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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 25 January 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 2 February 2017**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To:	Councillors	Councillors
	D A Webster (Chairman)	K G Hardisty
	P Bardon (Vice-Chairman)	J Noone
	M A Barningham	C Patmore
	D M Blades	B Phillips
	S P Dickins	C Rooke
	Mrs B S Fortune	Mrs I Sanderson

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING SELF AND CUSTOM-BUILDING REGULATIONS; LESSONS LEARNT FROM IMPLEMENTING INTERIM POLICY GUIDANCE AND YORK TRAILERS SITE AND EAST COAST MAIN LINE UPDATE

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 5 January 2017 (P.20 - P.21), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

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

4. MATTERS OF URGENCY

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

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 9.30 am on Thursday, 5th January, 2017 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

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

Also in Attendance

Councillor	R W Hudson	Councillor	A Wake
	R Kirk		Mrs J Watson
	M S Robson		

An apology for absence was received from Councillor S P Dickins

P.20 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 8 December 2016 (P.18 - P.19), previously circulated, be signed as a correct record.

P.21 **PLANNING APPLICATIONS**

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

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

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Executive Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Executive Director regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

THE DECISION:

That the applications be determined in accordance with the recommendation in the report of the Executive Director, unless shown otherwise:-

- (1) 16/02048/FUL - Revised application for change of use of land to holiday lodge park (54 Lodges) with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking at Angrove Park, Winley Hill, Great Ayton for Mr Alan Petch

PERMISSION GRANTED subject to the satisfactory completion of a Section 106 Agreement to secure the future maintenance of the highway verge.

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

(John Fletcher spoke on behalf of Great Ayton Parish Council in support of the application.)

(Steve Barker spoke objecting to the application.)

- (2) 16/01941/FUL - Proposed construction of new dwelling at Edgewold, Easingwold Road, Huby for Miss Caroline Thomson

PERMISSION REFUSED

(The applicant, Caroline Thomson, spoke in support of the application.)

- (3) 16/02136/FUL - Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches at Canvas Farm, Moor Road, Knayton for Mr and Mrs Cook

PERMISSION GRANTED subject to an amendment to Condition 18 to specify a minimum of 3 passing places

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

(Barbara Scott spoke on behalf of Knayton with Brawith Parish Council objecting to the application.)

- (4) 16/02127/FUL - Site development to form 3 new dwellings (revision to planning application 16/01540/FUL) at Land to the south of Bravener Court, Newton-on-Ouse for Mrs Toni Johnston

DEFER for further consideration on the impact on protected species and to seek a reduction of the height of the building on Plot 1

(The applicant, Toni Johnston, spoke in support of the application.)

(Andrew Windrum spoke on behalf of Newton-on-Ouse Parish Council objecting to the application.)

(Anthony Scott spoke objecting to the application.)

Disclosure of Interest

Councillor C Rooke disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (5) 16/02464/FUL - Retention of three existing dwellings located within converted outbuildings to the rear of Framfield House at Framfield House, Main Street, Shipton by Beningbrough for Mrs M Johnson

PERMISSION REFUSED on the grounds that the site is of an inadequate size to make satisfactory provision for vehicle parking and turning, private amenity space for the units and safe pedestrian access for all users.

The decision was contrary to the recommendation of the Executive Director.

(The applicant's agent, Ken Wood, spoke in support of the application).

(Mark Danter spoke on behalf of Shipton Parish Council objecting to the application.)

(Richard Irving spoke objecting to the application.)

- (6) 16/02441/FUL - Construction of a replacement detached domestic garage at Amblers Lodge, Amblers Lane, Shipton by Beningbrough for Mr & Mrs B M Dean

PERMISSION GRANTED

- (7) 16/00529/FUL - Demolition of an outbuilding and the construction of 42 residential units at Station Yard, Mowbray Terrace, West Tanfield for Berkeley DeVeer

PERMISSION GRANTED subject to an additional condition for a retaining structure adjacent to the former railway line; a Section 106 Agreement to secure affordable housing and to allow for the review of affordable housing numbers; and to establish the extent of the adoptable highway

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

The meeting adjourned at 12.10pm and reconvened at 1.30pm.

- (8) 16/01614/OUT - Outline planning application with details of access and layout (all other matters reserved) for residential development and Mrs C M Clift at Land adjacent Church House, Church Wind, Aine for Mr R G Hirst

PERMISSION GRANTED

(Ron Taylor spoke objecting to the application.)

- (9) 16/02163/FUL - Revised retrospective application for change of use from agriculture to temporary mixed use, adding external temporary storage of log cabins and static holiday homes at Sunley Woods Farm, Husthwaite for Mr Ben Duffield

PERMISSION REFUSED

(The applicant, Ben Duffield, spoke in support of the application.)

(Peter Fox spoke on behalf of Husthwaite Parish Council objecting to the application.)

(Phillip Hewitson spoke objecting to the application.)

- (10) 16/02307/FUL - Change of use of annexe to a dwellinghouse and formation of access at Tatton Lodge, Londonderry for Mr & Mrs J Bleasdale

PERMISSION GRANTED

- (11) 16/02401/FUL - Retrospective application for change of use of agricultural building to general machine/contractor repair at Bye Green Holdings, Low Street, Husthwaite for Mr Thomas Carter

PERMISSION GRANTED subject to an amendment to Condition 3 requiring the doors to be closed during work operations.

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

- (12) 16/02182/FUL - Two storey and single storey extensions to the rear of the dwellinghouse at 22 North End, Hutton Rudby for Mr Kevin Smith

DEFER for further consideration of daylight and sunlight issues

- (13) (a) 16/02242/FUL & (b) 16/02243/LBC - Applications for planning permission and Listed Building Consent for demolition of agricultural buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and construction of building for parking/storage, construction of replacement garage and alterations to the access drive at Goldswang Farm, The Green, Kirklington for Kirklington (Yorks) Estates

16/02242/FUL - PERMISSION GRANTED

16/02243/LBC - PERMISSION GRANTED

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

- (14) 16/02343/FUL - Formation of new car parking including alterations and improvement to car parking layout with associated landscaping following the removal of existing buildings to the rear of 8-18 Priory Close at Friarage Hospital, Northallerton for South Tees NHS Foundation Trust

PERMISSION GRANTED subject to amendment of Conditions 2 and 10 to provide an additional section of boundary fencing

(The applicant's agent, Joe Biggs, spoke in support of the application).

(Irene Dolman spoke objecting to the application.)

- (15) 16/02339/FUL - Alteration to existing roof height of single storey dwelling to create first floor accommodation and a single storey extension to front of the bungalow and the creation of a new access at Debeviane, Hilton Road, Seamer for Mr & Mrs Simon Evershed

PERMISSION GRANTED

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

(Walter Patterson spoke on behalf of Seamer Parish Council objecting to the application.)

(Derek Winterbotham spoke objecting to the application.)

- (16) 16/01575/FUL - Demolition of substation, office building and garage and construction of 2 detached single storey dwellings with vehicle parking together with modified verge crossing and associated works at Masonic Lane, Thirsk for Mr I Stevenson

PERMISSION GRANTED

- (17) 16/02304/FUL - Proposed alterations and change of use of ground floor to a retail unit, change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear at 2 Castlegate, Thirsk for Mr W Calvert

PERMISSION GRANTED because it was considered that the alterations do not cause harm to the character and appearance of the conservation area and building

The decision was contrary to the recommendation of the Executive Director.

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

- (18) 16/02380/FUL - First floor extension to existing dwelling for at The Old Black Bull, Thormanby Mr Peter Gibson

PERMISSION GRANTED

- (19) 16/01951/FUL - Construction of a warehouse in association with the existing business use and two storey ancillary mess facility with associated external access, parking and drainage attenuation pond at Land adjacent Eldmire Lane, Dalton for NTS Dalton

PERMISSION GRANTED

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

The meeting closed at 4.20 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 2 February 2017. The meeting will commence at 1.30pm.

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

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

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Executive Director has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Executive Director

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

Thursday 2 February 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/02467/FUL Mrs H Laws Carthorpe Page no. 11	Retrospective application to use an existing annexe as a dwellinghouse (for residential renting or for holiday accommodation) For: Mr Andrew Parker At: The Annexe at Carthorpe Barn, Carthorpe RECOMMENDATION: GRANT
2	16/02514/OUT Mrs H Laws Exelby, Leeming and Newton Page no. 15	Outline application (all matters reserved) for the construction of 3 dwellings For: Mr G Clark At: Land west of Exelby Grange, Exelby RECOMMENDATION: GRANT
3	16/02575/OUT Mrs C Strudwick Flawith Page no. 25	Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access and layout (all other matters reserved) For: Alcuin Homes At: Land to the north west of Foxholme House, Flawith RECOMMENDATION: GRANT
4	16/02681/OUT Mrs H Laws Hornby Page no. 33	Outline planning permission with some matters reserved (access included) for construction of 3 dwellings and associated vehicular access For: Mr T Elsdon At: Hall Farm, Hornby RECOMMENDATION: GRANT
5	16/02408/FUL Mrs C Strudwick Shipton Page no. 41	Application for proposed alterations and change of use from retail to food outlet For: Harpers At: Vernons Furniture Warehouse, Shipton by Beningbrough RECOMMENDATION: GRANT
6	16/02409/ADV Mrs C Strudwick Shipton Page no. 45	Application for Advertisement Consent to amend signage to display an illuminated fascia sign For: Mr P Akcicek (Harpers) At: Vernons Furniture Warehouse, Shipton by Beningbrough RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	16/01511/FUL Mrs H Laws South Otterington Page no. 49	Revised application for the demolition of existing motor trade premises and associated paraphernalia and construction of 9 dwellings with associated access together with the construction of domestic garage for existing dwelling For: Mr Stephen Smith At: Walkers Garage, South Otterington RECOMMENDATION: GRANT
8	16/02350/FUL Mr K Ayrton Thornton le Moor Page no. 61	Construction of two detached dwellings and garages as a replacement of the existing detached dwelling, garage and workshop For: Mr & Mrs M Fortescue At: The Hawthorns, Main Street, Thornton le Moor RECOMMENDATION: GRANT
9	16/02697/FUL Mrs J Forrest Tollerton Page no. 69	Two storey extension to existing dwelling to form an annexe For: Mrs M Hardy At: The Croft, South Back Lane, Tollerton RECOMMENDATION: GRANT
10	16/02586/FUL Mrs H Laws Well Page no. 73	Revised application for a change of use from agricultural to domestic use, involving the construction of single storey steel portal structure to accommodate domestic cars and motorbikes For: Mr Garry Elsworth At: Well Hall Farm, Bedale Road, Well RECOMMENDATION: REFUSE

