remaining trees due to wind dynamics. The NYCC advice is that the recommendation that a tree is not worth retaining due to its proposed reduction is not a sound reason for removal. Trees are not only important to the safety of the group but also provide an important habitat.
- 5.7 Much of the work includes proposals that are not considered to be required, for example, cutting into live wood. It is agreed by NYCC that the removal of deadwood is required, and this can be done without the need for approval if the deadwood poses a danger. However, NYCC advises that the more significant proposal to remove the top 2m of tree and to lower the trunk further until 50% of sound wood is found on the day of the surgery is an unacceptable specification that deviates from the British Standard, with unknown outcomes.

- 5.8 There are also examples where insufficient information has been provided such as specifications for crown reduction works. This is not stated in terms of the intended height and spread of the tree. Where full canopy remodelling is required annotated photographs would be helpful to illustrate proposals.
- 5.9 The two alternative reports provided by NYCC and Mr Barnes agree that some work to the avenue is required (NYCC suggests that some of this should be undertaken in the next 2-3 months) but that there is insufficient evidence to demonstrate that the works proposed as a whole are essential.
- 5.10 Taking account of NYCC's review of the two arboricultural reports and its expert advice, it is considered that the proposed scale of works would cause unacceptable harm to the trees and would therefore be contrary to LDF Policy CP16.
- 5.11 The community consultation exercise is welcomed and although the majority of the residents voted for the scheme as now proposed, that was on the basis of Mr Whitehead's report alone. It cannot be assumed that the same support would have been given if local people had been able to see the subsequent reports by NYCC and Mr Barnes.
- 5.12 It is understood that the Parish Council has to balance the need for the protection of the Avenue with the cost of the work but that is not a material consideration for the District Council when determining this application.
- 5.13 The extent of the proposed works has not been demonstrated to be necessary at present and without further evidence to justify the proposal, due to the significant impact it would have on the character and appearance of the avenue, it is contrary to LDF policy CP16 and refusal of the application is recommended.
- 5.14 In making this recommendation it is accepted that all of the proposed works will become necessary in time, but that the scale of change they will bring about should not occur any sooner than is necessary.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. There is insufficient evidence to justify the extent of the proposed works to the trees, which are of high landscape and amenity value and contribute positively and significantly to the character and appearance of the surrounding landscape. The proposal is therefore contrary to Policy CP16 of the Hambleton Local Development Framework which seeks to preserve and enhance the District's natural assets.

TPO application - determination advice provided by Helen Arnold – Arboricultural Officer on behalf of North Yorkshire County Council to Hambleton District Council

Snape Lime Avenue – TPO - The Avenue, Snape 1997/02

Recommendations for TPO decision on behalf of Hambleton DC.
It is recommended the application is refused.

The comments & recommendations are based on working practices and approach documents used by the Arboricultural Services department at North Yorkshire County Council over the last 13 years.

I and another NYCC Arboricultural Officer inspected the trees over 3 days, 13th, 20th & 26th of July 2016 the weather on those days were sunny, bright and clear. The canopies of all the trees were in full leaf.

General comments

The individual trees are an important component of the local landscape, the TPO protects 49 trees as individuals, together these protected trees provide a formal tree lined avenue on both sides of the approach road into Snape, with an outer line of younger lime trees providing a secondary avenue.

These trees make a significant contribution to the character and amenity of the local landscape and can be seen from several roads and footpaths and from the village of Snape.

The Arboricultural report carried out by A. Whitehead and Associates was submitted by Snape Parish Council as part of the TPO application – supporting documents. The report highlighted one over-riding concern which has formed the basis of the tree work application, along with the identification for necessary general tree maintenance surgery.

It stated that the outer younger Lime Avenue was moderately to highly suppressed; this has not been sufficiently proven. While I appreciate a degree of suppression exists with reference to the overall size of the trees being smaller than expected given the estimated planting date, this doesn't suggest a remedy of unnecessary tree surgery on the old inner protected Lime tree avenue.

The natural decline of the inner avenue (i.e. height reduction through natural and managed retrenchment) will, in time, allow for more light penetration leading to an increased growth rate.

The report highlights the clients concerns with regards to the financial burden tree management places on the Parish Council. While I appreciate the need to consider financial planning when recommending works to trees it is not however a consideration required by the LPA when determining TPO applications.

Retrenchment of the majority of the inner avenue trees is happening naturally; however the effects of this process do require management i.e. regular inspection, deadwood removal, appropriate canopy re-modelling etc. This process does not stop once tree surgery has been completed, indeed if overzealous unnecessary pruning is carried out the implications to the health and safety of these trees is further threatened as explained later on, with a

linked increase in the cost of management due to the need of further tree surgery.

With reference to comments made above regarding the suggested younger tree suppression and the desire to reduce tree maintenance costs, the application is for tree surgery works to the majority of the trees and 6 tree removals.

Many of the individual tree work recommendations are deemed unnecessary, inappropriate and severe with inadequate work specifications to assist in determination, which will have a negative impact on the health of the subject trees.

I offer the following as a guide for the Parish Council:

An estimate for the tree works – assuming that all the recommendations were carried out, based on NYCC's framework contractor schedule of rates the time estimate would be approximately 27 & 1/2 days using a 3 person team with all equipment (excluding traffic management and MEWP hire which would be required on some days at extra cost) would come to £17,500 plus VAT. This is a very rough estimate but useful when looking at financial planning and the desire to prioritise duty of care requirements, of which many of the works fall outside this and would cost the Parish Council unnecessarily.

Holistic tree management plans are useful in such large groups recommending tree work requirements that can be prioritised and scheduled as appropriate over a period of months and years. This approach would be more cost effective over the short & long term.

A general long term objective for these trees would be to allow the natural retrenchment process to occur while managing the associated risks; less pruning more regularly, spaced over time, which in turn will expose the younger outer avenue of trees light that will facilitate growth.

The tree works have been recommended and specified in the A. Whitehead & Associates Ltd Maintenance Schedule document with further information gained from the Arboricultural report

During the site visits we reviewed individual recommendations on a tree by tree basis and have commented upon the most commonly occurring ones below. The British Standard 3998:2010 – Tree Work – Recommendations and notes from publicly available Planning Practice Guidance documents have been used to highlight the reason for the applications refusal.

Report recommendation: In general dead wood removal is required, however where this has been identified, a commonly used recommendation in the report is to remove the top 2m, and that the trunk should be lowered further until 50% of sound wood is found by the contractor on the day of surgery – this is an unacceptable specification which deviates from the British standard, with unknown outcomes.

The removal of large diameter deadwood without cutting into live wood as a specification would suffice in most of these cases.

Report recommendation: Recommendations for canopy removal / major canopy reductions

When specifying crown reduction works the amount of any reduction proposed should be stated in terms of the intended height and spread of the tree / branches after pruning rather than a general total length in metres of the overall crown to be removed. The specification has to be quantified so as to determine whether or not the works are acceptable.

The report recommendations do not do this and therefore is deemed an unacceptable specification which deviates from the British standard, with unknown outcomes.

In some cases a full canopy re-modelling is required due to presence and severity of cavities; where this is the case annotated photographs are useful where there could be doubt as to the final outcome.

General points

* Excessive or unnecessary removal of live supportive growth on mature / over mature trees with structural defects showing good vitality is counterproductive. The tree needs as much supportive material (energy) to support its mass.

* If it is appropriate to cut any dead branches this should be done so as to avoid injury to living bark or sapwood which could lead to the development of further dysfunction and colonisation by decay fungi or pathogens.

* Cutting into live wood is detrimental to trees that may have undergone compartmentalisation especially on old trees that are less tolerant of the adverse effects of wounding

Report recommendation: The 6 trees recommended to be removed can be retained with varying degrees of canopy re-modelling and reduction with future management of the re-growth or in some cases retention as an eco-pole with valuable habitat potential, along with the important addition of retaining the current wind dynamics of the group.

In some of the recommendations for removal there was either no justification or that the tree once reduced due to structural defects wasn't worth retaining – this is not a sound reason for removal of a protected tree with a high value in group cohesion and habitat.

General points

* When recommending the entire removal of a tree within a well-established group or line of trees the potential impact of exposing retained trees needs to be considered and the reason for removal arboriculturally justified. Group decline as opposed to independent removals from a group can be appropriate to prevent change in wind dynamics which could increase chances of either branch loss or whole tree failure of the remaining trees.

GENERAL RECOMMENDATIONS

Crown lift trees over the road to provide statutory clearance of 5.2m
Some minor crown lifts (halo pruning) of the older Lime tree canopies above the outer younger trees is recommended within the next 2-3 years

Minor formative pruning of the inner younger avenue of trees could be beneficial to reduce the need for major tree surgery in the future.

The mature avenue may have protected species of flora & fauna using the tree lined avenue feature, while this matter isn't a priority consideration when making a TPO, consideration should be made when granting permissions under TPO legislation on a mature to over mature group of trees with features such as cavities and deadwood, as the subject trees have, these features offer potential to provide valuable habitat and where possible could be retained in line with current legislation.

