

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 22 February 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 2 March 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 DEALING WITH GYPSY AND TRAVELLER PROPOSALS; UPDATE ON APPEALS;
ADDITIONAL SITE PROPOSED FOR THE LOCAL PLAN;
BAGBY AIRFIELD UPDATE AND UPDATE ON THE EAST COAST MAIN LINE**

AGENDA

Page No

1. MINUTES

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To confirm the minutes of the meeting held on 2 February 2017 (P.22 - P.23), attached.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Executive Director.

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

4. MATTERS OF URGENCY

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

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 2nd February, 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

An apology for absence was received from Councillor S P Dickins

P.22 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 5 January 2017 (P.20 - P.21), previously circulated, be signed as a correct record.

P.23 **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) 16/02467/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

PERMISSION GRANTED

- (2) 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

PERMISSION GRANTED subject to an additional condition requiring a footway along the front of the site

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

Disclosure of Interest

Councillor M A Barningham disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (3) 16/02575/OUT - Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access and layout (all other matters reserved) at Land to the north west of Foxholm House, Flawith for Alcuin Homes

PERMISSION REFUSED because the development was contrary to Development Plan Policies that seek to protect the Character of Settlements, the Countryside and the amenity of residents.

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

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

(Paul Scott spoke objecting to the application.)

- (4) 16/02681/OUT - Outline planning permission with some matters reserved (access included) for construction of 3 dwellings and associated vehicular access at Hall Farm, Hornby for Mr T Elsdon

PERMISSION GRANTED

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

- (5) 16/02408/FUL - Application for proposed alterations and change of use from retail to food outlet at Vernons Furniture Warehouse, Shipton by Beningbrough for Mr P Akciecek (Harpers)

PERMISSION GRANTED subject to an additional Highways condition relating to the vehicular access and advanced warning signs.

(The applicant, Lee Harrison, spoke in support of the application.)

- (6) 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 Akciecek (Harpers)

PERMISSION GRANTED

- (7) 16/01511/FUL - 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 at Walkers Garage, South Otterington for Mr Stephen Smith

PERMISSION GRANTED

(Tim Axe spoke objecting to the application.)

- (8) 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

PERMISSION GRANTED

(Brian Myers spoke objecting to the application.)

- (9) 16/02697/FUL - Two storey extension to existing dwelling to form an annexe at The Croft, South Back Lane, Tollerton for Mrs M Hardy

PERMISSION GRANTED subject to additional conditions to control the method of opening of windows, and that access shall only be from South Back Lane.

- (10) 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

PERMISSION REFUSED

(The applicant's agent, Helen Boston, spoke in support of the application).

(Jean Skinner spoke objecting to the application.)