Parish: Carthorpe
Ward: Tanfield
1

Committee Date: 2 February 2017
Officer dealing: Mrs H M Laws
Target Date: 10 February 2017

16/02467/FUL

Retrospective application to use an existing annexe as a dwellinghouse (for residential renting or for holiday accommodation)
At The Annexe at Carthorpe Barn, Carthorpe
For Mr Andrew Parker

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the northern side of the main village street, approximately 30m to the west of the junction with the B6285. The unit lies approximately 12m back from the frontage of the village street and is currently authorised as an annexe to the adjacent dwelling.
- 1.2 Permission was granted in December 2006 for the construction of the building, to be used as a garage and workshop with first floor ancillary accommodation, on the footprint of a former stable building within the curtilage of the house (a former barn conversion). The original intention was for occupation of the building by an elderly relative.
- 1.3 Planning permission was granted in 2010 for the occupation of the unit as an independent dwelling unit but with restrictions requiring local occupation in accordance with Housing Association legislation, in effect allowing housing development as a rural exception.
- 1.4 It is understood that the unit, which is currently unoccupied, has been let as holiday accommodation, which is in breach of the conditions.
- 1.5 It is now proposed to change the use of the building to an unrestricted dwelling to allow it to be occupied independently of the main dwelling or otherwise by holidaymakers.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 06/01552/FUL - Construction of a garage/workshop/ancillary accommodation unit; Refused 12 September 2006.
- 2.2 06/02547/FUL - Revised application for the construction of a detached domestic garage, workshop and ancillary accommodation; Granted 14 December 2006.
- 2.3 10/00203/FUL - Change of use of domestic annexe to a dwelling; Granted 17 May 2010 subject to conditions that it be occupied as affordable housing as a rural exception development.

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
Development Policies DP1 - Protecting amenity

4.0 CONSULTATIONS

- 4.1 Parish Council - Previous granted planning application 10/00203/FUL had conditions relating to use as affordable housing. Changing the use from affordable housing to general housing goes against previous views and comments provided by the Parish Council on several occasions about the need for affordable housing in the village. Given that HDC applied affordable housing stipulations to the property in the past, the Parish Council feel very strongly that any change would be a retrograde step.
- 4.2 The Parish Council feel that due attention should be made to stipulate on site rather than on road parking given the close proximity to a junction and the existing volume of on road parking.
- 4.3 Highway Authority - No objection.
- 4.4 Public comment - An objection has been received from a neighbouring resident whose concerns are as follows:
- All previous planning decisions have been ignored and the dwelling has been used as a holiday let since March 2016. This application is for financial gain as Carthorpe Barn is up for sale;
 - When application 06/02547/FUL was approved in 2006, it was on the terms that the accommodation would be at all times for private domestic use ancillary to Carthorpe Barn and would not be used for commercial purposes or occupied as a separate dwelling or as holiday accommodation without the Council's prior approval; and
 - Conditions of planning permission 10/00203/FUL relating to affordable housing have not been kept to.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) whether the principle of an unrestricted (i.e. not affordable) dwelling is acceptable in this location; (ii) the impact on the character and appearance of the village and the rural landscape; (iii) residential amenity; and (iv) highway matters.

The principle of an unrestricted dwelling

- 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". These policies were in place in 2010; the exceptional circumstances highlighted at that time were a local need for affordable housing, as allowed by policy CP4 criterion iii. Planning permission 10/00203/FUL was therefore subject to an occupancy condition to ensure the dwelling would be affordable as permission would not otherwise have been granted.
- 5.3 Granting planning permission without such a condition, as now proposed, would place the development in conflict with policy CP4 and, as such, the proposal would be a departure from the Development Plan. As the Parish Council and a member of the public have noted, the proposal is to use the building for purposes not allowed under previous consents; however, the issue must now be examined in the context of

current policy and this must include more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 55 of the NPPF states:

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

- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 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 and, in Other Settlements, this must include services in a village or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The IPG includes some examples of cluster villages that form sustainable communities and one is Burneston and Carthorpe. These two villages have long been linked economically and socially and collectively have churches, a primary school, two pubs and a shop. Each village is readily accessible from the other on foot or bicycle as well as by car on the local road network. Carthorpe is less than a kilometre from Burneston with a footway for almost all its length. IPG criterion 1 would be satisfied and an unrestricted dwelling is acceptable in this location within the current policy framework. On that basis there is therefore no longer a need for the occupancy condition that applied under the policy framework that pre-dated the NPPF.

Character and appearance

- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". The building is an existing structure and would not therefore cause a significant alteration to the built form and character of the village and would not harm the surrounding rural landscape.

Amenity of local residents

- 5.8 It has been previously accepted, as a result of the planning permission in 2010, that the unit is acceptable as an independent unit of accommodation and would not give rise to amenity concerns. The building is already in domestic use and therefore approving this application would not have a significant impact on amenity.

Highway matters

- 5.9 It has been previously accepted, as a result of the planning permission in 2010, that use of the building as an independent unit of accommodation would not give rise to highway concerns. There is parking provision available within the site and the Highway Authority has no objection to the proposal.

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 and drawing received by Hambleton District Council on 19 December 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. 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.

Parish: Exelby, Leeming and Newton
Ward: Bedale
2

Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 10 February 2017

16/02514/OUT

**Outline application (all matters reserved) for the construction of 3 dwellings
At land west of Exelby Grange, Exelby
For Mr G Clark**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the northern side of the main village street. The site extends to an area of 0.14 hectares. The site is currently part of an agricultural field bounded by a hedgerow to the south fronting onto the street, with hedgerows and post and wire fencing to the other boundaries. Exelby Grange, which is currently the last property at the western end of the village on this side of the road, lies to the east; an agricultural building now used for non-agricultural storage lies to the west.
- 1.2 It is proposed to construct three dwellings on the site. The application is an outline application with all matters reserved. An illustrative layout has been submitted with the application depicting three two storey detached dwellings with garages with individual accesses onto the village street. It is proposed to retain the existing hedgerow other than for the creation of accesses. A timber post and rail fence is proposed along the proposed rear boundary.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None on the application site; however, the following applications relate to land at The Old Forge opposite:
- 2.2 15/02819/FUL – Detached dwellinghouse and associated parking; Granted 4 March 2016.
- 2.3 16/01787/FUL - Dwellinghouse and attached double domestic garage and the formation of new access; Granted 14 October 2016.

2.0 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 DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council - no objection in principle.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Yorkshire Water - There is a sewage pumping station (SPS) and a combined sewer overflow (CSO), under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing SPS to the site may mean a loss of amenity for future residents. In order to minimise the risk of any loss of amenity, industry standards recommend that habitable buildings should not be located within 15 metres of the existing SPS. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals. Alternatively, the developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

- 4.4 Swale & Ure Internal Drainage Board - the proposed method of SW drainage is acceptable if demonstrated to be feasible. Please attach a condition that effect.
- 4.5 NYCC Heritage - The proposed development site is within the former medieval village of Exelby. The present village retains the original medieval form of two opposing rows with long plots to the rear. The proposed development has the potential to encounter archaeological remains of one or more medieval house plots associated with the former village. A condition is recommended for a watching brief followed by analysis, reporting and archive preparation.
- 4.6 Environmental Health Officer - The environmental health service has considered the above application and has concerns about the close proximity of agricultural buildings (former chicken sheds) which, if they revert to operational use, could impact on the amenity of residents living immediately next door to the site.

I can confirm that the environmental health service has not received any complaints about the activities carried on in these premises and I have also spoken to the agent, who has confirmed there is no business operating from the site at present. However, should the site revert to operational use there would be no controls in place for the management of dust, noise, odour or flies associated with this type of industry, especially considering the minimal separation distance between the sheds and the proposed development.

Whilst the service does not object to the scheme, these issues should be discussed with the agent so that any potential impact can be effectively managed.

No objection subject to a condition in order to secure the investigation and, where necessary, remediation of any contamination on the site.

- 4.7 Public comment - One comment, summarised as follows:
- We welcome this development as it will help to complete the village to a natural boundary line at the end of the lane serving the village;

- The proposal is a natural organic development of the village and will (with other approvals made in the last year) improve the viability of the village as a distinctive community through the resulting modest increase in its population; and
- We agree that the proposed housing density is reasonable. The layout will slightly improve the outlook for passers-by as a significant proportion of the unsightly former chicken shed will be hidden from view.

5.0 OBSERVATIONS

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

The principle of development

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

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the settlement hierarchy contained within the IPG, Exelby 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 or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proximity to Burneston allows Exelby to form a cluster that represents a sustainable community; this is consistent with the assessment of the

relationship between the two villages when applications 15/02819/FUL and 16/01787/FUL were considered; and therefore the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.

- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village and forms part of a larger field beyond the built up boundary of the village. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.9 The application site is undeveloped but its position immediately adjacent to and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary with existing residential development; would follow the line of the existing development down the village street, retaining the remaining part of the field to the rear; and would not protrude significantly into open countryside. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and is in accordance with these aspects of the IPG.
- 5.10 Since the introduction of the IPG a dwelling has been approved, and is under construction, on the land opposite the application site. Another single dwelling has been approved on the southern edge of the village (16/2010/OUT). It is considered that the cumulative impact of a further three houses would not be excessive for the village of Exelby.

Effect on residential amenity

- 5.11 The closest neighbour to the proposed dwelling would be the existing property at Exelby Grange, which is currently the final property at the western end of the village. The application is in outline but an illustrative footprint has been included within the submission, to demonstrate that the dwellings could be positioned to reflect the general building line of the road.
- 5.12 It is considered that there is adequate space available within the application site for there to be some consideration given to protecting the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of both sets of residents.

- 5.13 Concern has been expressed by the Council's Environmental Health Officer and by Yorkshire Water due to the proximity of the adjacent agricultural building and the sewage pumping station to the application site, which it is suggested, could both result in disturbance to the future residents of the proposed house at the westernmost end of the site. Although the neighbouring building has not been in agricultural use for more than 25 years it would be possible to re-use it for agricultural use without the need for planning permission in the future. The agricultural building is within the ownership of the applicant and is therefore currently within his control. A condition is recommended to ensure that no livestock is housed within this building once the dwellings are occupied.
- 5.14 Yorkshire Water recommends that no dwelling be sited within 15m of the sewage pumping station; the edge of the SPS lies approximately 10m from the boundary of the application site so the recommended distance could be achieved through details of siting at the reserved matters stage.
- 5.15 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, could be achieved by the proposed development.