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Parish: Snape with Thorp

Ward: Tanfield

14

Committee Date: 15 September 2016

Officer dealing: Mrs H Laws

Target Date: 6 September 2016

Date of extension of time: 23 September 2016

16/01472/FUL

**Change of use of a holiday unit to a dwelling
at Parr Cottage, Snape
for Mr D Shipp**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Parr Cottage is within Snape Castle Mews, which lies immediately to the east of Snape Castle (a Scheduled Ancient Monument and a grade I listed building) on the northern side of the road leading into the village. The site lies within the Snape Conservation Area.
- 1.2 Snape Castle Mews is part of a walled courtyard development comprising the main dwelling-house, which forms the heel of an L-shaped group of buildings, and three units of holiday accommodation. It is one of the holiday units that is the subject of this application.
- 1.3 The site is accessed from the village road with parking and turning facilities provided within the courtyard.
- 1.4 A neighbouring property known as Snape Castle Barn lies to the east of the Mews, which is excluded from the application site.
- 1.5 Planning permission was granted in January 2006 for alterations and extensions to existing agricultural buildings and dove cote to form two dwellings, a holiday unit, offices and storage. The application site included what are now known as Snape Castle Mews, Snape Castle Barn and the holiday units. Planning permission was granted subject to several conditions, one of which restricted the occupancy of the holiday units to holidaymakers.
- 1.6 It is now proposed to create a separate planning unit for Parr Cottage, which is the holiday cottage that lies on the western side of the group, closest to the Castle, and allow it to be occupied as an unrestricted dwelling.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 05/01968/FUL - Alterations and extensions to agricultural buildings and dovecote to form two dwellings, a holiday unit, offices and storage; Granted 16 January 2006.

The approval was subject to conditions, including one that restricted the occupation of the holiday letting accommodation to holiday visitors only and did not allow occupation for more than eight weeks consecutively. The reason for this condition was that policy H27 of the Hambleton District-Wide Local Plan did not allow conversion of agricultural buildings outside development limits to dwellings.

- 2.2 16/00491/MRC - Variation of condition 17 attached to Application 05/01968/FUL (Alterations and extensions to agricultural buildings and dovecote to form two dwellings) to allow unrestricted occupancy of the manager's dwelling (Snape Castle Mews); Granted 25 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 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
Development Policies DP28 - Conservation
Development Policies DP32 - General design
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 comments received to date.

4.2 Public comments - none received to date.

5.0 OBSERVATIONS

5.1 The issues to be considered include (i) the principle of creating a new unrestricted dwelling in this location and the potential impact on (ii) the amenity of residents in both the existing and proposed dwellings and (iii) highway safety.

5.2 The proposed development does not include any physical alterations and therefore there would be no impact on the appearance of the existing building or the character or appearance of the area.

Principle

5.3 The proposed development would allow unrestricted occupancy of the dwelling, which lies outside the Development Limits of Snape. The policy basis for the 2005 planning condition no longer applies and the relevant policies are now contained within the Local Development Framework as listed above.

5.4 Snape is defined in Policy CP4 as a Service Village with existing facilities including a primary school, a pub, a shop and church, which add to the sustainability of the village. The revised settlement hierarchy reproduced in the Interim Planning Guidance (IPG) also defines Snape as a Service Village, and therefore a sustainable location for small-scale development. Although the dwelling lies approximately 30m outside Development Limits there is a footway link into the village. The proposed change of use would result in the loss of support to a sustainable rural economy provided by the holiday let but an additional dwelling would help to support local services and can therefore satisfy criterion 1 of the IPG.

5.5 The proposed development complies with the remaining criteria of the IPG as the building exists, so would not adversely affect the character or appearance of the village or the surrounding countryside.

Amenity

5.6 The dwelling lies within a courtyard shared with two other holiday units and the dwelling previously occupied as the manager's residence, which was granted permission for unrestricted residential occupation in July this year. Although the

courtyard is shared, each of the properties has a separate amenity area to the rear, which provides a private area that is not overlooked. There is adequate space for parking within the courtyard to reduce the potential for conflict. It is considered that the unrestricted occupancy of the dwelling would be in accordance with LDF Policy DP1.

Highway safety

- 5.7 As noted above, there is adequate parking provision and the proposed use as an unrestricted dwelling should not have any additional highway impact.

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. Parking, manoeuvring and turning areas as shown on drawing HDC/1280/03 shall be maintained clear of any obstruction and retained for their intended uses at all times.
3. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
4. The permission hereby granted shall not be undertaken other than in complete accordance with drawings numbered HDC/1280/02 and 03 received on 27 June and 25 August 2016, unless otherwise agreed 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 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 CP1, CP16, DP1 and DP28.
3. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP16 and DP28.
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 LDF Policies.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

Parish: Stillington
Ward: Huby
15

Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 10 June 2016
Date of extension of time (if agreed): 19 September 2016

16/00883/OUT

Outline application (all matters reserved) for the construction of 5 bungalows, car ports, car parking and associated infrastructure at land south of White Bear Farm, South Back Lane, Stillington for Mr & Mrs P & K Mandefield

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south of South Back Lane, Stillington adjacent to a housing development which is being constructed under planning permissions which were approved following the allocation of the site under Policy EH6. The site gently slopes down to the rear of the site and is a grass field with a number of saplings within the field and pond at the south.
- 1.2 Opposite the site on the north side of South Back Lane there is a range of residential buildings of varied ages and styles which include single-storey and two-storey dwellings and also include annexes to properties on Main Street.
- 1.3 The application is in outline with all matters reserved. However, the scheme is specified to be for the construction of five bungalows. The proposal is supported by indicative plans showing parking and garden areas including car ports and retention of a pond straddling the southern boundary of the application site.
- 1.4 The application is supported by a design and access statement and supporting planning statement which concludes that:
- The proposed development complies with the Council's Interim Policy Guidance which supports small-scale housing development in villages where it contributes towards achieving sustainable development;
 - Stillington is defined as a Service Village within the Settlement Hierarchy defined in Policy CP4. This attractive and vibrant village contains a good range of services;
 - The proposed development represents a logical infill between established and new housing and snuggles between established residential areas;
 - The site lies just outside the southern boundary of Stillington Conservation Area. This well designed scheme would enhance the Conservation Area setting;
 - The proposal represents a unique opportunity to deliver five bungalows in a location with high demand for such accommodation;
 - The proposed development is considered to be of good design. The proposed bungalows will be designed as barn-style buildings that reinforce the site's farmstead origins and blend harmoniously with the eclectic mix of properties to the east on South Back Lane and in Stillington; and
 - Suitable and safe access can be achieved.
- 1.5 The statement further concludes that planning policy at national and local levels promotes sustainable development which contributes to the local economy and enhances local services, whilst making the fullest use of available land.
- 1.6 Overall it is submitted by the applicant that the development proposal would result in a high quality living environment and much needed bungalows that would go some way to achieving the Council's aspirations in this regard.

2.0 RELEVANT PLANNING HISTORY

- 2.1 02/00131/FUL - Alterations to agricultural buildings for use as 2 holiday units; Granted 10 May 2002 subject to a condition preventing occupation as permanent dwellings.
- 2.2 14/00479/FUL - Change of use of two holiday letting units into two detached self-contained dwellings; Withdrawn 30 June 2014.
- 2.3 14/01332/FUL - Use of two holiday letting units as one dwelling house with ancillary facilities; Granted 25 June 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 CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
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
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 Stillington Parish Council - no basic objection but there are a number of factors which need to be taken into account before a decision is made. The proposed plans are outside the current development line for the Village. Drainage has been a problem on this site and despite the introduction of imported soil this may just sift the problem to surrounding area Additional traffic on to a small local lane.
- 4.2 Highway Authority – No objection. There is a proposal, currently at consultation stage, to make the narrow section of South Back Lane into a one-way street. This is the section which runs south to north to join the main village street. This proposed development does not affect that consultation. The remainder of South Back Lane is being widened and improved as part of the ongoing development. The Local Highway Authority recommends that the visibility splay in an easterly direction from the site access is improved by providing a give-way line and small "build-out" feature at the junction with South Back Lane.
- 4.3 Environmental Health Officer - The application does not identify any potential sources of contamination, however, given the scale and residential nature of the proposal and the previous agricultural use a condition is recommended. No other comments.

4.3 Yorkshire Water - No comment.

4.4 Public comment - five objections have been received commenting that:

- The site is outside Development Limits;
- A small village like Stillington does not need such a high density of new houses on one road;
- Serious reservations to the building of more houses on South Back Lane;
- The amount of development will spoil the character of the village;
- Twenty four houses have already been constructed with potentially a further thirty five;
- Traffic using South Back Lane will increase massively due to the housing already under construction;
- The access will cause severe traffic problems;
- Traffic will make the lane hazardous for pedestrians and cars alike;
- The junction off York Road is already unsafe given the proximity to the junction with Main Street and the location of the bus stop;
- South Back Lane has a history of drainage issues. Putting additional dwellings onto existing infrastructure is unsustainable;
- Devaluation of house prices; and
- Impact on wildlife.
- The proposed bungalows are more sensitively designed than the houses currently under construction but building should be phased over a longer period of time;

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) access arrangements; and (v) impact on wildlife.

Principle

5.2 Stillington is a Service Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.

5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "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 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:

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 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is well located to the main village facilities of Stillington the proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development.
- 5.6 The neighbouring development of twenty four houses is noted. This was a site that was brought forward as part of the previous plan making process (under Allocation EH6) and was brought within Development Boundaries of Stillington. Whilst it has provided housing growth in the settlement, it was a planned growth and does not impact on the cumulative growth consideration under the IPG which relates to additional growth. The field to the rear has been submitted for consideration as a housing site in the new Local Plan, a point mentioned by an objector. The Local Plan is approaching Preferred Options stage with no application submitted for the field. This, along with its access and infrastructure would need to be considered on its own merits.
- 5.7 In terms of the other criteria of the IPG, it would not lead to the coalescence of settlements and there is no evidence to doubt the capacity of the local infrastructure. The impact on the character of the area and natural environment are discussed below.