The meeting closed at 3.25 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 2 March 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 March 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/02391/FUL Mrs C Strudwick Brafferton Page no. 9	Change of use to self-contained living accommodation For: Brafferton Manor Farms At: Brafferton Manor Milking Parlour, Boroughbridge Road, Brafferton RECOMMENDATION: GRANT
2	16/02750/FUL Mrs H Laws Carthorpe Page no. 15	Construction of a detached dwelling For: Mrs J Lancaster At: Rosedene, Carthorpe RECOMMENDATION: GRANT
3	16/02633/FUL Mrs T Wood Catton Page no. 23	Construction of five dwelling houses and a stable block For: Potter's Buildings Limited At: Village Farm, Catton Village Street, Catton RECOMMENDATION: GRANT
4	16/02691/OUT Miss L Chambers Dalton Page no. 31	Outline application with details of access (all other matters reserved) for residential development comprising 7 bungalows For: Dh Land Strategy At: Land Adjacent Fren Dene And Primrose Hill, Dalton RECOMMENDATION: REFUSE
5	16/01785/OUT Mrs C Strudwick Easingwold Page no. 41	Outline application with details of access and layout (all other matters reserved) for construction of 3 dwellinghouses and 2 bungalows For: NCG Estates At: HDC Depot, Stillington Road, Easingwold RECOMMENDATION: REFUSE
6	16/02233/OUT Mr K Ayrton East Harlsey Page no. 45	Outline planning application for the construction of a dwellinghouse with details of access and layout (all other matters reserved) For: Mr & Mrs David Porter At: Land to the north east of East Harlsey Telephone Exchange, East Harlsey RECOMMENDATION: GRANT
7	16/02182/FUL Mrs A Sunley Hutton Rudby Page no. 53	Two storey and single storey extensions to the rear of the dwellinghouse For: Mr Kevin Smith At: 22 North End, Hutton Rudby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	16/02743/FUL Mrs C Strudwick Newton-on-Ouse Page no. 59	Siting of prefabricated building for use as office accommodation. For: Mrs J Rooke At: Beeches Farm, Tollerton Road, Newton-on-Ouse RECOMMENDATION: GRANT
9	16/02116/OUT Mrs H Laws Pickhill Page no. 63	Outline application with details of access, layout and scale (appearance and landscaping reserved) for the construction of up to 14 dwellings and 1 replacement dwelling For: Mr Barningham At: Station Farm, Pickhill RECOMMENDATION: GRANT
10	16/02147/FUL Mr K Ayrton Romanby Page no. 75	Construction of 3 dwellinghouses, associated parking and access and the formation of 2 additional parking spaces for existing dwellinghouse. For: Mr B Rennison At: Land at the south of St Paulinus Drive and St Cuthbert Drive, Romanby RECOMMENDATION: REFUSE
11	16/02470/OUT Mr K Ayrton Seamer Page no. 81	Outline application for the construction of 3 bungalows with all matters except access reserved For: Mr & Mrs Roche At: OS Field 6300, Tame Bridge, Stokesley RECOMMENDATION: GRANT
12	16/02540/FUL Mr K Ayrton Skutterskelfe Page no. 89	Revised application for the use of land and siting of caravan as a private gypsy site for one family For: Mrs Savannah Foster At: Land adjacent to Ranch House, Hutton Rudby Road, Skutterskelfe RECOMMENDATION: REFUSE
13	16/02550/FUL Mrs C Strudwick Tollerton Page no. 95	Temporary siting of a mobile home for 3 years For: Robert Elstone At: OS Field 4578, Sykes Lane, Tollerton RECOMMENDATION: REFUSE

16/02391/FUL

**Change of use to self-contained living accommodation.
At Brafferton Manor Milking Parlour, Boroughbridge Road, Brafferton
For Brafferton Manor Farms**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks planning consent for alterations to form a one bedroom bungalow.
- 1.2 The proposed accommodation would provide for a bedroom, shower room, breakfast kitchen and lounge. The proposed accommodation would involve the formation of a single storey extension to the rear, spanning the width of the south-western elevation of the detached structure. This extension would measure approximately 3.6m by 8.1m with a total height of approximately 3.8m. This extension would measure 29.2 sq.m, and the original milking parlour measuring 33.3 sq.m. The total floor area proposed would be 52.4 sq.m. The footprint of the extension has been increased through consultation with the agent, from an original submission of 37.5 sq.m. The footprint of the dwelling now meets the Nationally Described Space Standards (March 2015). Alterations comprise a replacement roof and windows and doors. Materials for the works would comprise brickwork to match with the existing structure, natural clay pantiles, and timber windows and doors.
- 1.3 As part of a previous approved application to convert the building to a holiday let (12/02608/FUL) the application was supported by a structural survey which concluded that "the building is in a generally reasonable structural condition with a few minor structural repairs required". In addition a protected species survey also concluded 'no evidence of bats or bat roosts was found and that the building does not provide potential bat roost habitat. The proposed refurbishment and extension to the building will have no impact on bats. There were also no signs of nesting birds.
- 1.4 An update to the bat survey was carried out which concluded that refurbishment of the building and addition of an extension is unlikely to have any impact on bats or bat roosts. There will be a loss of swallow and blackbird nest habitat.
- 1.5 The proposed dwelling would be accessed via the existing access onto Boroughbridge Road, and vehicle parking would be accommodated within the hardstanding area to the front (north-eastern) elevation of the building.
- 1.6 The site and the building proposed for conversion is surrounded by agricultural land to the north and west. There are 14 pheasant rearing pens immediately north of the proposal site and an additional 140 to the north east. The hardstanding area is bound by a timber post and rail fence. A landscaping belt is proposed to the north-west.
- 1.7 The existing milking parlour and hardstanding area is set above the level of the public highway to the east of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/02608/FUL - Change of use of agricultural land and alterations to milking parlour to form a holiday cottage; Granted 12 March 2013.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Practice Guidance
National Planning Policy Framework - published 27 March 2012
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Brafferton Parish Council - No objection.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Environmental Health - We would have concerns with this development from an Environmental Health perspective because of its close proximity to residential dwellings. Concerns would be with odours, noise and flies which have the potential to cause a nuisance/impact on residential amenity. If possible I would strongly advise positioning the pens at least 400 metres from the nearest dwelling house which would reduce the impact significantly. Did note that there was a complaint made in 2010 regarding dust, fluff and feathers from the pheasant pens, the issue did improve and the complaint was advised to get back in touch if it deteriorated again. No further complaint has been made since that time.
- 4.4 Public comment – One comment received, advising that the site is on or near a former anthrax pit. Advice has been sought from the Environmental Health Service and any comments will be reported to the meeting.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of housing in this location; (ii) the impact on the character of the area; (iii) the impact on neighbour amenity; and (iv) highway safety.

Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be

granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered. It is noted that the economic benefits that arise from the use of the property as a holiday let would now not be forthcoming.
- 5.4 Brafferton/Helperby is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The proposal would therefore be capable of supporting local services and shops and with a footpath running to the village this could be accessed by a range of transport services. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.

Character

- 5.5 Development Limits run along the southern side of St Peters Close and the site is approximately 40m beyond, slightly separated from the main form of the settlement, but it is noted that The Old Parsonage stands further outside the village to the north east and St Peters Close lies some 40m to the south. The neighbouring field to the south appears to be used as recreational land by residents of St Peters Close.
- 5.6 The proposal measures a total of 52.46 sq.m and therefore would be above the expected 50 sq.m for a one bedroom single storey property.
- 5.7 Whilst the separation from the nearest dwellings on St Peters Close is noted, it is apparent that the intervening land is used in conjunction with that development and that the proposal would make use of an existing building, albeit with significant extension. On balance it is considered that the proposal would be an organic and logical extension to the village.

Neighbour Amenity

- 5.8 The proposal site is approximately 46m from residential development on St Peters Close. It would therefore not introduce a new form of development that would impact on residential amenity, nor introduce a potential source of overlooking, resulting in a loss of privacy. The proximity to recreational areas is noted.

- 5.9 The pheasant pens to the north and north east are noted. The farm rears the chicks during May, June, July and part of August when they are moved on to other farmers land for completion prior to the start of the traditional pheasant shooting season. There are no records of complaints about noise or odour from this seasonal activity. The Parish Council advises that it has not received any adverse comments from residents regarding loss of amenity from the pheasant pens.

Highway safety

- 5.10 The comments of the Highway Authority are noted. The access to the site is established and there are existing hard surfaced areas. The proposal is therefore considered acceptable in highway safety terms and would provide an adequate level of car parking.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered F139/5A & 6A received by Hambleton District Council on 8th February 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. 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.
 5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 4 have been constructed in accordance with the submitted drawing (Reference F139/5A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 6. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following: (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; and (d) measures to control the emission of dust and dirt during construction.

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 CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In the interests of highway safety
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In the interests of highway safety.

Informatives

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

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

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

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

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

3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Carthorpe

Ward: Tanfield

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16/02750/FUL

Committee Date: 2 March 2017

Officer dealing: Mrs H Laws

Target Date: 10 February 2017

Date of extension of time: 10 March 2017

**Construction of a detached dwelling.
at Rosedene Carthorpe North Yorkshire DL8 2LH
for Mrs J Lancaster.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the northern side of the main village street at the western end of the village and currently forms part of a field adjacent to the access serving the single storey dwelling known as Rosedene and its domestic curtilage. The site covers an area of approximately 0.15ha.
- 1.2 It is proposed to construct a detached two storey, four bedroom dwelling with an integral single storey section formed at right angles, providing a utility room and double garage. Steeply pitched gable features are proposed to the front and rear of the dwelling, which are features that are also reflected in the porch detailing. An external chimney stack is proposed.
- 1.3 A gap in the field hedge is proposed to be created to allow access, centrally at the front of the site, with a parking and turning area proposed at the front of the dwelling. Landscaping is proposed within the site and along the new boundaries in the form of hedge and tree planting.
- 1.4 The proposed dwelling would be finished in render above a brick plinth with a clay pantiled roof and upvc windows and doors.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