Highway matters

- 5.16 The Highway Authority has no objections to an additional dwellings being served from the village street subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
7. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
8. No livestock shall be housed within the building highlighted in orange on drawing number 1676/4 received by Hambleton District Council on 24 January 2017.
9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
10. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
11. No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) the programme and methodology of site investigation and recording; (b) the programme for post investigation assessment; (c) provision to be made for analysis of the site investigation and recording; (d) provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) provision to be made for archive deposition of the analysis and records of the site investigation; and (f) 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 Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access 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 accesses shall have been approved in writing by the Local Planning Authority; and (b) the crossings of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. 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 in a north-easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the access roads. 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.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved 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.
15. 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.
16. 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.
17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 1676/1 received by Hambleton District Council on 14 November 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
8. To protect the amenity of future residents in accordance with LDF Policies CP1 and DP1.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
10. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
11. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
12. In accordance 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.
13. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
14. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
15. 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.
16. 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.
17. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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: Flawith
Ward: Easingwold
3

Committee Date: 2 February 2017
Officer dealing: Caroline Strudwick
Target Date: 17 January 2017
Date of extension of time (if agreed): 10 February 2017

16/02575/OUT

Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access (all other matters reserved)

At land to the north west of Foxholm House, Flawith

For Mr Scott Waters

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a 0.4 hectare agricultural field at the north western end of Flawith, on the northern side of the main street and 1.8km from the development limits of Alne.
- 1.2 The site is well screened on the western boundary, with the main road through Flawith. It has access tracks to the north and south boundary. The site slopes downwards from the north east to the south west towards the main road.
- 1.3 The application seeks permission for the construction of four four-bedroom detached dwellings with access. The proposed layout shows each dwelling to have its own access onto the road. All other matters are reserved for later approval.
- 1.4 The original application sought approval for the layout of the scheme; however, through discussions with the agent this element has been removed and will be for reserved matters approval. The layout provided as part of this application is therefore indicative.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 83/0903/OUT - Outline application for two dwellings; Refused 22 December 1983.
- 2.2 06/00857/OUT - Outline application for a dwelling; Refused 29 June 2006.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP29 - Archaeology
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits

4.0 CONSULTATIONS

- 4.1 NYCC Heritage Services - Recommended condition of archaeological mitigation recording.
- 4.2 Highway Authority - Recommended conditions.

4.3 Environmental Health Officer - No objection.

4.4 Yorkshire Water - Recommends conditions.

4.5 Public comment - five objections received raising the following concerns:

- Linear extension of Flawith into open countryside should be opposed;
- Loss of agricultural land;
- The incomplete, and potentially misleading, structure of the outline application - lack of detail regarding the impact of the elevation of the dwellings;
- HDC has no housing need for the next five years;
- Development will increase the risk of surface water flooding, already a serious issue for residents particularly at White Horse Farm where flooding is common and severe;
- Four new homes constitute a 12% growth in Flawith, over and above the national average. NHBC states that housing growth for the year 2015 was 7%;
- Development will have a negative impact in respect of site levels, privacy, security and noise & disturbance;
- Public transport in/out of Flawith has been severely cut from an hourly service to three per day. With no direct footpaths linking Flawith to surrounding villages then this would mean more traffic on local roads; and
- Loss of hedgerows.

5.0 OBSERVATIONS

5.1 The main issues to consider are (i) the principle of residential development in this location; how the scheme would affect the character and appearance of the village and the countryside; (iii) access; and (iv) residential amenity.

Principle

5.2 Flawith is classified as an Other Settlement within the Settlement Hierarchy set out in policy CP4 and has no Development Limits. Therefore, development can only be permitted by Local Development Framework (LDF) policies in the exceptional circumstances set out in policy DP4. None of those exceptions are claimed for the application, which would therefore be a departure from the Development Plan. However, it is necessary to consider national policy that post-dates the LDF.

5.3 The National Planning Policy Framework (NPPF) was published in 2012 and 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 Council therefore developed Interim Policy Guidance (IPG) 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 LDF. 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 As an Other Settlement, Flawith is not considered a sustainable settlement in its own right. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. However, the villages in question must be sufficiently close together (approximately 2km) to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 Flawith is 1.8km from the development limits of Alne, with is classified as a Secondary Village within the Settlement Hierarchy and therefore considered a sustainable location in its own right. The proposal would therefore be capable of supporting local services in Alne and would be in accordance with the aims of sustainable development.

Character and appearance

- 5.7 The development of four units is small in scale and this site is located close to other properties within the settlement. As such the proposed scale of dwellings would relate well to the existing form of Flawith and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship (including elevations) to neighbouring properties. Flawith is a linear village in so much as development is limited to lining the main road, often close to the road, with very limited development to rear of frontage development. Development itself is not rigidly set and there is variety in the separation distances of dwellings from the road, and how development is perceived in the street scene, for example there are instances of dwellings with gables facing the road. This adds variety and distinctiveness to the village character. This assortment of design should be acknowledged and reflected in layout at reserved matters stage.
- 5.8 There are approximately 29 dwellings along the main street of Flawith and an additional four would represent an estimated 13% increase in development. The Interim Guidance Note advises that small scale would normally be considered to comprise up to five dwellings but it does not provide any guidance as to what is an appropriate overall level of growth for a settlement. In March 2007 permission was granted for four dwellings at the other end of the village, also outside development limits as an exception to CP4 as affordable housing. There has been very limited development occurring in Flawith between the 2007 approval and submission of the current application. The level of growth, whilst significant for a village of this size is not considered to be harmful to the character of the settlement.
- 5.9 The boundaries of this site are well defined by the tracks to the north and the south, and the main road to the west. The four proposed houses would form a natural termination to development at the northern end of the village, facing White Horse Farm and separated from the open countryside further north by the access to Headlands Hall Farm.
- 5.10 The site is screened to some degree by hedgerows on the main road through the village. However, some sections of hedgerow would be removed to allow the creation of four access points, one for each dwelling. Full landscaping details to mitigate this

should form part of a reserved matters application. Reserved matters for this development would also need to take into consideration the need for soft landscaping within this rural landscape setting to avoid detrimental impact on the natural environment. It is envisaged that this can be achieved without detriment to the character of the settlement or the open countryside.

- 5.11 In determining any reserved matters application, the assessment of the reserved matters should recognise and respect that the site is slightly elevated along with the separation distances to the dwellings on the opposite side of the road in order to preserve their residential amenity.
- 5.12 It is considered that the proposed four dwellings represent the highest level of growth that can readily be accommodated within the capacity of the village infrastructure and without significant impact on the character and form of the settlement.

Access arrangements

- 5.13 The proposed access arrangements would be satisfactory in terms of movement and highway safety and are not considered detrimental to either highway safety or the character and appearance of the area.

Residential Amenity

- 5.14 The indicative plan shows the proposed dwellings to be opposite Pebble Cottage, Pebble House and White Horse Farm house. The indicative plans shows a separation distance of 27m from plot two to White Horse Farm, 28.5m between plot three and the outbuilding of White Horse Farm, over 29m between plot four and Pebble Cottage and approximately 27 between plot four and Chandlers Cottage. It is considered that four dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties. The scale and positioning of the dwelling houses, of which no final details have been submitted, will 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on WG417-04A unless otherwise agreed in writing by the Local Planning Authority.
 - 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) the programme and methodology of site investigation and recording; (b) community involvement and/or outreach proposals; (c) the programme for post investigation assessment; (d) provision to be made for analysis of the site investigation and recording; (e) provision to be made for publication and dissemination of the analysis and records of the site investigation; (f) provision to be made for archive deposition of the analysis and records of the site investigation; and (g) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
7. No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 6.
8. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The crossings of the highway verges shall be constructed in accordance with the approved details and/or Standard Detail number E6; (b) any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (c) provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
10. No part of the development shall be brought into use until the existing access on to Main Street has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided for each dwelling giving clear visibility of 45 metres measured along both channel lines of the major road (Main Street) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority : (a) provision of a 2 metre wide footway linking with the existing north eastern footway; and (b) a programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
13. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) wheel washing facilities; and (e) measures to control the emission of dust and dirt during construction.
14. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Local Development Framework Policy DP 32 and DP33.
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
6. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.

7. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
8. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
10. In the interests of highway safety.
11. In the interests of road safety.
12. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
13. In the interest of highway safety.
14. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

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: Hornby
Ward: Appleton Wiske & Smeatons
4

Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 15 February 2017

16/02681/OUT

Outline planning permission with details of access (all other matters reserved) for construction of 3 dwellings and associated vehicular access
At Hall Farm, Hornby
For Mr T Elsdon

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the eastern edge of the village on the northern side of the main village street. The site covers an area of 0.2 hectares with a frontage onto the village street of approximately 70m and a depth of approximately 25m. The land is currently used as a paddock for grazing; a stable block lies at the western end of the site.
- 1.2 The site lies immediately to the east of a cul-de-sac of detached dwellings. Several detached dwellings lie on the opposite side of the main village street.
- 1.3 It is proposed to construct three dwellings on the site. The application is an outline application with all matters reserved except for the access. An illustrative scheme has been submitted, which shows three detached dwellings fronting onto the existing village street. It is proposed to retain an existing access in order to serve two of the dwellings. A new access is proposed towards the east to serve the third dwelling.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 16/00902/OUT - Outline application for the construction of five dwellinghouses and associated vehicular access with all other matters reserved; Withdrawn 18 October 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 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
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 observations.

- 4.2 Highway Authority - no objection subject to conditions.
- 4.3 Northumbrian Water – No objection. Public sewers cross the site and may be affected by the proposed development. NW will contact the developer to establish the exact location of its assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. The proposed development is located within 90 metres of Hornby sewage treatment works, which can produce odour and noise during daily operations. This advice is given for information only.
- 4.4 Environmental Health Officer - Expresses concern about the close proximity of the development to the Hornby sewage treatment works. Sewage treatment works can from time to time give rise to amenity issues with respect to odour and it is unlikely that such issues could readily be resolved. Should permission be granted, no property should be located closer to the treatment works than is acceptable to the responsible water authority.

No objection on land contamination grounds subject to the proposed phase 2 intrusive investigation with contamination screening, ground gas monitoring, risk assessment and reporting, to be secured by condition.