Character of the area and landscape impact

- 5.8 It is noted that objectors raise concern with regard to the character of the village and this part of South Back Lane with the cumulative amount of development. It is also noted that a concern relates to the development already permitted and under construction. Indeed one objector comments that the proposal would be better designed than the houses currently being built.
- 5.9 Whilst beyond the development boundaries and the building line of the neighbouring development, the proposals would create a spacious and well-formed development with large back gardens which would allow for the natural features (trees and pond) to the south to remain and for space around the development and the development would present an attractive rural fringe development.
- 5.10 Whilst concerns are raised about the cumulative impact it is considered that the proposal would relate to existing development and respect the character of the area. The additional five dwellings now proposed would have limited impact on the character of the village when seen alongside the adjacent development. The proposal is therefore considered acceptable.
- 5.11 Views from York Road would be distant and restricted by dwellings on the road frontage and the intervening hedgerows and trees, views from South Back Lane and from the Stillington sports field are similarly limited. As a consequence the views of the countryside would not be substantially or harmfully changed as a result of the development.

Residential amenity

- 5.12 Having considered the general built form and character of the area and the relationship between properties, the proposal is considered unlikely to have an adverse effect on the amenity of the neighbouring dwellings. The impact is reduced by the single storey nature of the proposals, the separation of properties, design and layout allowing for adequate space around the development. The proposal is considered to be in accordance with the aims of the Interim Guidance Note and adopted Policy.

Access arrangements

- 5.13 It is noted that South Back Lane and the access onto the main road has been improved. Whilst it is noted that many comments have been received and this application has been considered during the construction of these improvements are therefore understood. There would be sufficient on site car parking and the access arrangements as proposed would be satisfactory. As such the proposal is in accordance with policy.

Wildlife

- 5.14 As previously stated the garden sizes are generous and would cater for significant planting to the southern boundary. The application site is a field with the main features on the boundary of the site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) tactile paving; (ii) vehicular, cycle, and pedestrian accesses; (iii) vehicular and cycle parking; (iv) vehicular turning arrangements; (v) manoeuvring arrangements; and (vi) loading and unloading arrangements.
 4. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.

The reasons 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. In accordance with Policy CP2, DP3 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with Policy CP2, DP3 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.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. The reserved matters submission should follow the design parameters set out in the submitted Design and Access Statement and indicative layout shown on plan 1614/1.

Parish: Thornton-le-Moor
Ward: Bagby & Thorntons
16

Committee Date: 15 September 2016
Officer dealing: Mrs H M Laws
Target Date: 14 June 2016
Date of extension of time (if agreed): 23 September 2016

16/00876/FUL

**Construction of dwelling and detached garage
at The Hawthorns, Main Street, Thornton le Moor
for Mrs Myers**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located on the western fringe of the village of Thornton le Moor and is bounded by existing dwellings to the east and west and open fields to the north and across the road to the south. The site comprises approximately 0.125 ha of garden currently associated with The Hawthorns, which is a detached two storey dormer style dwelling on the junction of the main village street with Endican Lane.
- 1.2 It is proposed to construct a two storey detached dwelling. Outline planning permission was granted in July 2015; the current application is not a reserved matters submission, it is for full planning permission.
- 1.3 The application proposes to construct a five bedroom detached dwelling set back behind the building line of the adjacent properties The Hawthorns and Thornton Lodge. A large garden area would be retained to the north of the new dwelling.
- 1.4 The proposed dwelling is a two storey property with a low eaves height and the first floor accommodation within the roof-space. A central gable with a window is proposed on the front and rear elevations and two dormers at eaves height are proposed on both the front and rear elevations. Two separate single storey flat roof sections to the side and rear are proposed, each with a roof lantern. The dwelling would be finished in brickwork with natural stone cills, upvc windows and a slate roof.
- 1.5 A new access would be formed off the existing highway to serve the proposed dwelling with a proposed driveway along the length of the eastern boundary to serve a detached double garage in the north eastern corner of the site.
- 1.6 Amendments have been secured as follows: the scale and design of the dwelling has been amended and the position of the dwelling on the plot has been moved forward.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01109/OUT - Outline application for the construction of a dwelling; Granted 24 July 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
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - No objection to a dwelling but consider the garage is outside the development permitted area. Two councillors suggest that a bungalow is more suited to this site to blend in with the other two properties. No comments have yet been received regarding the amended plans.

4.2 Highway Authority - No objection subject to conditions.

4.3 Public comments - the following comments have been received with regard to the originally submitted plans:

- Outline planning application 15/01109/OUT was granted for a 3 bedroom dwelling with integral garage. The proposed dwelling is far larger, with 4 bedrooms and a garage sited at the far end of the plot;
- The proposed dwelling is also no longer in alignment with the properties to the east and west;
- My concerns are that due to the size of the proposed house it will overshadow both neighbouring properties and be somewhat incongruous with respect to its surroundings;
- The balcony and large windows on the eastern side will also have an effect on the privacy of the adjoining property and any future development, a problem which is increased by the positioning of the house further up the plot;
- With any neighbouring properties there is going to be a certain amount of overlooking but steps can be taken to minimise the problem e.g. realigning properties, removal of balcony, use of opaque windows etc.;
- The garage in a backland location with an access road thereto would detract from the residential amenity by virtue of general noise and disturbance thereby created;
- The proposed site plan (relating to 15/01109/OUT) detailed a dwelling in both size and alignment with the existing bungalows; the plans now show a house of ridiculous proportion when compared to the size of the site and the adjoining bungalows;
- The proposed garage is excessively large in all aspects;
- I fail to see how a property likely to be in excess of £400k is adding to the sustainability of the community; this is making it harder for someone who was born in the village to buy a property;
- Does not comply with criteria of the IPG;
- No details submitted as required by the conditions of the outline permission;
- The western end of the village has suffered issues with the main foul sewer over many years;
- Barn and little owls and bats often fly around the property; and
- First floor windows will lead to privacy issues, resulting from overlooking of private gardens.

No comments have yet been received regarding the amended plans.

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 and an assessment of the likely impact of the proposed dwelling on (ii) the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

Principle

- 5.2 Consideration of the principle of development was made last year during the determination of the outline application. That permission remains extant and therefore the principle of an additional dwelling in this location has already been considered in the current policy context and found acceptable.

Character, appearance and landscape

- 5.3 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be within a domestic garden which is viewed in the context of the village rather than the surrounding rural landscape. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.4 It is considered that the development of this site would respect the general built form of the village. It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the Interim Policy Guidance.
- 5.5 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.6 The NPPF supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.7 A Design Statement has not been provided with the planning application. Amendments have been received that reduce the overall scale and massing of the property. The proposed development, although containing two storeys, has the first floor accommodation within the roofspace. This reflects the bungalow characteristics of the neighbouring properties to either side even though it is significantly taller than either dwelling. The separation between the dwellings ensures that the greater height would not overwhelm or dominate its neighbours.
- 5.8 Thornton le Moor is a village with a variety of styles and designs of building, ranging from traditional cottages to large modern detached properties. There is however a commonality of materials as most of the dwellings are brick. The proposed dwelling with dormer windows would not be out of keeping with the general style of the village

and the proposed use of brick and slate would allow the property to blend in with its surroundings.

- 5.9 The proposed dwelling would be set back behind the general building line of its neighbours to protect the outlook across the front of the property for the dwelling at Thornton Lodge. The set back is not significant and would not detract from the appearance of the streetscene.

Neighbour amenity

- 5.10 The application site has a width of approximately 20m and the proposed dwelling has a width of 13.5m. The proposed driveway would lie along the boundary with the neighbouring property at The Hawthorns; there would remain a separation distance of approximately 10m between the boundary and the existing dwelling. A separation distance of approximately 4m would lie between the side elevation of the proposed dwelling and the boundary with Thornton Lodge. Due to these distances and the set back behind the building line, the proposed dwelling would not have an overbearing or overshadowing impact on the existing dwellings.
- 5.11 There are no first floor windows in the side elevations of the dwellings and therefore minimal overlooking. Due to the setback, the windows in the rear elevation of the proposed dwelling would not overlook any private space that lies immediately to the rear of the existing dwellings. For these reasons the proposed development would not be contrary to LDF Policy DP1.

Highway safety

- 5.12 No objections have been raised from the Highway Authority regarding the introduction of a new access from the site. It is therefore considered that the proposed development would not adversely impact highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. 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. The dwelling shall not 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. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
7. 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.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (d) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E6; and (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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: (a) have been constructed in accordance with the submitted drawing (Reference M060-01-03B Proposed Site Plan); and (c) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for

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

12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered M060-01-01H and 03B and M060/1/H received by Hambleton District Council on 14 April and 24 and 25 August 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. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
10. 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.
11. 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.
12. 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.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Thrintoft
Ward: Morton on Swale
17

Committee Date: 15 September 2016
Officer dealing: Mrs H Laws
Target Date: 15 August 2016
Date of extension of time: 16 September 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 North Yorkshire for Mr Kevin Tiplady.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Members deferred consideration of the application at last month's meeting for a site visit and to allow the following information to be submitted:

- Greater detail of the proposed landscaping scheme;
- Details of the occupancy of the caravans;
- The need or otherwise of a children's play area; and
- A plan of the caravan storage area showing how the caravans would be arranged.

1.2 Additional detail has been provided regarding the landscaping scheme; it is confirmed that the proposed hedgerow adjacent to the woodland would comprise mixed deciduous species, predominantly hawthorn and blackthorn with hazel and holly. The existing semi mature hawthorn hedge along the boundary of the proposed storage area with the campsite would be retained and allowed to grow taller in lieu of an evergreen hedge.

1.3 The guest register has recently been inspected by an officer of the Council and clearly indicates that the caravans are being occupied by holidaymakers.

1.4 Confirmation has been received that it is not the applicant's intention to provide any play equipment at this point in time.

1.5 A plan has been submitted to show the caravans parked along both long sides (north east and south west) of the proposed storage area, and along the top (north west). Spaces for 38 caravans are proposed.

1.6 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.

1.7 An existing 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.

1.8 It is proposed to provide an additional seven pitches for touring caravans within the boundary of the existing caravan site. The individual hardstanding areas are already in place. The application proposes an additional 7 pitches, bringing the total available to 22. The site boundary remains the same as previously approved; therefore the proposal is to increase the density of the caravans.

- 1.9 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.
- 1.10 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.
- 1.11 The application is presented to the Committee at the request of the Ward Member.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/01132/FUL - Change of use of wildlife lake to a wildlife/fishing lake and retrospective application for the change of use of agricultural land to a site for touring caravans; formation of caravan hardstandings, 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 5 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 (expiry date for representations 19/7/2016).
- 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 objection. 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 - no objection in principle but requests further information regarding the proposed method for disposing of foul waste from the site. Reference has been made to making use of the existing septic tank however details as to the capacity of this vessel are not given.

4.5 Public comment - none received.

5.0 OBSERVATIONS

5.1 The issues to be considered include (i) the policy implications of the proposed intensification of the use of the site and whether the scale of development is appropriate in respect of (ii) the visual impact 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 existing commercial operation at this location, which would help to support local businesses and the local rural economy. The proposed development supports local businesses, directly by providing employment and indirectly by providing custom to local pubs, shops and tourist attractions. The proposed use would therefore help to support a sustainable rural economy by meeting the needs of tourism in this location.

5.4 The caravan site is an established use and the principle of additional development is therefore acceptable.

5.5 The proposal is associated by ownership with an existing agricultural use on the site, and this type of tourism use, which requires a rural location, and which does not inhibit the existing agricultural use of the site is a suitable farm diversification, in accordance with CP15 and DP26.

Landscape

5.6 The application site covers an area of approximately 0.77ha, part of which is the existing caravan site.

- 5.7 The site is discreetly located to the rear of the belt of mature trees bounding the main road. The site is more clearly visible from the single track road to the north west leading to Little Langton.
- 5.8 An assessment of the potential visual impact of the proposed development has been undertaken on behalf of the 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.
- 5.9 Additional planting has been required by conditions of previous planning permissions and has been implemented. A further landscaping scheme has been submitted in order to bolster the landscaping along north western boundary of the site and a condition is recommended to ensure this is undertaken in the next available planting season.

Highway access and highway safety

- 5.10 The proposed development is served by the existing site access and the Highway Authority has confirmed that the access 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. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The development must comply with the following requirements that: (i) The caravans are occupied for the holiday purposes only; (ii) The caravans shall not be occupied as a person's sole, or main place of residence; and (iii) The owners/operators shall maintain 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.
 3. There shall be no more than 22 touring caravans within the campsite and no more than 38 touring caravans within the caravan storage area, as shown on drawing number A3/01/A/Rev B, at any time.
 4. Within the next available planting season following the approval of this application the landscaping scheme received by Hambleton District Council on 1 September 2016 shall be 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 permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered A3/01B received by

Hambleton District Council on 20 June and 1 September 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 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.
3. To enable the Local Planning Authority to assess the impact of any different number of caravans against the policies of the Local Plan.
4. 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.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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Parish: Thrintoft
Ward: Morton on Swale
18

Committee Date: 15 September 2016
Officer dealing: Mr K Ayrton
Target Date: 25 August 2016
Date of extension of time: 19 September 2016

16/01391/FUL

**Construction of four dwellinghouses with associated parking, visitors parking, turning area and bin collection enclosure
At Thrintoft Grange, Thrintoft
For Pilcher Homes Ltd**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies on the north western edge of the village with a vehicular access gained from an existing farm track off Bramper Lane. The site accommodates a large agricultural building with an adjoining farmyard area currently used for the storage of farm equipment. The land surrounding the building is compacted ground associated with the farming operations.
- 1.2 The southern boundary of the application site abuts an adjacent property known as 4 Chapel Garth, which is a converted chapel and a grade II* listed building. The remainder of Chapel Garth accommodates several large detached dwellings that are accessed off the main residential lane to the south.
- 1.3 It is proposed to construct four dwellings: a detached four-bedroom house; a pair of three-bedroom semi-detached houses; and a bungalow.
- 1.4 The bungalow has already been granted permission earlier this year (15/02501/FUL). However, it is noted that the current proposal includes a detached garage to serve the bungalow that was not previously proposed.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/02294/FUL - Change of use of agricultural land to domestic and construction of four dwellinghouses with associated parking, visitors parking, turning area and bin collection enclosure; Withdrawn 25 November 2015.
- 2.2 15/02501/FUL - Change of use of agricultural land to domestic and construction of one bungalow; Granted 5 April 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design

4.0 CONSULTATIONS

- 4.1 Contaminated Land Officer – comments awaited.
- 4.2 NYCC Archaeology - The proposed development lies within an area of archaeological interest and potentially on the site of the former Medieval Grange at Thrintoft Grange Farm and adjacent to the C14th chapel of St Mary Magdelane, both of which were the property of Jervaulx Abbey. Earthworks of a rectilinear feature, also marked on the OS 1st edition mapping, have been mapped by the English Heritage National Mapping Programme for the Yorkshire Henges Project, along with a series of ditches to the west all of which are no longer extant. The rectilinear feature is shown to have extended into the proposed development area. These features may be associated with Thrintoft Grange. Archaeological work carried out during development to the south and east of the former chapel in 1999 recorded features and pottery dating to the post medieval period. It was thought that the Medieval deposits in this area had been truncated by post medieval development. Therefore the proposed development has the potential to encounter archaeological remains dating from the medieval or post medieval periods and a scheme of archaeological mitigation recording should be required by condition.
- 4.3 Yorkshire Water – No comments.
- 4.4 Historic England – The proposed development is essentially similar to that submitted under application ref 15/02294/FUL. Our advice is therefore the same as that contained in our letter of 9 November 2015.

Having considered the application documents, we consider the proposals would harm the setting of the listed building. We therefore recommend the application is not granted consent. If the bungalow directly north of the chapel were omitted from the scheme, we would have no objection to the remaining dwellings on heritage grounds.

Despite the presence of modern housing to the south and the east, the rural aspect to the remainder of the setting is important in understanding the historic character of the chapel and its landscape.

These aspects of setting which contribute to the significance of the listed building should have been assessed as part of the application in accordance with paragraph 128 of the National Planning Policy Framework. Nevertheless, having undertaken our own assessment and visited the site, we consider the proposed dwelling directly to the north of the chapel would be harmful to the significance of the building. This is because the dwelling would remove part of the agricultural character of the setting of the chapel which has its immediate context for most, if not all of its history. The way in which the chapel illustrates an isolated place of worship within a rural landscape would be further eroded to an unacceptable degree.

The proposals as submitted would not preserve or enhance the setting of the Grade II* listed Chapel of Saint Mary Magdalen. We therefore recommend consent is not granted for the development in its current form. If the bungalow directly north of the chapel were omitted from the scheme, we would have no objection to the remaining dwellings on heritage grounds.

- 4.5 Highway Authority – No objection subject to conditions relating to parking, turning areas and the management of construction traffic.

4.6 Public comment – One letter has been received making the following relevant comments:

- Following the decision to grant permission for the bungalow it was inevitable that the rest of the original development would be resubmitted.
- I believe that it was never the intention for the owner simply to have one property constructed, it was always going to be part of a larger development.
- It seems that the archaeological / historical arguments against the development have been disregarded leaving the plot wide open for development.
- Whilst I have no major objection to the application (provided that access, during construction and after the development is completed, is strictly from the land as specified in the plans) this should not be interpreted as a declaration of 'support'.
- 3 Chapel Garth is the property most affected by this proposal as the house will go from having a peripheral 'edge of village' location to being completed surrounded by other properties. However, as stated in our submission, the large barns are large and ugly and their demolition will enhance the appearance of the area.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of a four dwelling development in this location outside the Development Limits; (ii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and surrounding landscape; (iii) the effect of the development on the adjacent Heritage Asset (grade II* listed building); (iv) neighbour amenity; and (v) highway safety.

Principle of Development

5.2 The site falls outside Development Limits as Thrintoft does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policies Cp4 and DP9 state that development will only be granted for development in exceptional circumstances, six of which are set out in policy CP4. The applicant does not claim any of the exceptional circumstances identified in the policy and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

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

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

5.5 In the 2014 settlement hierarchy reproduced within the IPG, Thrintoft is defined as an Other Settlement.

- 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 village of Thrintoft which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Ainderby Steeple, Morton on Swale and Thrintoft. These three villages have long been linked economically and socially, which continues to the present day. Collectively the three villages have a church, pre-school, primary school and shops, whilst each village supports a public house. However, it is clear that Morton on Swale accommodates the majority of the services and facilities. This is recognised in its status as a Service Village. On that basis, the IPG indicates that Thrintoft is a sustainable location for appropriate small-scale development

Character and appearance

- 5.7 To accord with the IPG, proposals must be small in scale. In this instance a total of four dwellings are proposed. In assessing whether this is considered to be small scale, the starting point is to look at the size of the existing village, which is identified as an Other Settlement in the settlement hierarchy.
- 5.8 Viewed within the context of the approximately 26 dwellings in the immediate built up area of Thrintoft, on the south western side of Bramper Lane, the four dwellings would be a significant increase. However, there is another part of Thrintoft on the north eastern side of Bramper Lane and when this is taken into consideration the proposal can be seen as a smaller increase. This wider assessment is in keeping with the methodology set out in the IPG, which does not envisage consideration of settlements in parts.
- 5.9 In favour of the proposal is the fact that the development would replace existing built form within an established curtilage, albeit its border with the adjoining countryside is subtle.
- 5.10 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment. Thrintoft is characterised by linear development, particularly to the west, and the addition and extent of this residential development needs to reflect the established character.
- 5.11 The development of four dwellings and the domestication of the access road would change the character of this edge of the village. Whilst a single bungalow was considered acceptable, the creation of 4 dwellings would undeniably have a greater impact. The development would effectively create a cluster of residential development sitting behind the main line of residential development. It is considered that this would not entirely reflect the established built form of the village.
- 5.12 However, careful consideration needs to be given to the recent approval of the bungalow, which is material to the determination of the application. The bungalow, which also forms part of the current application, is the element of the proposal that presents the most significant change in terms of its relationship with the existing built form, the impact on the wider countryside and on the setting of the adjacent heritage asset, as identified by Historic England. The other three dwellings would replace an agricultural building, therefore the impact of their built form is much reduced.
- 5.13 Having regard to the planning history and the fact that the bungalow has already been approved, it is considered that the remainder of the proposed development would not have a detrimental impact on the natural and built environment or the open character and appearance of the surrounding countryside. This leaves the impact on the historic environment to be considered.