- 4.5 Public comment - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

The principle of development

- 5.2 The village of Hornby does not have any Development Limits, recognising its relatively small size. LDF Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the IPG Hornby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub and village green. Therefore it would need to form a cluster with a Secondary or Service Village or with one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 Great Smeaton and Appleton Wiske, which are both Secondary Villages, are the largest settlements in closest proximity and are approximately 1.6km and 2.5km respectively. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Hornby can be viewed as an example of a cluster village with Great Smeaton and Appleton Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Impact on character of village and surrounding countryside

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance three dwellings are proposed, which must be considered cumulatively with the planning permission recently granted for one dwelling at the western edge of the village (16/01885/OUT). Based on 2014 figures there is a total of 48 dwellings within the village; an additional four dwellings would be an increase of 8%. The cumulative number of four dwellings is considered to be at the upper end of an acceptable scale for a village as small as Hornby, although in mitigation it is noted that as the three dwellings currently proposed are in a different part of the village they would not be seen in conjunction with the fourth dwelling and as such there is limited cumulative impact on the character of the village.
- 5.8 With regard to the impact on the rural landscape, the site has much in common with the character of the village due to its proximity to existing dwellings. It is not considered that the development would adversely affect the open rural character of the surrounding countryside.

Effect on residential amenity

- 5.9 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The main impact to consider is in relation to the occupiers of the adjacent dwelling, Laurel House, to the west and to the dwelling that fronts onto the cul de sac development, Silver Fern.

- 5.10 A mature hedgerow boundary lies between the application site and the dwellings to the west, which would provide a significant degree of privacy between the existing and proposed dwellings. The effects of the proposed dwellings on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwellings at Laurel House and Silver Fern.
- 5.11 The site lies far enough from the dwellings on the opposite side of the road for there to be no impact on the amenity of those residents. The proposed development would not therefore be contrary to LDF Policy DP1.
- 5.12 Northumbrian Water (NW) has noted the proximity of the application site to the sewage treatment works (90m) and the Council's Environmental Health Officer has recommended that the dwellings be located no closer than NW would accept. The water authority has not raised the matter as an objection but merely for information; it is possible that odour could occur but it is not considered that the distance is such that it would not be contrary to LDF Policy DP1 on residential amenity.

Highway matters

- 5.13 There is an existing access to the front of the site, which the scheme proposes to retain for the use of two of the dwellings; a second access would be formed to serve the third dwelling. The accesses would lie on the outside of the bend at this end of the village and therefore would be able to achieve the required visibility.
- 5.14 It is considered that the site is capable of accommodating suitable access arrangements and the Highway Authority has raised no objections.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. 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 for that dwelling has been implemented in accordance with the approved details and thereafter retained.
7. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
8. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. No part of the development shall be brought into use until the existing access on to the C1 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.
11. There shall be no access or egress by any vehicles between the highway and the application site until full technical details and supporting calculations relating to the bridging/culverting of the watercourse/ditch adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing

of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the vehicle access, turning and parking arrangements have been submitted to and approved in writing by the Local Planning Authority.

13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12 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.
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered S278 (PL) 001 and 004 (in respect of accesses) received by Hambleton District Council on 7 December 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
12. 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.
13. 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.
14. 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.
15. 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.
16. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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: Shipton
Ward: Easingwold
5

Committee Date: 2 February 2017
Officer dealing: Caroline Strudwick
Target Date: 10 February 2017

16/02408/FUL

**Application for proposed alterations and change of use from retail to food outlet
(restaurant with hot food takeaway)**

**At Vernons Furniture Warehouse, Shipton by Beningbrough
For Mr P Akcicek (Harpers)**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This site is located on the eastern side of the A19, approximately 1km north of the development limits of Shipton and inside the York Green Belt. The building began life as a Little Chef restaurant, and has been used as a furniture shop for at least 13 years. That change of use was permitted development and so no application was required for it.
- 1.2 This application seeks a change of use from retail to a food outlet; the applicant's intended use is a fish and chip restaurant with seating for 70 customers and a takeaway counter although a grant of permission would allow all other forms of restaurant.
- 1.3 Changes proposed for the exterior are limited to the creation of a takeaway area which consists of removing the roller shutter on the front elevation and replacing it with a glass panel and two doors, an entrance and an exit.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 03/01548/FUL - Extension to furniture showroom to also incorporate storage facilities; Refused 22 December 2003, Appeal Dismissed 26 January 2005.
- 2.2 06/00354/FUL - Alterations and extension to furniture showroom; Granted 12 April 2006.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 – Development outside Development Limits
Development Policies DP24 - Other retail issues
Development Policies DP25 - Rural employment
Core Strategy Policy CP16 – Maintaining and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer - No objection.
- 4.2 Public comment - One representation supporting the application.
- 4.3 Highway Authority – Comments awaited.

5.0 OBSERVATIONS

- 5.1 The issues for consideration are the principle of development in terms of (i) Green Belt policy and (ii) the location of retail and employment development; and its likely impact on (iii) visual amenity; (iv) neighbour amenity; and (v) highway safety.

Green Belt policy

- 5.2 Policy DP9 states that only development acceptable within the terms of national policy will be permitted within the York Green Belt, so it is necessary to assess the proposed change of use and alterations against policy within the National Planning Policy Framework (NPPF). Paragraph 90 of the NPPF states that re-use of buildings is not inappropriate in the Green Belt provided that the buildings to be re-used are of permanent and substantial construction. The building is of permanent and substantial construction and the change of use is therefore acceptable in the context of national and local Green Belt policy.
- 5.3 The proposed alterations would not increase the size of the building and therefore pose no harm in terms of Green Belt policy.

Retail and employment development

- 5.4 Policies DP4 and CP9 allow development beyond Development Limits in limited exceptional circumstances. One such circumstance, criterion iv) of CP4, is where the development “would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy”. The proposed alterations are not substantial and the applicant states that an additional six full-time and five part-time jobs would be created. It is therefore considered that the proposal can be considered as an exception from the strict control of development outside settlements by reason of its meeting criterion iv) of CP4.
- 5.5 Policies DP24 and DP25 relate to retail and employment development respectively but neither directly refers to restaurant or takeaway uses. However, the principles of both policies provide relevant guidance. Policy DP24 states that small-scale specialist retail development can be supported in rural areas where they would provide support for the rural economy and policy DP25 states that it needs to be demonstrated that the proposal cannot be located within Development Limits and where it would not adversely impact on the economy of the Service Centres.
- 5.6 The nearest town centre and primary retail area is Easingwold which has a number of restaurants and takeaways. It is to be expected that as well as passing traffic on the A19, the premises would draw business from Newton on Ouse, Shipton, Beningbrough and Linton on Ouse, locations which due to the distance to Easingwold would make limited journeys to restaurants or takeaways there. Therefore the change of use is not considered to significantly harm existing facilities in Service Centres.
- 5.7 The policies considered above do not directly relate to a change of use from retail to restaurant with takeaway and it is reasonable to take account of the fact that the current retail use has established a departure from the normal concentration of such businesses within Development Limits. As such, there is no reason to expect the

proposed alternative use to cause a significant change in terms of the premises' impact on existing settlements.

- 5.8 Paragraph 28 of the NPPF states that in order to support a prosperous rural economy sustainable growth and expansion should be supported in rural areas through the conversion of existing buildings, which this is.

Visual and neighbouring amenity

- 5.9 The removal of the roller shutter and replacement with glazed doors is considered an improvement in the visual amenity of the building. There is an application submitted alongside this application for signage. The visual amenity of the signage will be considered in the report for that application.
- 5.10 It is expected that there would not be an unacceptable impact on neighbour amenity. The nearest dwelling is 80m to the north of the proposal site, in between which is a filling station and retail unit.

Highway safety

- 5.11 The site includes 36 car parking spaces, four laid out for the use of disabled drivers, and a service area to the immediate east of the building. The access from the A19 is shared with the adjacent filling station and convenience store. The formal response of the Highway Authority is awaited. However, informal discussion with the Highways Officer suggests that they have no objections to the scheme subject to conditioning the parking spaces to be retained. An up-date on this will be provided at the meeting.

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 R/2016/02 & 03 and/or details received by Hambleton District Council on 3 November 2016; unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16 and DP30.

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16/02409/ADV

Application for Advertisement Consent to amend signage to display an illuminated fascia sign
At Vernons Furniture Warehouse, Shipton by Beningbrough
For Mr P Akcicek (Harpers)

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This site is located on the eastern side of the A19, approximately 1km north of the development limits of Shipton and inside the York Green Belt.
- 1.2 This application seeks permission for the display of two signage boards, on the rear (south elevation) and gable elevation fronting the A19. The board on the south elevation would measure 9m long and 0.75m high and the A19 fronting board would measure 5.8m in length and 0.75m in height. The design proposed is a black background with gold lettering. The signage would be illuminated with an overhead projecting strip light, extending the full length of the signage. The applicant has confirmed that the illumination would only be used when the premises is open.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 03/01548/FUL - Extension to furniture showroom to also incorporate storage facilities; Refused 22 December 2003, Appeal Dismissed 26 January 2005.
- 2.2 06/00354/FUL - Alterations and extension to furniture showroom; Granted 12 April 2006.
- 2.3 16/02408/FUL - Alterations and change of use from retail to food outlet (restaurant with hot food take away); Pending consideration.

3.0 NATIONAL AND LOCAL POLICY

- 3.1 The relevant policy is:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Core Strategy Policy CP2 - Access
Development Policies DP4 - Access for all
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No response received.
- 4.2 Public comment – No responses received.

5.0 OBSERVATIONS

- 5.1 The issues for consideration are the impact on (i) the visual amenity of the area; and (ii) highway safety.

Amenity

- 5.2 The signage is the same size as the current signage displayed on the building for the furniture warehouse. However, the colours and design are more prominent than those currently on display.
- 5.3 This development is in the York Green Belt and outside development limits in what is a rural, countryside setting. As such the proposal will only be supported where it complies with policy DP30 as well as DP32 and CP17 of the Local Development Framework.
- 5.4 The style, material and scale of the signage is considered appropriate in this location, and this element of the scheme is recommended for approval.
- 5.5 The opening hours proposed for the restaurant and takeaway (application 16/02409/FUL) are 10:00 to 22:00 every day. It has been stated that the illumination is not proposed to be switched on outside of opening hours. However, it is recommended that a condition is placed on any approval to ensure the illumination is not on when the shop is closed.

Highway safety

- 5.6 The proposed signage is considered not to be excessive for an isolated premises such as this. The proposed signage is considered to be highly unlikely to distract or endanger highway users. It is therefore considered that the proposed signage will have no detrimental impact on road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. (i) The consent hereby granted is valid only for five years; (ii) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority; (iii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition; (iv) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority; (v) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission; (vi) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of the highway, railway, waterway (including any coastal waters or aerodrome (civil or military)).
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on R/2016/02 & 03 unless otherwise agreed in writing by the Local Planning Authority.
 3. The signage hereby approved shall not be illuminated between 22:00 and 10:00 on any day without the prior written approval of the Local Planning Authority.