Effect on the adjacent Heritage Asset

- 5.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.15 Paragraph 128 of the NPPF states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 5.16 In this instance the application is supported by a Planning and Design & Access Statement, which includes the following paragraph that gives consideration to the impact on the grade II* listed building:
- “The proposal does not have any impact on the listed former chapel. On the contrary, its setting is enhanced by the removal of the adjacent modern portal framed agricultural building.”
- This is accepted in respect of three of the four dwellings, which would replace the agricultural building and would not impose in the setting of the chapel.
- 5.17 Historic England advises that the application has failed to undertake an assessment of the impact on setting which contribute to the significance of the listed building, as required by paragraph 128 of the NPPF. Therefore it has undertaken its own assessment and raised an objection to the proposed development, with specific concerns relating to the proposed bungalow to the north of the chapel. Historic England therefore advises that the application should be refused, adding that were the bungalow to be removed from the scheme, it would have no objection to the remaining dwellings on heritage grounds.
- 5.18 Whilst it is accepted that the bungalow has already been granted planning permission, that did not include the garage now proposed, which was removed because it was considered to be unacceptable in terms of its impact on the setting of the chapel. There have been no material changes in planning policy and the officer view remains that this element of the proposal would cause some harm to the setting of the listed chapel.
- 5.19 However, when the previous approval of the bungalow and the lack of objection to the additional dwellings are taken into account, it is concluded that the garage would stand between these elements and of itself would not significantly alter the impact on the setting of the chapel. Nevertheless, it is noted that Historic England maintains its objection to the bungalow and it is evident that a reasonable form of development could be achieved without placing any building where it affects the setting of the chapel.

Neighbour Amenity

- 5.20 The nearest properties are the converted chapel and 3 Chapel Garth, which adjoin the south eastern boundary. Both properties are orientated so that they do not front or back onto the application site. The separation distance between the side of number 3 and the rear of the two storey dwellings is approximately 26m. This is an acceptable separation distance. The proposed relationship between the bungalow

and chapel is as previously approved. It is therefore concluded that the development would not result in harm to residential amenity.

Highway Safety

- 5.21 The Highway Authority has no objections regarding the proposed development. It is considered that the proposed development would not adversely impact highway safety.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. 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 dwellings shall not be occupied after the end of the first planting and seeding seasons until the hedge has been planted and estate fencing constructed along the boundary of the application site as shown on drawing number 2015:21/03G. Thereafter the hedge and fencing shall not be removed unless with the prior written approval of the Local Planning Authority.
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. The dwellings shall not 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 the dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved

without express permission on an application made under Part III of the Town and Country Planning Act 1990.

8. No demolition or development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 2015:21/03 Rev. G). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (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.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2015:21/BinStore,

2015:21/15A, 2015:21/05A, 2015:21/04A, 2015:21/03G received by Hambleton District Council on 23 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 demarcation of the site from the surrounding agricultural land and screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site, the impact on the adjacent heritage asset and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP16 and DP28.
8. In accordance with Section 12 of the NPPF as the site is of archaeological interest.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
10. 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.
11. 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.
12. 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.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Tollerton
Ward: Easingwold
19

Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 15 September 2016
Date of extension of time (if agreed):

16/01612/OUT

Outline application with all matters reserved for the demolition of office/warehouse building and construction of four dwellings at R Thompson Joinery Limited, South Back Lane, Tollerton for Mr N R Thompson & Mr N C Thompson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is occupied by the R Thompson Joinery Limited building on South Back Lane. The application site is an active commercial premises extending to approximately 0.15 hectares (0.37 acres) and is surrounded by residential dwellings on a number of sides. The site contains a range of buildings including a large timber-clad warehouse and manufacturing building and a flat-roofed, two-storey office block. The site is served by a concrete service yard to the front, which also contains a number of external storage racks which are of similar height to the existing buildings. There are no planning restrictions on the site.
- 1.2 The application is in outline with all matters being reserved. The illustrative layout shows four three-bedroom houses, although a final mix would be agreed at reserved matters stage. Each dwelling would be accessed directly from South Back Lane and benefit from a minimum of two car parking spaces. Access would be via South Back Lane.
- 1.3 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The development boundary runs around three of the site boundaries to the east, west and north. The site is adjacent to Tollerton Conservation Area with the boundary running along South Back Lane.
- 1.4 The application is supported by a Planning and Design and Access Statement which concludes that:
- The proposed development complies with the Council's Interim Policy Guidance which supports small-scale housing development in villages where it contributes towards achieving sustainable development;
 - Tollerton is defined as a Secondary Village within the Settlement Hierarchy 2014 defined in Policy CP4. This attractive and vibrant village contains a good range of services;
 - The proposed development represents a logical infill between established and new housing and snuggles between established residential areas;
 - Importantly, the site is brownfield land - a rare commodity within Hambleton District. Paragraph 111 of the NPPF supports the effective use of previously developed land;
 - The proposal complies with Policy DP17 which supports redevelopment of existing employment sites when an alternative use would bring about substantial planning benefit;
 - Local residents would benefit from the removal of ongoing commercial use that is incompatible with established neighbouring dwellings, in terms of noise, disturbance and outlook;
 - The local highway network would benefit from a net-reduction in vehicle movements (including trips by HGVs and LGVs) along South Back Lane. In terms of the weekday daily period, the proposed development has the potential

to reduce generated trips to the site by a total of 71 arrivals and 72 departures which is equivalent to 6 vehicle movements per hour on average;

- The proposed development is considered to be of good design;
- The development proposal will bring notable economic benefits to the area;
- The proposal is designed to achieve a high quality living environment ensuring the privacy and safety of future residents;
- The proposed dwellings will not have a detrimental impact on neighbouring residents; and
- Suitable and safe access can be achieved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 75/0049/FUL - Extension to workshop; Granted 31 July 1975.

2.2 85/0012/EUC - Established use certificate for additional use of existing joinery workshop for the retail sale of associated products; Granted 10 December 1985.

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 CP7 - Phasing of housing

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies 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 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

Development Policies DP44 - Very noisy activities

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 - would like to see the application refused due to concerns about the proposed vehicular access; South Back Lane is already overcrowded with dwellings the road is narrow and it is felt this is now becoming dangerous to have further dwellings with more vehicles on a very narrow road and the proposed site is on a blind corner which would be mayhem. Four dwellings on the current site with possibly two cars at each dwelling would cause mayhem. Also points out that the plan attached to the application is an old plan and this area has been built up further since this plan.

- 4.2 Highway Authority – No objection, although concern must be expressed about South Back Lane which is narrow, has poor alignment and substandard visibility at the junction with Newton Road. However this proposal replaces an existing business which generates vehicular trips including HGVs and is likely to result in a significant reduction in the number of those trips. Therefore the Local Highway Authority considers that an objection on highways grounds would not be sustainable. Conditions are recommended.
- 4.3 Ministry of Defence - No safeguarding objections.
- 4.4 Public comment – three letters of objection raising the following points:
- The road is too narrow to take more traffic and has no footway; danger to pedestrians;
 - Access would be by a blind bend and there is no room for access, parking or visitors at the proposed dwellings - there needs to be ample off road parking for 4-8 cars;
 - Loss of trees;
 - South Back Lane road is not in good repair, i.e. potholes and loose surfaces and standing water near junction of Newton Road;
 - The 4 houses are set too far forward in the plot;
 - Overlooking;
 - Approval would set a precedent for other sites bordering South Back Lane; and
 - The traffic generation of the previous use is overestimated.
- 4.5 Two general comments have also been received from local residents requesting that any development includes a permanent solid wall on the boundary to prevent potential maintenance responsibility issues and to avoid overlooking and that appropriate boundary treatment be secured.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) residential amenity; (iv) highway impact; (v) trees and (vi) flooding and drainage.

Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.

- 5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses and constitutes previously developed land. As such the proposals would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. The location of the site and the fact that it is previously developed land weigh heavily in support of the proposal.

The character and appearance of the Conservation Area

- 5.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas and its setting. 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.
- 5.6 The site is situated outside but on the boundary of the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration.
- 5.7 The existing buildings are large and bulky in comparison to other residential dwellings and given their commercial design, size and dominance of the street scene alongside the external storage shelving areas, they detract from the quality of the Conservation Area. There is no doubt that the proposal would result in an enhancement to the appearance of the Conservation Area. This enhancement should be considered as a positive feature in the consideration of the application as CP4 criterion ii supports schemes that secure a significant improvement to the environment.

Residential Amenity

- 5.8 The existing manufacturing use of the site should be noted. There are no planning restrictions on the hours of use or activities and the bulk and mass of the building dominates the local landscape and could result in noise and disturbance to nearby residential properties. The joinery business has been in operation for a significant time period and therefore it is likely that there has been an acceptance of a level of commercial activity. There is potential enhancement to residential amenity resulting from the reduction in the amount of commercial vehicles and the reduction in commercial activity.
- 5.9 The proposal is in outline with all matters to be considered at later stage. It is likely, given the separation distances capable of being achieved and the size of the site, as illustrated on the indicative layout, that the proposal could achieve a design that would create a satisfactory relationship to neighbouring amenities. It is also likely that the scheme would result in a reduction in the overall bulk and mass of buildings on the site and enhance the residential character of the area.

Highways

- 5.10 The commercial use on the land generates regular commercial vehicle use of South Back Lane. The level of activity is a known and is a clear fall-back position. Whilst

there is a service yard at the front of the property, this yard could be considered as small in comparison to the size of the building and enterprise.

- 5.11 The width of South Back Lane is narrow and in the view of the Highway Authority is known to be substandard. The junction of South Back Lane and Newton Road is not improved by the scheme.
- 5.12 The proposal for four dwellings, in comparison to the level of commercial activity, is likely to be a reduction in the level of movement to and from the application site. Residential use would reduce the number of large vehicles accessing the site. The comments of the Parish Council and local residents have been carefully considered, however the proposal is likely to have a positive impact by reason of a reduced level of traffic movement and improved highway and pedestrian safety. The fall-back position of continued commercial use of the site is important in reaching the conclusion that the residential development results in a gain in highway safety.

Trees

- 5.13 There are mature trees adjacent to the application site. Due to their proximity to the existing buildings the proposal may result in the loss of some trees but suitable replacement planting could be secured through a reserved matters submission.

Flooding

- 5.14 The site is not located within a designated flood zone, as defined by the Environment Agency Flood Map, and is therefore at the lowest risk of flooding. Similarly, no local drainage issues are known.

RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

4. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
5. The 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.
6. 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) vehicular, cycle, and pedestrian accesses; (b) vehicular and cycle parking; and (c) vehicular turning and manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
9. 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 25 metres measured along the centre line of the major road from a point measured 2.0 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.

The reasons 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. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
5. To ensure that the development is in keeping with the character of the Conservation Area, in accordance with Policies DP28 and DP32
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general functioning of the development
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general functioning of the development
8. In the interests of highway safety.
9. In accordance with Policies CP2, DP3 and DP4 and in the interests of road safety.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Tollerton
Ward: Easingwold
20

Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 20 June 2016
Date of extension of time (if agreed): 16 September 2016

16/00755/FUL

**Outline planning application for the construction of a detached dwelling with garage and access drive
at The Laurels, Main Street, Tollerton
for Miss Lynne Dawson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies to the rear of The Laurels and Laurels Cottage, which are on Main Street, but fronts South Back Lane, whose boundary is formed of a mature hedge and field gate. To the north east is a barn conversion with boundaries delineated by a 2m high close boarded timber fence.
- 1.2 The application is in outline with all matters reserved. However, it is indicated that access would be via South Back Lane via an existing gate, with the creation of a new access to the donor property, The Laurels, on the eastern boundary of the site. The application is supported by an indicative layout plan showing a detached dwelling in the centre of the plot with a garage on the southwestern boundary.
- 1.3 Tollerton is a Secondary Village in the Hambleton Sustainable Settlement Hierarchy. The development boundary runs along to the rear of the dwellings incorporating some of the rear gardens of the Main Street properties. The site is within the Tollerton Conservation Area, the boundary of which runs along South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 79/0062/OUT - Construction of a dwellinghouse; Refused 31 May 1979.
- 2.2 86/0018/OUT - Construction of a bungalow; Refused 27 June 1986.
- 2.3 Both the above applications were refused for highway reasons. It is noted that since this time the Ings View development has been completed.
- 2.4 95/51654/P - Extension to dwellinghouse (The Laurels); Granted 7 February 1996.
- 2.5 On land to the rear of Westfield (to the south west): 01/00312/FUL – Dwelling; Refused 23 September 2001.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies 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

4.0 CONSULTATIONS

- 4.1 Parish Council - wish to see this application refused.
- 4.2 Highway Authority - recommends that planning permission is refused on highway safety grounds that: (i) the required visibility cannot be achieved at the junction with the highway in a south westerly direction; and (ii) the road leading to the site is substandard in terms of its width and alignment and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal.
- 4.3 Environmental Health Officer (contaminated land) - No objection.
- 4.4 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the likely impact on the Conservation Area; (iii) residential amenity; (iv) the likely highway impact; (v) ecology and wildlife; and (vi) flooding and drainage.

Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.

- 5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site.

The character and appearance of the Conservation Area

- 5.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.6 The strong pattern of development fronting on to Main Street and to a lesser degree the arrangement of rear gardens leading to South Back Lane contribute positively to the character of the Conservation Area. That said, much of South Back Lane and the rear gardens which align it are largely screened from the public domain. The neighbouring Longacre Barn, to the rear of The Firs, and other buildings along South Back Lane are noted as part of the character of the place.
- 5.7 The indicative plans, as stated above, show a dwelling at the centre of the site which could be considered to be out of keeping with the character of the Conservation Area. However, the layout, scale, and external appearance are reserved matters and therefore would be the subject of a future submission. Should outline planning permission be secured, the reserved matters submission should bring forward a scheme that more closely relates to the character of South Back Lane and in particular the neighbouring buildings of Longacre Barn.

Residential Amenity

- 5.8 Having regard to the length of the existing garden and the plot depth, the introduction of a new dwelling could be achieved without causing significant harm to the amenities of existing and proposed properties. Nevertheless the positioning of the proposed dwelling, the bulk and massing of the development and the arrangement of openings could be delivered to ensure any no loss of amenity is caused by the proposed dwelling.

Highways

- 5.9 The comments of the Highway Authority and the previous refusals on the site are carefully considered. Since those refusals the Ings View development has been approved and completed. It is noted that the Highway Authority did not object to a proposal for a new dwelling to the rear of Westfield which sought to use an access to South Back Lane. At Westfield the width of South Back Lane tapers down from the Ings View development. The proposal would be approximately 25m from the Ings View development.
- 5.10 The visibility on the illustrative plan is shown by the agent to be 2.4 x 57m, whereas the Highway Authority's assessment shows the available visibility to be 2 x 9m. The shortfall in visibility in a south-westerly direction is substantial. The agent has been asked to give further consideration of the access in order to achieve improved

visibility and in the light of comments at paragraph 5.7 above to illustrate a layout of the site that would respect the character of the area better. In the absence of details to demonstrate that a safe access can be achieved and that traffic could be accommodated without harm to the verges through manoeuvres in the road it is considered that the proposal is unacceptable in highway terms.

Ecology and wildlife

- 5.11 The site includes a hedgerow to the front of the site which should be maintained as much as possible. Otherwise the site is a typical residential garden. There are no significant concerns relating to wildlife that would prevent planning permission being granted.

Flooding

- 5.12 The site is not located within a designated flood zone, as defined by the Environment Agency Flood Map, and is therefore at the lowest risk of flooding. Similarly, no local drainage issues are known.

6.0 RECOMMENDATION

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

1. The proposed means of access, by which vehicles would leave and re-join the highway on South Back Lane would fail to achieve the required visibility of 2 metres x 25 metres in a south westerly direction and the intensification of use of the access would result in a development that would not protect the safety of road users contrary to the Hambleton Local Development Framework policies CP1 and DP4.
2. The road leading to the site is substandard in terms of its width and is therefore unsuitable to cater for the traffic which would be likely to be generated by the development without harm to the safety of other road users and the condition of verges to the road contrary to the Hambleton Local Development Framework policies CP1, CP17 and DP4.

Parish: Tollerton
Ward: Easingwold
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Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 31 August 2016
Date of extension of time (if agreed): 19 September 2016

16/01347/FUL

**Extension to create an ancillary annexe and creation of a new two storey dwelling on hardsurfacing to the northeast with vehicular access via the neighbouring private drive together with associated works
at The Croft, South Back Lane, Tollerton
for Mrs M Hardy**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The Croft, South Back Lane, Tollerton is a modern detached dormer bungalow which sits in the south eastern portion of its plot with a concrete base of a former agricultural building on the other half of the plot. Established shrubs form the south-western boundary of the application site. The front (south-eastern) boundary is formed of a mature hedge. The north-east and north-west boundaries of the site are delineated by a 2m high close boarded timber fence.
- 1.2 The application is in two parts. First, the proposal is for an extension to the north-eastern side of the Croft to form a new annexe. The annexe would measure 9.6m by 5.8m with a total floors space of approximately 48sqm on the ground floor and approximately 45 sqm on the first floor. The proposal has been designed to present a gable design to the extension to differentiate the design from the main building of The Croft which measures approximately 81 sqm on the ground floor and 70 sqm on the first floor. There would be internal links between the proposed annexe and The Croft on both the ground and first floor.
- 1.3 Second, the proposal is also a form a new two storey, five-bedroom detached dwelling with an associated single garage and utility room, as a single storey element to the rear. Access to the new dwelling would be onto the private drive which accesses onto Main Street. The private drive is constructed of loose stone. There would also be a pedestrian access to South Back Lane. The proposed new dwelling would sit in front of the Croft with the rear elevation on the same position as the front elevation of the Croft.
- 1.4 Tollerton is a Secondary Village in the Hambleton Sustainable Settlement Hierarchy. The Development Limits wrap around The Croft and therefore the proposed annexe would be within them whilst the proposed new dwelling would be outside.
- 1.5 The site is within the Tollerton Conservation Area with the boundary running along South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/00/162/0233 - Alterations and extensions to disused agricultural buildings for use as three dwellings and construction of three detached dwellinghouses; Granted 10 May 2001. This development is now complete.
- 2.2 14/01148/OUT - Construction of a dwelling and formation of vehicular access; Refused 26 January 2015 on highway safety grounds because the road leading to the site was substandard in terms of its width, alignment and visibility at the junction with Newton Road and was therefore unsuitable to cater for the traffic which would be likely to be generated by the proposal.