4. The luminance of the signs shall not exceed 800 cd/m² and the light sources shall not be visible to the naked eye of users of the highway. All external or backlit light sources shall be shielded or louvered to prevent glare or lights shining into motorists or pedestrian's eyes. Sign lighting shall not leave bare bulbs visible to the public eye.

The reasons are:

1. Standard conditions are imposed by Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
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 DP30 and DP32.
3. In order to avoid harm to the character and appearance of the countryside, which would be contrary to Development Plan Policies DP30 and DP32.
4. In the interests of highway safety and in accordance with LDF Policies CP2 and DP4.

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Parish: South Otterington
Ward: Morton on Swale
7

Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 10 February 2017

16/01511/FUL

**Revised application for demolition and removal of existing motor trade premises and associated paraphernalia and construction of 9 dwellings with associated access together with the construction of domestic garage for existing dwelling
At Walkers Garage, South Otterington
For Mr Stephen Smith**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within the village of South Otterington on the eastern side of the A167, which is the main road through the village. The site is currently occupied by a motor trade premises comprising a showroom and workshops. An existing detached two storey dwelling, known as Sunnyside, lies within the site boundary and is to be retained.
- 1.2 To the north, the site abuts a dwelling at Porch House that front onto the main village street; to the south the application site abuts the dwelling at The Old Post Office, which also fronts onto the village street. The southern boundary is also shared with a detached dwelling known as Oaklands, access to which is from a shared driveway off the main road. To the east of the application site lies part of the garden of Oaklands; the boundary shared with Oaklands is formed by a mature leylandii hedge, which has a height of approximately 4m. The larger part of the eastern boundary is shared with agricultural land.
- 1.3 The site is rectangular with a long frontage to the main street. It is proposed to remove all the buildings associated with the business, only retaining the dwelling. The domestic garage associated with the dwelling would be repositioned and a smaller curtilage created.
- 1.4 It is proposed to construct a total of nine new dwellings in addition to Sunnyside. A terrace of five two-storey dwellings is proposed along the site frontage towards the southern end of the site, with rear gardens. A new access is proposed between the terrace and Sunnyside, providing a T-shaped roadway (cul-de-sac) to serve the rear of the terrace and access to two parking spaces for each property, which are proposed at the end of the gardens.
- 1.5 An additional four dwellings are proposed to be served from the cul-de-sac, which include two three-bedroomed semi-detached dwellings and two three-bedroomed detached dwellings, each with two parking spaces within their individual curtilage.
- 1.6 The dwellings are proposed to be finished in render and pantiles with brick headers and cills and a brick string course.
- 1.7 Amendments have been received, which has added a leg to the cul-de-sac road layout and repositioned the parking for the terrace from the road to the rear of the dwellings. The scheme has also been amended from a terrace of five houses and four detached dwellings, to the scheme as described above.
- 1.8 No affordable housing is proposed but a financial contribution would normally be required.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/01516/FUL - Demolition and removal of existing motor trade premises and associated paraphernalia to allow for the construction of 9 dwellings (8 semi-detached units and 1 detached unit) with associated access together with the construction of domestic garage for retained property; Withdrawn 7 December 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 CP9 - Affordable 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 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 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 problem with the proposed dwellings. However, they do have concern in relation to the roadside parking in front of the terraced houses. It is considered that the proposed parking will be a hazard for the flowing traffic through the village as well as the potential new residents emerging from their entrance. No comments have been received with regard to the amended plans.
- 4.2 Highway Authority - Amended plans have been submitted showing a revised site layout which is acceptable in highway terms; no objections subject to conditions.
- 4.3 Swale & Ure Drainage Board - please add a condition that a surface water drainage scheme should be submitted and approved prior to commencement.
- 4.4 Yorkshire Water - conditions recommended to protect the local aquatic environment and YW infrastructure.
- 4.5 Environmental Health Officer - we believe there will be no significant impact on the local amenity, therefore no objection. The Preliminary Geoenvironmental Investigation submitted in support of the above development is acceptable. The report identifies the potential for contamination to exist on the site and therefore makes recommendations for further works as a phased intrusive investigation. I can confirm that I agree with the proposals outlined in the above report and look forward to receiving the investigation reports. In order to ensure the investigation is carried out I am recommending a condition be imposed.

4.6 Public comment - correspondence has been received from and on behalf of three local residents. The comments received are summarised as follows:

- Major concerns about the construction of additional terraced properties with road frontage which would, in the absence of double yellow lines, lead to additional vehicles parking on a very busy major "A" designated road. The line of sight of people with drives onto the road is affected by parked vehicles already and the addition of further properties can only make the position much worse;
- South Otterington is essentially a linear village lying on the busy A167. The proposal does not reflect the form and character of its surroundings in terms of layout and density and would be harmful to the character and appearance of the area;
- Without the retained dwelling the density is 40 dwellings per hectare, which does not reflect the surroundings;
- The backland development does not respect the linear form of the village and is contrary to LDF Policy DP32;
- The existing leylandii boundary hedge could be damaged or destroyed by the development; its retention is vital to even a semblance of privacy for Oaklands;
- High Hedge legislation can require a forced reduction in height to 2m;
- Overlooking from the rear elevation of proposed dwelling could cause potential harm to residential amenity - there is a separation distance of approximately 17m, which is less than the usual 21m between principal elevations;
- Without the hedge the currently private rooms and garden to the rear of Oaklands would be overlooked contrary to Policy CP1;
- The 9 dwellings are likely to generate significantly more vehicle movements than the current business with implications for highway safety;
- The LPA now has a 5 year land supply and therefore there is no urgent need to provide housing in a form which is otherwise unacceptable in principle or in detail;
- This is a busy main road (A167) and the current garage business rarely generates significant on-street parking but provides a clear frontage along which to see and accommodate traffic movements through the village;
- Car parking regularly obstructs the frontage to the 2 terraced houses on the main road along from our drive end (even though parked half on the pavement) due to poor sight lines. It will significantly harm traffic safety in the village;
- As well as lacking off-street parking, the terraced dwellings have no proposed storage facility (e.g. shed) for bikes, equipment and bin storage and access to the rear will be difficult for some of these inner properties; and
- It would be better if the area to the rear of the frontage terrace dwellings was made into larger private gardens with private parking/garage space and individual rear access to these properties or the number of frontage dwellings reduced.

4.7 Following the receipt of amended plans, a further comment has been received from the neighbouring resident at Oaklands:

- The amended plans address parking concern on the A167, however the amendments do not address any other concerns raised in our objections;
- The amended plans significantly increase activity, disturbance and loss of privacy due to the proximity and number traffic movements in a confined area; and
- the reference drawing used by the applicant's architect proposed site layout drawing number 2139-003 are out of date and do not truly reflect the distance between our property and the development. Our property has been extended before we purchased it and we have also extended our property in recent years. The plan shows our house as it looked in 1979 and not in 2016.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location outside Development Limits; (ii) the loss of the existing business; (iii) an assessment of the likely impact of the proposed dwellings on the character and appearance of the village; (iv) the impact on neighbour amenity; (v) highway safety and (vi) developer contributions toward affordable housing provision.

Principle of development

- 5.2 Part of the site falls outside of Development Limits of South Otterington, defined in Policy CP4 of the Core Strategy as a Secondary Village. The Limits extend immediately behind the rear of the workshop building and exclude most of the yard beyond, which is used for parking. Most of the rear garden of the existing dwelling is also excluded from the Limits. Policy DP9 states that development will only be granted outside of Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4, so 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), paragraph 55 of which states:

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

- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 In the 2014 Settlement Hierarchy contained within the IPG, South Otterington is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of the village, which has facilities including a school, church and pub. Criterion 1 would be satisfied.

Loss of business

- 5.6 The site is in use as a motor trade premises with an associated showroom and workshops. The redevelopment of the site would not necessarily result in the loss of the business, which is planned to be relocated to an alternative site in Northallerton, although this cannot be guaranteed. LDF Policy CP15 requires support to be given to the social and economic needs of rural communities by encouraging the retention or expansion of appropriate businesses outside of the Service Centres and Service Villages. The existing business employs a total of 8 full time staff. The applicant

intends, following relocation, to expand the business, which would not be possible on the existing site due to space constraints.

- 5.7 It is accepted that the applicant's intention to relocate and expand the business is genuine, although it cannot be guaranteed through the granting of permission for this development and therefore the Local Planning Authority should acknowledge that there is a risk of jobs being lost. However, the risk is not considered to be so great as to outweigh the benefits of development identified elsewhere in this report.

Impact on character of the village

- 5.8 In order to be acceptable within the scope of the IPG, proposals must be small in scale and provide a natural infill or extension to the settlement and also conform to other relevant LDF Policies. The proposal for a total of nine new dwellings is larger than the normal figure of five dwellings noted within the IPG. However, the guidance goes on to state that "each development must be considered on its own merits taking into account the scale and unique character and appearance of the settlement" and therefore allows for larger developments if they reflect the existing built form and character of the village.
- 5.9 This part of South Otterington is traditionally characterised by linear development although there are several examples of backland type development. There is an existing cul-de-sac type development within the western part of the village adjacent to the village green.
- 5.10 The proposed layout shows a cul-de-sac development of four dwellings, detached and semi-detached, positioned to the rear of the proposed terrace of dwellings along the frontage. The application site is previously developed land and the proposed development encompasses the entire Walkers Garage site including part of the existing domestic curtilage of Sunnyside. The site does not extend onto the adjacent agricultural land.
- 5.11 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be on the site of the garage premises, which could give rise to issues of residential amenity in respect of noise and disturbance; any expansion of the existing business may result in the potential for adverse impacts. In addition the motor trade premises, does not contribute to an attractive village environment. The site has more in common with the village than with the rural landscape beyond. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.12 It is considered that the proposed layout would respect the general built form of the village and the removal of the use and buildings would improve the appearance of the site and generally improve the amenity of the area. There is no identified harmful impact to the built or historic environment.
- 5.13 There are no trees within the site worthy of retention; it is recommended that a landscaping scheme be submitted, required by condition.