2.3 16/00470/FUL - Extension to create a granny annex and construction of a new house; Withdrawn 23 May 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 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 DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Tollerton Parish Council - No comment received.

4.2 Highway Authority - No comment received, although it is noted that the proposed access for the new dwelling would be to Main Street, not South Back Lane, and the Authority did not object to planning application 16/00470/FUL subject to a condition requiring the annexe to remain an annexe associated with The Croft.

4.3 Ministry of Defence - No safeguarding concerns.

4.4 Public comment - 6 letters of objection have been received (some of which are from the same address). The grounds of objection are:

- The strain on village amenities including sewerage, water and electricity;
- Previous refusal of permission;
- Additional traffic on South Back Lane;
- Traffic and safety on Main Street - access is narrow and the splay at Main Street is insufficient;
- The size of the new dwelling is disproportionate;
- The proposal is not in keeping with the Conservation Area;
- The proposal would harm the amenities of neighbours, in particular The Saddlery and The Granary;
- Insufficient detail within the application relating to landscaping and boundary treatment;
- Impact on trees;
- Approval would set a precedent for other developments;
- The annexe is two-storey, which would be inappropriate for elderly people;
- The annexe is too big and is tantamount to an additional dwelling;

- Private drive is too narrow for additional traffic and could lead to obstruction of access
- No place to turn on the private drive
- The ownership of the private access drive is in dispute; and
- Insufficient parking provision or manoeuvring space

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development and the likely impact on (ii) the character and appearance of the Conservation Area; (iii) residential amenity; (iv) flooding and drainage; and (v) parking provision.
- 5.2 It is noted that neighbouring residents have raised questions about the ownership and maintenance of the private drive. However, the applicant has previously submitted title deeds and information pertaining to the ownership of the private drive to support the declaration of ownership in the application and this issue does not warrant further consideration by the planning authority. A grant of planning permission would not convey private access rights.

Principle of a new dwelling

- 5.3 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. 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".

- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.5 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. As stated the site is adjacent to Development Limits with only the proposed annexe being within them. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. The hard surface of the former agricultural building is also noted. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site. Notwithstanding the history each case must be treated on its own merits and the circumstances of each site.

The character and appearance of the Conservation Area

- 5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.7 The Croft is an unusual building in the context of the Conservation Area, being set back from the road frontage and of a scale that is uncommon; dwellings and their associated buildings in the area are generally either single storey or full two storeys. That said the extensions to The Croft to form an annexe would be in keeping with the character, style, scale and mass of the current property. The amended scheme now presents a smaller extension than previously considered under application 16/00470/FUL and would present a different design which would be subservient to the size of the main dwelling. Whilst large the extension would not be disproportionate in terms of size and scale. The proposal for the annexe as submitted is therefore acceptable in principle and maintains the character of the property and the Conservation Area. The opportunity to enhance the Conservation Area through loss of the current hard surfaced area should also be considered.
- 5.8 The new dwelling would be a full two-storey proposal. The design on its own may be considered to be more reflective of the style of the Conservation Area in general but the proposal would need to be considered against the impact and relationship with neighbouring properties and the overall character of the site.
- 5.9 Planning application 14/01148/OUT was refused on highway grounds alone with the layout previously considered as acceptable. The refused proposal indicated that a two storey proposal was intended and the layout positioned the dwelling forward of The Croft and set off the boundaries. (The dwelling now under consideration is more closely related to the 2014 outline application than the previously withdrawn scheme.)
- 5.10 The current access proposal via a private drive is a response to problems of the previously refused scheme when access was sought from South Back Lane. The proposed new dwelling now faces South Back Lane, echoing the character of the Conservation Area, and providing a pedestrian access to South Back Lane.
- 5.11 The scale of the new property has also been reduced from the previous application. The new property would be approximately 0.5m higher than The Croft and the overall scale and bulk and mass has been reduced to be more akin to neighbouring properties. The proposed dwelling seeks to replicate features of the surrounding area, specifically Little Grange and in this respect has overcome the concerns previously raised.
- 5.12 Cumulatively, the proposal would also increase the amount of building to South Back Lane, but the gap between the proposed house and The Croft has been increased so that the development would not be seen as a continuous built form. This would also be more in keeping with the character of this part of the Conservation Area.
- 5.13 The concerns with regard to trees are noted; however the only trees that would be affected by the proposal are within the site and are largely overgrown conifers which are neither distinctive to the character of the Conservation Area or of specimen quality. Trees that are planted within The Saddlery, to the north west of the application site, but on the boundary would be unaffected by the proposal and the current relationship between The Croft and the trees would be maintained.

- 5.14 Whilst the comments and concerns of the local residents have been carefully considered and fully noted, it is the view of officers that the proposal now presents a scheme that would be acceptable in terms of the character of the area.

Residential amenity

- 5.15 The proposed annexe has been carefully considered in relation to the relationship to The Croft and to The Saddlery in particular. There is reasonable separation to the other properties. The proposed extensions to The Croft are considered acceptable as these do not alter the existing relationship in terms of separation distances and whilst this would extend the bulk and mass of the building, the proposal is not considered to be sufficiently significant to warrant a refusal.
- 5.16 The proposed new dwelling would be set off the boundary and further away from the neighbouring properties than the Croft. The principal two storey elevation would be approximately 16.5m from the boundary which is considered to be of sufficient distance to maintain a suitable residential amenity.
- 5.17 Having regard to the comments and conclusions raised, although there would be a change to the outlook from neighbouring properties, it is considered that the proposal would not cause harm to the amenities of the occupiers of nearby properties.

Highway impact and parking provision

- 5.18 The proposed annex would increase the potential traffic on South Back Lane above that of The Croft and the existing access. However this would not be as great as a fully independent dwelling. Ensuring that the annexe remains ancillary to The Croft would therefore be crucial. This would be consistent with the view of the Highway Authority on the previous applications.
- 5.19 In terms of the new dwelling, the concerns of residents relating to access and the previous refusal are noted. The proposal would now access Main Street via the private drive. Whilst the private drive is narrow at the access point with the new dwelling however there would be sufficient space within the property to turn. An additional property using the private drive is not considered to be significant to the safety of the private drive. The private drive has sufficient visibility at the junction on Main Street. The proposal would therefore not cause a loss of highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the details submitted to the Local Planning Authority under drawing references P43-PL-00, P43-PL-01, P43-PL-02, P43-PL-10, P43-PL-11, P43-PL-12A, P43-PL-13A, P43-PL-14A, and P43-PL-15A received on 9 and 21 June 2016.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. No part of the development shall be brought into use until the approved garage, vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference P/43-PL-014A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. 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.
6. The annexe extension shown on plan reference P43-PL-10 building hereby approved shall not be used other than for purposes ancillary to The Croft, South Back Lane, Tollerton.
7. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and boundary treatment, 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.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure that the development is in keeping with the character of the Conservation Area, in accordance with Policies DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
6. South Back Lane is substandard in terms of its width and alignment and is therefore unsuitable to cater additional the traffic which would be likely to be generated by a separate dwelling.
7. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Policies DP1, DP28, DP32 and DP33.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

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Parish: Welbury
Ward: Appleton Wiske & Smeatons
22

Committee Date: 15 September 2016
Officer dealing: Mrs B Robinson
Target Date: 21 June 2016
Date of extension of time: 16 September 2016

16/00953/OUT

Outline planning application with all matters reserved for construction of detached single storey dwellinghouse at Land adjacent to Sunnyside, Welbury for Mr & Mrs L Meynell

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a grass paddock between two single storey dwellings, with a hedge on the roadside boundary. The site is accessed across a grassed verge via an opening with hardcore surface. There is a slight rise in the land from the street. The site is in the middle part of the village, opposite the Duke of Wellington public house. The adjacent property to the east is a single storey cottage, located close to the roadside. To the west, Sunnyside is a C20th bungalow with hipped roof and is set back from the roadside approximately 22m. The boundary of the site with Sunnyside is a close boarded fence, rising to approximately 2 metres adjacent to the side of Sunnyside.

1.2 The proposal seeks consent for a single dwelling with all matters reserved. An indicative plans shows a dwelling set approximately 10 metres back from the road frontage, with an access made in the approximate position of the existing access.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/00232/FUL - Demolition of outbuilding and the construction of a dwelling and detached garage; Refused 14 February 2013, Appeal Dismissed 5 February 2014.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Development Policy DP1 - Protecting amenity
Development Policy DP9 - Development outside Development Limits
Core Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP30 - Protecting the character and appearance of the countryside
Core Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
Core Policy CP21 - Safe response to natural and other forces
Development Policy DP43 - Flooding and floodplains
National Planning Policy Framework
Interim Policy Guidance

4.0 CONSULTATIONS

4.1 Parish Council - No observations received.

4.2 Yorkshire Water - No observations received.

4.3 Highway Authority - Observations awaited.

4.4 Public comments - None received.

5.0 OBSERVATIONS

5.1 The main considerations in the determination of this application are: (i) the principle of development in this location and the likely impact on (ii) residential amenity and (iii) highway safety.

Principle

5.2 The site falls outside of the development limits of a sustainable settlement, as Welbury has no status in the settlement hierarchy set out in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development in exceptional circumstances, six of which are set out in policy CP4. The application does not claim any of the exceptional circumstances identified in that policy 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, in 2015, 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 provides for a more flexible consideration of new development within and at the edge of settlements. The IPG details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy. Welbury is included in the updated hierarchy as an Other Settlement.

5.4 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.

5.5 The approach of the Interim Guidance is that a settlement must be deemed sustainable in its own right or through clustering with another settlement, in terms of existing services and facilities. The village has facilities including a church, village

hall, and public house, but does not reach the level of services that would equate to a Service or Secondary Village and in those terms is not deemed sustainable in its own right.

- 5.6 It is necessary therefore to consider whether Welbury forms a sustainable cluster with any other settlements. Appleton Wiske lies to the north of Welbury and has a school, village hall, church chapel and post office and is included within the updated hierarchy of the IPG as a Secondary Village. The IPG suggests that a cluster is unlikely to form a sustainable community if there are significant distances (greater than approximately 2km) or other barriers between the settlements. In this case the distance between the settlements is approximately 2.3 km from the south edge of Appleton Wiske (which is relatively clearly defined) to the west edge of Welbury. There is a smaller outlying group of houses just beyond the village edge which are not taken into account. On this basis, Welbury is considered capable of forming a sustainable cluster with Appleton Wiske.
- 5.7 The proposal is for the development of a single dwelling and thus the development is considered to be small in scale. Owing to the distance to the nearest villages it would not lead to coalescence of settlements and there is no evidence to suggest that existing infrastructure does not have the capacity to support an additional dwelling.
- 5.8 In terms of the built form and character of the village, the village is mainly linear and the application site forms part of the general line of development on the south side of the village street. The site is an open space bounded by existing hedges and fences and assuming existing hedges can be retained, the development will not affect natural features and would not affect historically important buildings in the village.
- 5.9 The built environment locally benefits from the gap in development between Sunnyside and The Cottage, to the east, and forms a natural break in the frontages between the older parts of the village to the east and south, and the more modern developments to the west. The location thus makes a modest contribution to the character of the area, however this was not considered so valuable as to justify refusal by the Planning Inspector determining the appeal in respect of the previous application; he noted that an additional dwelling in this location could respect its surroundings. Details of design and siting would be considered at reserved matters stage, however the indicative siting provided shows that there is scope for a dwelling to be provided without detriment to the character of the village.

Residential amenity

- 5.10 The site is capable of accommodating a dwelling at sufficient distance from neighbouring dwellings, subject to a suitable design, such as to protect the amenity of neighbouring occupiers.

Highway safety

- 5.11 The Highway Authority's observations are to be confirmed however there is no evidence that circumstances have changed significantly since the previous application, which was not refused on highway safety grounds. This is subject to the final views of the Highway Authority when received.

6.0 RECOMMENDATION

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
3. 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.
4. 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 3 above.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail E9; (ii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the public highway. All works shall accord with the approved details unless otherwise agreed 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 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.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals

have been submitted to and approved in writing by the Local Planning Authority for the provision of: (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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

The reasons 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. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In accordance with policy number CP2 and DP4 and in the interests of highway safety.
6. In accordance with policy number 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.
7. In accordance with policy number CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with policy number CP2 and DP 4 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

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

Parish: Welbury
Ward: Appleton Wiske & Smeatons
23

Committee Date: 18 August 2016
Officer dealing: Mr Peter Jones
Target Date: 13 May 2016
Date of extension of time (if agreed):

16/00602/OUT

**Outline application for the construction of a single dwelling
at Glebe Farm, Tofts Lane, Welbury
for Mr David Moore**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site extends to approximately 0.1 hectares and consists of part of a small grassed paddock on the eastern side of the access drive to Glebe Farm. The area is presently bounded along the western boundary by a post and rail fence and to the east by a well-established hedgerow. To the north the land lies in separate ownership and consists of an open area extending down to a small ditch/beck with a pumping station and small copse adjacent.
- 1.2 To the south of the site the remainder of the existing paddock area is undeveloped and provides a break to the developed context of Glebe Farm. The main orientation of the farmstead is to the south - effectively turning its back onto the application site and land to the north. Beyond the access road is an existing copse adjacent to the site access onto Tofts Lane with a building immediately adjacent to the road junction and a bungalow further to the south (Hillside).
- 1.3 Welbury itself is a modest village which has been subject to a degree of development in the post-war period and includes facilities such as a modern Village Hall, St Leonard's Church and the Duke of Wellington Public House. The main developed form of the village lies to the north of the application site.
- 1.4 The application is for outline planning permission for the erection of a single storey dwelling making use of the existing private access onto Tofts Lane. Turning and parking would be provided within the site and a private garden area provided to the rear (north east) of the property.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 74/1151/OUT - Outline application for the construction of five single storey dwellings; Refused 27 June 1974.
- 2.2 02/02252/FUL - Alterations to agricultural building to form a ground floor workshop with garage/store for use in connection with an interior design business with first floor ancillary living accommodation; Granted 28 February 2003.

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 AND REPRESENTATIONS

- 4.1 Parish Council – no comments received.
- 4.2 Public comment – none received.
- 4.3 Environmental Health Officer (Contaminated Land) - The application does not identify any potential sources of contamination and therefore I do not have any objections to this scheme.
- 4.4 Environmental Health Officer - The proposed new dwelling is on land close to existing farms, Glebe Farm & Town End Farm, both farms appear to have livestock buildings. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that there are existing residential premises close to both farms but no complaints have been received. The absence of historical complaints associated with the farms indicates that they have been adequately managed so that a nuisance has not arisen. However should the farms intensify or change ownership in the future there may be concerns and impact on residential amenity could affect the occupiers of the new dwelling.
- 4.5 Highway Authority – No objection subject to conditions.
- 4.6 Yorkshire Water – No comments.

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; the likely impact of the proposed dwelling on (ii) the character, form and appearance of the village; (iii) neighbour amenity; (iv) flooding; and (v) highway safety.

Principle

- 5.2 Welbury is not listed in the settlement hierarchy in 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 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 which lists Welbury as an Other Settlement.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the 2014 settlement hierarchy contained within the IPG, Welbury is defined as an Other Settlement and therefore must be able to form a cluster with other Secondary or Service villages in the vicinity in order to benefit from support under the IPG; 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 or villages nearby. Welbury is 2.4km from Appleton Wiske, a Secondary Village, and also from Deighton, an Other Settlement. The IPG suggest that settlements should be "approximately 2km" apart in order to be able to share services and facilities. The road between Welbury and Appleton is a fairly typical country lane, with low levels of traffic. The route is relatively flat and would be easily cycled. There is no footpath or night time illumination of the route. However, on balance the settlement is considered to be able to form a sustainable cluster with Appleton Wiske and as such criterion 1 is satisfied.

Character, form and appearance of the village

- 5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be on undeveloped agricultural land that lies in open countryside between the existing built up area of the village and the farmstead.
- 5.8 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant LDF Policies.

- 5.9 The scale of the development would be small as suggested by the Interim Policy Guidance (up to 5 dwellings) as the proposal illustrates only a single dwelling.
- 5.10 It is evident and accepted that the southern part of Welbury (south of St Leonards Church and Shire Garth) is somewhat different in character than the remainder of the village, being more open in nature with intervening green spaces, farmstead groups and a pattern of development which is less consolidated or linear than that in the northern sector of the village. The northern part of Welbury is more suburban in character, especially in proximity to Spring Hill, with development in depth at this northern end compared to largely frontage development in the heart of the village.
- 5.11 On the southern approach to Welbury, roadside dwellings are in evidence with Hillside forming effectively the southernmost property. This lies opposite Glebe Farm itself. The more open character and views across agricultural land along this approach road (Tofts Lane) give way to more contained and smaller land parcels with strong planted boundaries and built development in the form of Hillside, Glebe Farm and the more modern development of the Village Hall and bungalows beyond (Mandrea and Paddock End). Opposite these properties is the more extensive and open paddock land to the south of Town End Farm which is a clear open feature within the wider context of Welbury although itself well segregated and contained by mature trees from the wider open countryside beyond.
- 5.12 In this instance the proposed development is considered to reflect the sporadic development on the southern edge of the village and is not considered to be harmful to the character or appearance of the existing village.
- 5.13 The proposal relates to the erection of a single dwelling upon a modest area of paddock land. This is not subject to any specific designation nor is it of any significance with regards to the natural, built and historic environment. It does not lie within the context of a heritage asset, nor are there any ecological constraints in this regard.
- 5.14 The eastern boundary of the site is well established and would not result in an incursion into wider open agricultural land or appear a jarring element within the landscape. The site and development in this context is clearly integral to the overall character of Welbury and part of the built up confines of the settlement.

Neighbour Amenity

- 5.15 The nearest residential property is more than 20m away from the site. Details of the arrangement of the building would be dealt with at the reserved matters stage and it is considered that a satisfactory arrangement can be achieved.

Flooding

- 5.16 There are no known flooding issues in the vicinity of this site and no adverse comments have been received from consultees.

Highway issues

- 5.17 The application site lies adjacent to an existing private access drive that serves Glebe Farm and is appropriate in terms of its width, alignment and surfacing. There is ready access onto the main adopted highway and the Highway Authority raises no objection to the proposal.
- 5.18 Whilst there is a public footpath along the private drive access, the application site is well contained, not readily visible from Tofts Lane nor prominent from any public

rights of way located beyond the village itself. The proposed development is not considered harmful to users of this route.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the receipt of any outstanding consultation responses and the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwelling, (b) design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) vehicular parking and turning arrangements.
4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 3 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.

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. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Informatives

1. The proposal shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.