Effect on residential amenity

- 5.14 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. There is some concern expressed by the neighbour regarding the potential loss of privacy as a result of the position of the semi-detached dwellings. The dwellings have rear gardens, the length of which is approximately 14m. The main part of the dwelling at Oaklands lies approximately 10m from the boundary on the southern side.
- 5.15 The gardens would be bounded by the existing 4m high leylandii hedge and therefore the privacy currently enjoyed in the garden immediately to the north of Oaklands would be protected. Should the hedge be removed in the future there would be a distance of approximately 25m between the dwellings, which would ensure that an acceptable level of privacy could be achieved. It is considered therefore that in respect of the proposed development and its use, there would not be an adverse impact on residential amenity that would be contrary to LDF Policy DP1.

Highway safety

- 5.16 The Highway Authority initially objected to the scheme as submitted but following receipt of the amendments for the provision of parking to the rear of the dwellings, it has no objections subject to conditions.

Affordable housing

- 5.17 The application does not include the provision of affordable housing. LDF Policy CP9 requires development in locations such as this of two or more houses to provide a 40% proportion of affordable homes. The 2014 Ministerial Statement allows Councils to adjust the threshold in designated rural areas to seek cash contributions towards affordable housing from sites of six to ten dwellings. This Council has instated this lower threshold and it therefore would apply in this case. A financial contribution is therefore required in respect of four of the nine additional dwellings. However, this contribution should be offset by applying vacant buildings credit, also introduced by the Ministerial Statement, to any floor space converted or demolished to make way for redevelopment but as the buildings are currently in use this cannot apply. A 40% cash contribution would therefore apply to the four dwellings proposed above the threshold of 5.
- 5.18 Additional viability information has been submitted by the applicant's agent, which concludes that due to the abnormal costs associated with the clearance of the existing buildings, such as the removal of fuel tanks and contaminated sub-soil, the development would not be viable if any affordable housing contribution is provided. The payment of CIL is a requirement that is not flexible, whilst the provision of affordable housing is subject to viability considerations.

Conclusion

- 5.19 The location of the application site is considered to be a sustainable location and therefore the principle of additional dwellings is acceptable. There remains a risk that the relocation of the existing business would not occur and therefore that it would close but there is no evidence to suggest that will take place. Approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 6. 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 has been implemented in accordance with the approved details and thereafter retained.
 7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.
 9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report

detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

10. 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: (i) the proposed highway layout including the highway boundary, (ii) dimensions of any carriageway, cycleway, footway, and verges, (iii) visibility splays, (iv) the proposed buildings and site layout, including levels, (v) accesses and driveways, (vi) drainage and sewerage system, (vii) lining and signing, (viii) traffic calming measures, (ix) 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: (i) the existing ground level, (ii) the proposed road channel and centre line levels, (iii) full details of surface water drainage proposals; (c) Full highway construction details including: (i) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths, (ii) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels, (iii) kerb and edging construction details, (iv) typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.
11. 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 bindercourse 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.
12. 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.
13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority: (a) provision of tactile paving, and (b) provision of a 2.0m wide footway across the frontage of the site constructed in accordance with Standard Detail A1 (footway) with full faced kerbs as required; and (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.

14. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 13: (a) Provision of tactile paving; and (b) Provision of a 2.0m wide footway across the frontage of the site constructed in accordance with Standard Detail A1 (footway) with full faced kerbs as required.
15. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference 2139-003B. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
17. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in writing to their withdrawal.
18. 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.
19. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan 2139-001 and drawings numbered 2139-003B; 004B; 005; 006A; 007; 009; 010A; 011; 012A and 014A received by Hambleton District Council on 30 June, 8 July and 8 and 16 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 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 Local Development Framework Policies.
5. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies CP21 and DP43.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
8. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with LDF Policies CP21 and DP43.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
10. 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 Policies CP2 and DP4.
11. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents in accordance with LDF Policies CP2 and DP4.
12. In the interests of highway safety on accordance with LDF Policies CP2 and DP4.
13. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
14. In the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
15. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
16. To protect pedestrians and other highway users in accordance with LDF Policies CP2 and DP4.
17. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
18. 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.

19. 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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16/02350/FUL

Construction of two detached dwellings and garages as a replacement of the existing detached dwelling, garage and workshop
At The Hawthorns, Main Street, Thornton le Moor
For Mr & Mrs M Fortescue

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the western edge of Thornton le Moor and is approximately 0.17 hectares in size. The site accommodates a bungalow to the front corner (south east) of the site, a domestic garage, greenhouse and large shed to the rear.
- 1.2 The site is a corner plot. The main frontage is onto Main Street to the south, which also accommodates the driveway to the existing property. The eastern boundary fronts onto Endican Lane, which serves five dwellings to the east and leads to a track to the north. The eastern boundary accommodates a line of impressive sycamore trees. The other dwellings on Endican Lane are detached and two-storey.
- 1.3 There is a bungalow located a short distance to the west of the application site, before entering into open countryside. Planning permission was granted in September 2016 for the erection of a dwelling on land between the application site and the bungalow to the west.
- 1.4 The application is for the demolition of the bungalow and outbuildings, and the erection of two detached dwellings and garages. The dwellings would have low eaves with first floor accommodation served by dormer windows. Plot 1 would see the dwelling sited in a similar position to the existing bungalow, with its principal elevation facing Main Street. The dwelling would use the existing access off Main Street. The proposed materials include rendered walls set upon a brick plinth.
- 1.5 Plot 2 is sited towards the rear of the site, perpendicular to plot 1, with its frontage onto Endican Lane. Its associated garage would be sited at the northern most extent of the site. The dwelling would be served by a new access off Endican Lane, slightly further to the north than an existing field gate access. The proposed materials include stone walls.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant history relating to the application site but the following history relates to a plot immediately to the west, between Hawthorns and Thornton Lodge:
- 2.2 15/01109/OUT – Dwelling; Granted 24 July 2015.
- 2.3 16/00876/FUL - Dwelling and detached garage; Granted 16 September 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 DP3 – Site Accessibility
 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: Supports this application but query whether the existing drainage system is adequate and whether or not the trees would remain.

4.2 Public comment - Five letters of objection received making the following comments:

- The proposal looks like a lot of housing to place on the plot;
- Additional street lighting would add too much light pollution at this end of the village;
- Noise etc. associated with development added to a third dwelling approved in this part of the village;
- Plot 1 - The height of the proposed building is substantially higher than the current structure and the current hawthorn hedge will not provide any sufficient screening. The garage appears to be a two storey building rather than a simple garage;
- Plot 2 - The development of the garden of the existing house is an over development of the site and could be argued is an example of garden grabbing. It will have an adverse visual impact but also will impact upon the character of the lane which is itself an ancient by-way. This lane will become a road with development on both sides;
- The repositioning of this access will involve the paving/concreting over part of the unmade lane with a real adverse impact upon the character of the lane;
- Future pruning or removal of the trees that line the lane given the proximity to the proposed house;
- The lane is frequented by bats and owls thus there will be an impact upon the wildlife of the area in terms of their habitat. No ecological survey has been carried out;
- Impact on internet reception;
- This development would add up to 10 people in the village, but is in a position where there is a limited availability of public transport making access to support local services only safely possible by car which contravenes the environmental aspirations of the council. There are no immediate services in the village, not even a pub so this development would fail to meet this requirement as it fails to give ease of access to any service villages identified in CP4 of the core strategy;
- It does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment;
- The proposal would harm the amenities enjoyed by local residents, in particular safe and available on-road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment;

- One of the Council's broad aims is to protect or enhance the local environment including wildlife habitats, trees and woodland. The trees concerned are a wildlife haven for many birds and animals and add significantly to the amenity of the area;
- The height of the proposed buildings will give rise to overlooking;
- We have no objection to the proposed Plot 1 which will suit the existing character and street scene of the village (including the proposed dwelling adjacent to Plot 1 which will shortly commence construction - 16/00876/FUL). However, the proposed Plot 2 represents an over-development of the site and if approved would directly contradict the requirements of Hambleton District Council during the approval process of 16/00876/FUL, as follows:
 - The original design 16/00876/FUL was deemed to be unsuitable and set so far back into the plot that it would have had a negative impact on the amenity of adjacent properties, and those situated on Endican Lane;
 - It is worth noting that the applicant of this proposal 16/02350/FUL raised an objection to the original design of 16/00876/FUL on the basis that it was set too far back into the site;
 - The proposed Plot 2 incorporates windows at the first floor level which will look immediately across to the dwellings on Endican Lane and across the proposed dwelling of 16/00876/FUL; and
 - The proposed Plot 2 features parallel ridge-lines between the North/South and East/West elevations. Again, this was not acceptable in the amended design of 16/00876/FUL and the final approved design constituted a North/South ridge submissive to the East/West premier ridge, limited street scene details appears to indicate a plinth around the lower structure of the both proposals again this detail was deemed inappropriate by planning; and
- We support a proposal to re-develop this site, but taking into account the location and neighbouring properties, Plot 1 should be the sole property on this site.

4.3 Highway Authority - No objection subject to conditions.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the impact on trees; and (v) highway safety.

Principle

- 5.2 Thornton le Moor is beyond any Development Limits identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances identified in that policy and as such the proposal is a departure from the Development Plan. However it is also necessary to consider more recent national policy in the form of the 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 consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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 new housing in villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Thornton le Moor is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 South Otterington, which is a Secondary Village, is the largest settlement in close proximity at approximately 1.5km. Newby Wiske (an Other Settlement) is located a little further to the west. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines “significant distance” as approximately 2km. It is therefore considered that Thornton le Moor can be viewed as an example of a cluster village with South Otterington and Newby Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development is therefore acceptable.

Impact on character

- 5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings; however that does not automatically mean that five dwellings would be appropriate in every settlement. In this instance a net increase of one dwelling is proposed, which is considered to be an acceptable scale. The question of the cumulative growth of the village also requires consideration. As set out earlier in this report planning permission was granted for a single dwelling on a site to the west of the current application. These sites will be seen in the same context, but taken as a whole are not considered harmful. There have been no other dwellings approved in the village since the adoption of the Interim Policy Guidance.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.9 The submitted site plan shows how the siting of the dwellings would respect the general built form of the village and not be viewed as an element in the surrounding

rural landscape. Lodge to the west and the junction of Endican Lane and Back Lane to the north form logical limits to this part of the settlement.

- 5.10 Plot 1 would replace the existing bungalow and is consistent with the frontage development that extends through the village. Plot 2, whilst set back, responds to the development on the opposite side of Endican Lane. The spacing around the buildings is also considered to be an appropriate link between the more spacious development (including the approved bungalow yet to be built) to the west and the higher density development along Endican Lane to the east.
- 5.11 Policies CP17 and DP32 require high quality design. The proposed dwellings would be of limited height due to the provision of first floor accommodation in the roof spaces. This scale of development is suitable for the site, which is sandwiched between bungalows and two storey dwellings. It is also consistent with the scale of the recently approved dwelling on the neighbouring plot.
- 5.12 Thornton le Moor is a village with a variety of styles and designs of building, ranging from traditional cottages to large modern detached properties. The design of the proposed dwellings includes the use of dormer windows and sensitive use of architectural detailing, including porches, chimneys, headers details and well-proportioned windows. The design is not dissimilar to the recently approved dwelling on the adjoining site.
- 5.13 It is noted that one of the objections raises concern over the design of the dwellings. Whilst the Local Planning Authority offers advice and guidance, the NPPF (paragraph 69) is clear in stating that planning decisions should not attempt to impose architectural styles or particular tastes. It goes on to however, that it is proper to seek to promote or reinforce local distinctiveness. Considering the variety of building design in the village and surrounding area, the proposed design is considered to be respectful of this and is in accordance with the design policy requirements.

Neighbour amenity

- 5.14 In assessing the impact on neighbour amenity, consideration needs to be given to the recently approved dwelling, which will be sited to the west of the site. The impacts of plot 1 would not be dissimilar to the existing dwelling. Whilst it would have windows at first floor level, the orientation of the dwelling would ensure that there was no adverse impact in terms of overlooking or overshadowing.
- 5.15 Plot 2 is sited and designed as such to avoid harm to neighbour amenity. It is noted that the owners of the proposed bungalow to the west of the site have objected to the proposed first floor windows. However, the only window facing the shared boundary to the west would serve a bathroom. Obscure glazing of this window can be secured through condition.
- 5.16 The other windows at first floor level would be sited to avoid looking directly onto the neighbouring plot. For these reasons the proposed development would not unacceptably affect the amenity of neighbours and so accords with Policy DP1.

Trees

- 5.17 The application has been supported by a detailed arboricultural report and impact assessment. This includes a condition survey of the sycamore trees on the eastern boundary and the impact of the development on them, including guidance on the construction methods and protection required.
- 5.18 The report confirms that the trees to be removed (an apple, a plum and three Lawson cypress) are relatively small and their loss can be mitigated by new planting within

the gardens of the new dwellings. The report (and supporting plans) confirms that the sycamore trees would be retained. The impact assessment recognises that some of the proposed built form, including the garages, the front part of plot 2 and the access drive to plot 2, would be sited within some of the identified root protection areas of the sycamores. However, it goes on to set out suitable construction methods that would need to be undertaken to avoid impact to the health and amenity value of the trees. These can be secured through condition.

Highway safety

- 5.19 The Highway Authority has raised no objection subject to conditions.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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. 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 application site have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development shall not be commenced until a site specific arboricultural method statement has been submitted to and approved by the Local Planning Authority. The statement will include the recommendation sets out in the submitted Arboricultural Report and Tree Condition Survey prepared by Peter Wilkins, dated September 2016, received by Hambleton District Council on the 01/11/2016.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 16/042/1RevB, 16/042/GRevA, 16/042/GRevB, 16/043/GFRevB, 16/043/FFRevB, 16/043/SECRRevB, 16/043/E1RevB, 16/043/E2RevB, 16/043/1RevB and 16/043/GRevB received by Hambleton District Council on 24/10/2016 and 16/042/201/Rev E, 16/042/202/Rev D received by Hambleton District Council on 23/01/2017 unless otherwise approved in writing by the Local Planning Authority.
6. The windows on the first floor (including roof space) of the west elevation of plot 2 shall at all times be glazed with obscured glass.
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(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 and/or footway shall be constructed in accordance with the approved details and Standard Detail number A1 (bituminous construction) for the area of carriageway to be relaid and Standard Detail E6 for the west side verge to be made into a vehicle crossing; (ii) Any gates or barriers shall not be able to swing over the existing 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 existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 16/042/202 REV D. Once created these parking 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
11. 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 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 preserve the character and appearance of the Conservation Area in accordance with LDF Policies CP16, DP28 and DP30.
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. 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.
6. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
7. In accordance with policy DP3 and in the interests of highway safety.
8. In accordance with policy DP3 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 policy DP3 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
10. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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: Tollerton
Ward: Easingwold
9

Committee Date: 2 February 2017
Officer dealing: Mrs J Forrest
Target Date: 6 February 2017

16/02697/FUL

Two storey extension to existing dwelling to form an annexe
At The Croft, South Back Lane, Tollerton
For Mrs M Hardy

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks planning permission to construct a two storey extension to the side (east) of a detached late C20th dwelling with first floor accommodation in the roof, which lies within the Tollerton Conservation Area.
- 1.2 The proposed extension would be constructed of buff brick with red concrete roof tiles to match the existing dwelling and would incorporate gabled features facing toward South Back Lane and facing the rear garden.
- 1.3 The garden is enclosed with a boundary fence approximately 1.8m high with a boundary hedge and mature trees to the front garden. The application form states that no trees or hedges need to be removed for the development. There are neighbouring residential properties on both sides and to the rear.
- 1.4 The application is being presented to the Planning Committee at the request of a Ward Member.

2.0 RELEVANT PLANNING HISTORY

- 2.1 14/01148/OUT - Outline application for the construction of a dwelling with attached garage and formation of vehicular access; Refused 26 January 2015.
- 2.2 16/00470/FUL - Proposed extension to create a granny annex and construction of a new house; Withdrawn 23 May 2016.
- 2.3 16/01347/FUL - Extension to create an ancillary annexe and creation of a new two storey dwelling on hard surfacing to the northeast with vehicular access via the neighbouring private drive together with associated works; Refused 20 September 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policy DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policy DP28 – Conservation
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - No response to date.
- 4.2 Public comment - Four responses have been received, all neutral.

All four refer to concerns about access arrangements that arose in previous applications on the site but confirm that this application, for an annexe with no new access, does not give rise to the same concerns. One representation refers to concerns about overlooking but confirms that the proposed use of an obscure glazed fixed window satisfactorily addresses the issue.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case relate to the impact of the proposal on (i) the character and appearance of the surrounding Conservation Area; and on (ii) the amenities of neighbours. Previous applications on this site have raised concerns about additional vehicular accesses but in this case the current access would not change and the proposal is for an annexe and not a separate dwelling.

Character and appearance

- 5.2 The proposed extension would continue the ridge line of the existing dwelling and the proposed gable features are considered to be of acceptable design in the context of the original dwelling. The application indicates that the extension would be constructed of appropriately matching materials.
- 5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when deciding this application. The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset (i.e. the Conservation Area). The current dwelling is not of locally distinctive style or representative of the Conservation Area and therefore has a neutral impact on it. It is considered that the extension would maintain the building's contribution to the character and appearance of the Conservation Area and therefore would not have any significant impact upon it.

Amenity

- 5.4 The proposed extension is considered to be in proportion and its size and siting would have no significant adverse impact upon any neighbouring properties. In recognition of the concerns expressed by neighbours regarding the potential for overlooking to the north, the application drawings show a proposed rear first floor window (serving a bedroom) with obscure glazing and fixed shut. The bedroom in question would benefit from additional light and ventilation from two roof lights and a small window facing onto the side garden area approximately 25 metres from the nearest dwelling to the north east.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions.
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing P47-PL-105 Rev A, P47-PL-103 Rev A, P/47-PL-106 and P/47-PL-104 Rev C received by Hambleton District Council on 13 January and 19 January 2017 unless otherwise approved in writing by the Local Planning Authority.

3. The accommodation hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as The Croft; shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers, of the main dwelling.
4. The first floor window rear (north west) elevation of the extension shall at all times be glazed with obscured glass and shall not be capable of opening.
5. The small bathroom window on the side (north east) elevation of the building shall at all times be glazed with obscured glass.

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 CP1, CP16, CP17, DP1, DP28 and National Planning Policy Framework.
3. To enable the Local Planning Authority to assess in the implications of any alternative occupation of the premises in accordance with Local Development Framework Policies particularly policies CP1 and DP1.
4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Hambleton Development Plan Policy CP16.
5. To safeguard the amenities of occupiers of adjoining residential property in accordance with Hambleton Development Plan Policy CP16.

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Parish: Well
Ward: Tanfield
10

Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 10 February 2017

16/02586/FUL

Revised application for a change of use from agricultural to domestic use, involving the construction of single storey steel portal structure to accommodate domestic cars and motorbikes

At Well Hall Farm, Bedale Road, Well
For Mr Garry Elsworth

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms part of the group of buildings associated with Well Hall Farm, which lies at the northern end of the village on the eastern side of Bedale Road.
- 1.2 A building used for agricultural storage abuts the site to the east; agricultural land lies to the north; the access to the site and the remaining part of Well Hall Farm, which is also a public right of way, lies to the south; residential properties on Bedale Road lie to the west.
- 1.3 Part of the site is occupied by a small building, currently in use as a domestic workshop/store in connection with a hobby (a motorbike collection). The land to the rear of the building is vacant and has relatively recently been cleared and covered in hardcore.
- 1.4 It is proposed to construct a replacement building on the site to be used for the same domestic purpose. The application does not state the number of cars and motorbikes that would be stored but the floor plan shows ten motorbikes and four cars. The application site covers a larger area than the existing building and includes the land up to the boundary with the agricultural land to the north.
- 1.5 The footprint of the building would be 22.5m x 8m (180sqm) with a ridge height of 3.75m. The distance between the side elevation of the building and the boundary with the dwelling known as Rebana would be approximately 3m.
- 1.6 Planning permission was refused for a similar building in October 2016 (see paragraph 2.2 below) for a building with a footprint of 35m x 8m (280sqm) and a ridge height of 4m. The information within that application indicated that the building would be used to store four cars and between 9 and 12 motorbikes.
- 1.7 There would be a roller shutter door in either end of the building, with a personnel door to the side elevation, facing northwards towards the boundary with Rebana. A total of five rooflights are proposed in the side elevation. The building would be constructed of insulated profile sheeting to the walls and roof.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/02776/FUL - Construction of an agricultural storage building (36m x 9m x 6.2m); Refused 26 February 2016 for the following reason:

The proposed development would cause a substantial loss of amenity to neighbouring residential property by reason of an overbearing impact and an

increased sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.

- 2.2 16/01362/FUL - Change of use of agricultural farm yard to domestic use; demolition of existing building and construction of a single storey building for use as a domestic garage/store; Refused 14 October 2016 for the following reasons:

1. The proposed development is outside defined development limits and the application fails to demonstrate any exceptional case for development as defined within Core Policy 4 of the Local Development Framework.
2. The proposed development is considered to be harmful to residential amenity due to the potential for noise propagation from the building particularly due to a lack of appropriate acoustic protection and the proximity of roller shutter doors to the neighbouring residential properties. As such the proposed development is considered to fail to comply with the requirements of Local Development Framework policy DP1.

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 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 – the following comments have been made by Parish Councillors:

- Contrary to CP4 - does not satisfy any exceptional circumstances. A door remains on the west side giving rise to disturbing neighbours amenity due to noise. Thus neither of the reasons for refusal of the previous application are addressed, so they still apply. The reduction in size suggests the last application for 12 bikes was unnecessarily large, or this one is too small;
- Has much been changed? Slightly smaller, but still likely to disturb neighbours;
- Not clear what has been revised;
- As long as just domestic use. Not clear as to what has changed;
- potential for noise and disturbance, more now than previously as the northern roller shutter door is nearer to Rebana;
- This site is outside development limits, and does not accord with any of the exceptions found in CP4, thus is clearly contrary to policy;
- That is to say....nothing has changed in planning terms;
- No further comments; and
- Size is smaller and if only domestic use I have no objection.

- 4.2 Highway Authority - no objection.

- 4.3 Ramblers Association - no objection to this proposal in addition to what is already a business centre. The public right of way within the site is well defined, walkable and separated by a fence from farm usage.
- 4.4 Environmental Health Officer - The proposed structure is adjacent to residential premises and there is the potential for noise from vehicle movements and vehicle maintenance and lighting from the development impacting on the amenity of those properties. Recommends conditions that: (a) the development is only for the domestic use of the occupier of Well Hall Farm; (b) the door to the west elevation is removed and the windows the west elevation are not be openable; and (c) details of any external lighting are submitted to and approved in writing by the Local Planning Authority.
- (This advice differs from that provided on application 16/01362/FUL in that it is no longer recommended that all doors be closed while work takes place within the building. The EHO has advised that closing the doors makes mechanical extraction of vehicle exhaust fumes necessary and he does not consider that appropriate for a domestic use.)
- 4.5 Conservation Officer - it is unlikely that the setting of Well Hall or the adjacent barn would be affected by this proposal. The building is to be located within a farmyard of similar buildings and to the far side of an existing building. There are non-listed buildings between the listed buildings and the site which will block views to and from.
- 4.6 Public comment - representations have been received from and on behalf of four local residents, summarised as follows:

- The only revision, a reduction in the length of the unit, does not address previous objections or reasons for refusal relating to amenity, therefore permission should be refused;
- Inaccuracy of the revised plans;
- The proposal does not accord with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 which dictate that applications must be determined in accordance with the Development Plan (in this case Core Policy 4 and Policy DP1 of the Local Development Framework), unless material considerations indicate otherwise;
- The proposal does not constitute a significant improvement to the environment and cannot draw support from criterion ii of Policy CP4. The applicant has not demonstrated any exceptional case for the development;
- The applicant's offer to provide sound insulation to the building will not be effective if the roller shutter doors (or pedestrian side door) are open;
- The acceptability of the proposed sound insulation arrangement has not been tested and proven by a qualified acoustic engineer and in the absence of such a noise assessment, the changed noise environment will result in harm to amenity, particularly given the number of vehicles that would use the building;
- The passage of cars and motorbikes on land to the south west of the unit (along the curtilage of Rebena) to reach the rear entrance would result in noise nuisance and loss of amenity;
- There is insufficient screening between adjacent dwellings and the proposed unit;
- The application site and the building would still accommodate a far greater number of vehicles than normally found in a domestic garage and further house significant associated plant and machinery. The unit would be more akin to a storage and distribution use (Use Class B8) or a light industrial style use (Use Class B1c) than ancillary Use Class C3 domestic garage; and

- The overbearing nature of the proposal would have a detrimental effect on amenity.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the nature and principle of the development; (ii) the visual impact of the building proposed; (iii) the impact on heritage assets; and (iv) the impact on residential amenity.

Nature and principle of development

- 5.2 There is no longer a significant amount of agricultural activity associated with Well Hall Farm and many of the buildings are in alternative use. The building within the application site is currently used for storage of six motorbikes belonging to the applicant, who lives at Well Hall Farm. There is no recorded planning history relating to this building and information submitted with the planning application determined earlier this year stated the yard has been used for general storage and for livestock, including chickens.
- 5.3 The application site lies outside the Development Limits of the village and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4. The first reason for the refusal of the planning application in October last year was in respect of this matter of principle for new development outside Development Limits.
- 5.4 Criterion ii of Policy CP4 would allow development outside the Limits if it is necessary to secure a significant improvement to the environment. Agricultural activity undertaken at the site could have a significant impact on residential amenity in such close proximity to neighbouring residents. The adjacent buildings within the Well Hall Farm site are used for commercial purposes and therefore there is potential for a significant amount of disturbance to local residents that would be beyond the control of the Local Planning Authority.
- 5.5 It must be asked however whether the proposed use for domestic purposes be necessary to secure a *significant* improvement. Depending on the nature of the agricultural activity and the extent of the hobby, the storage and maintenance of the applicant's cars and motorbikes could result in less noise and disturbance but that cannot be certain and there is no way of gauging the difference in terms of neighbour amenity with confidence. In order for the proposal to be considered an exception under policy CP4, the reduction would need to be significant and that is not certain
- 5.6 The applicant describes the proposed use of the building as domestic and he intends to use it to accommodate his personal collection of cars and motorcycles. However, the collection indicated in the application is large, certainly more than are currently stored on the land, and the building would have a footprint roughly double that of the applicant's dwelling. The red line includes an area approximately twice the size of the current curtilage of the applicant's home. As such the site and the building could not only accommodate a far greater number of vehicles than normally found in a domestic setting but could also accommodate significant plant and machinery to be used in repairing and maintaining the collection. If such activity were carried out intensively, the use of the building would differ little from a vehicle repair workshop. It is not considered therefore that the improvement secured to the environment would be significant and would not therefore accord with LDF Policy CP4 as an exception.

Visual impact of development

- 5.7 CP4 also requires that the proposal should not conflict with the environmental protection policies of the Local Development Framework. Policy CP16 aims to preserve and enhance the natural and man-made assets of the District. Amongst these assets is the open countryside, its landscape, character and appearance. The proposed building lies on the site of an existing, albeit a much smaller, one and is surrounded on three sides by development. The site does not form part of the open countryside and the construction of a building on this site would not detract from the character and appearance of the rural landscape.

Impact on heritage assets

- 5.8 Due to the scale and positioning of the proposed building it is not anticipated that the development would have an adverse impact on the character or appearance of the nearest listed buildings at Well Hall to the south east or the Well Conservation Area, both of which lie beyond the opposite side of the original farmyard.

Impact on residential amenity

- 5.9 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The existing building and land within the application site are currently available for use in connection with agricultural activities; the information submitted with the earlier planning application stated the rear yard has been used for general storage and for livestock including chickens. Any agricultural activities could occur without any further permission and it has been suggested that the provision of an insulated building would reduce the potential for noise and disturbance to the adjacent residential properties.
- 5.10 The Council's Environmental Health Officer and adjacent local residents are concerned regarding the potential scale of the activity within the building could result in noise and disturbance, particularly if used for storage and repair of a large number of cars and motorbikes. It is not unreasonable for a domestic use to require a large amount of floor space for the storage of vehicles associated with the applicant's hobby and although the scale of the building is relatively large the opportunity for harmful activities is minimised if the use is domestic. There is however an opportunity for disturbance to occur if the vehicles are being repaired, particularly if the doors are open, and if significant repair activity takes place at times when neighbours should expect quiet, particularly in the evening or at weekends. The scheme has been amended to reduce the building's size but the collection of vehicles appears to be the same as indicated in the previous application, so the amount of activity may not be reduced.
- 5.11 To conclude on the potential for noise disturbance, the advice from the Council's Environmental Health Service and the assessment of planning officers indicates that neighbour amenity can only be adequately safeguarded by a construction specification and the imposition of conditions that are rarely if ever imposed when dealing with domestic proposals. The need for such conditions is driven by the scale and nature of the building, which has the appearance of a workshop, and the conditions could require a significant monitoring commitment on the part of the Local Planning Authority depending on how the building is used. In this regard it is pertinent to note the change in EHO advice since the previous application. The current advice indicates that it is not practical to require that all doors are closed when work takes place because of the need for mechanical ventilation it would generate, so it would have to be accepted that some aspects of vehicle maintenance and repair, particularly those involving running engines, would take place with one or more doors open, thus increasing the risk of noise disturbance.

- 5.12 It is also important to consider the effects of the proposed structure itself on the amenity of the adjacent residents. The proposed building would lie approximately 3m from the boundary with the neighbouring dwelling Rebana. The dwelling is single storey and positioned at a higher ground level than the application site, with the rear garden sloping downwards towards the boundary. The distance between the rear elevation of Rebana and the side elevation of the proposed building would be approximately 17m.
- 5.13 The existing ground level of the application site, which is surfaced with hardcore, lies at a lower level than the bottom of the boundary fence. The outlook from the rear windows of Rebana would be onto the eaves height of the building and its roof. The ridge of the proposed building would be below the eaves of the adjacent building to the east, which is a much taller structure. The outlook from the rear windows of Rebana would not be significantly altered and the sense of enclosure would not be greatly increased due to the distance of the proposed building from the boundary and its relatively low height.
- 5.14 It is considered therefore that in respect of the structure there would be no significant impact on residential amenity, but in respect of its use there would be an adverse impact on residential amenity that would be contrary to LDF Policy DP1.

Conclusion

- 5.15 The scale and nature of the building are such that it would lend itself to a Class B1 (light industrial) or Class B2 (general industrial) use if the proposed domestic use were to cease, although those uses would require planning permission. The applicant requires the building for the storage of private vehicles for his own enjoyment and the Planning Authority is satisfied that his proposed use is private and personal, and therefore of a domestic nature. Any alternative use would be subject to further planning control. However, it is not considered that the alterations to the proposed development have overcome the reasons for refusal of the previous application and the development would therefore be contrary to LDF Policies CP4 (principle of development) and DP1 (impact on residential amenity).

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The proposed development is outside defined development limits and the application fails to demonstrate any exceptional case for development as defined within Core Policy 4 of the Local Development Framework.
 2. The proposed development is considered to be harmful to residential amenity due to the potential for noise propagation from the building particularly due to the proximity of doors to the neighbouring residential properties. As such the proposed development is considered to fail to comply with the requirements of Local Development Framework policy DP1.