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

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

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

National Planning Policy Framework - published 27 March 2012

3.0 CONSULTATIONS

- 4.1 Carthorpe Parish Council - no comments yet received (expiry date for representations 22/2/2017)
- 4.2 NYCC Highways - conditions recommended.
- 4.3 HDC Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.4 HDC Senior Scientific Officer - no objections
- 4.5 Site notice/local residents - no comments received (expiry date for representations 2/2/2017)

4.0 OBSERVATIONS

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

The principle of a new dwelling in this location

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

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

- 5.3 To ensure appropriate, consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 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, Carthorpe is defined as an Other Settlement, which is in recognition of the relatively small number of services and facilities, which include a pub, village hall and a church. Therefore it would need to form a cluster with a Secondary or Service Village or with one or more Other Settlements.
- 5.6 The site lies on the edge of the village of Carthorpe which is identified in the IPG as an example of a cluster village together with Burneston. The two villages have collectively have churches, a primary school, two pubs and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Carthorpe is less than a kilometre distance from Burneston and the application site is a further 0.5km through the village with a footway for almost all its length. Criterion 1 is considered to be satisfied.

Impact on rural landscape

- 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 a single dwelling is proposed, which must be considered cumulatively with the planning permissions recently granted for two dwellings to replace the existing dwelling known as Rosedene (16/00887/FUL) on the adjacent plot; the construction of a dwelling opposite Rosedene (15/01809/OUT) and the dwelling granted permission at The Annexe to Carthorpe Barn in February 2017 (16/02467/FUL). Additionally to this, three units have been formed from converted agricultural units in the vicinity of the application site under the Permitted Development regulations. This results in a total of 7 additional dwellings within the village. Whilst significant in a small village, this is not considered to be too great a number for the village to accommodate.
- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The site lies beyond but adjacent to the existing row of development along the village street and extends the site further into the adjacent fields. There is a dwelling on the opposite side of the road that lies beyond the edge of the village but it is a farmhouse and is not considered to form part of the built-up village street. Another farm lies to the west of the application site but is also clearly outside of the built form of the village. The application site relates well to the existing village form by continuing the short row of dwellings along the northern side of the road. The single storey garage and ancillary buildings lie on the western side of the plot, which provide a lower height of development which would not dominate the skyline.
- 5.9 The view of the site, on the approach into the village from the west, is of the existing dwellings and the open aspect of the countryside to the north would not be compromised. As such it is considered that there would be no harmful impact to the natural, built and historic environment.

Design

- 5.10 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character

and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

- 5.11 The NPPF supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 The proposed dwelling is a traditional style with steeply pitched gabled roofs and brick headers and other brick detailing. Many dwellings within Carthorpe are of a simple flat fronted design finished mostly in brick but with examples of rendered properties including the existing dwelling at Rosedene and the neighbouring dwelling to the south west. The proposed dwelling would be similar in style and materials and would not detract from the character and appearance of the streetscene. The proposal is in accordance with LDF Policies CP17 and DP32.

Neighbour amenity

- 5.13 The dwelling would lie approximately 25m from the existing nearest neighbour to the east and more than 30m to the south west. There would be adequate separation distances between the existing and proposed dwellings for there to be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is in accordance with LDF Policy DP1.

Highway safety

- 5.14 The Highway Authority has no objections to the creation of a new access in this location.

Conclusion

- 5.15 It is considered that the proposal is in accordance with the Interim Policy Guidance document and policies of the LDF in that the housing development would have no adverse impact on landscape character, residential amenity and highway safety.
- 5.16 The proposed development is acceptable and 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. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the boundary treatment relating to that property has been implemented in accordance with the approved details and thereafter retained.

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

7. 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: d. The crossing of the highway verge and footway shall be constructed in accordance with the Standard Detail number E6; e. Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. 2 Rev. A. 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. These facilities shall include the provision of

wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

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

12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered SCH835 2 and 3 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.

6. To protect the amenity of adjacent residents and the appearance of the streetscene in accordance with LDF Policies CP1, CP16, DP1 and DP30.

7. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

8. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.

9. 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.

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

11. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

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

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Parish: Catton
Ward: Thirsk
3

Committee Date: 2 March 2017
Officer dealing: Tim Wood
Target Date: 9 March 2017

16/02633/FUL

**Construction of five dwelling houses and a stable block
At Village Farm, Catton Village Street, Catton
For Potter's Buildings Limited**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This site is located at the southern end of Catton village and to the west of the Main Street dissecting the settlement.
- 1.2 The site extends to 0.69 hectares and comprises agricultural buildings and the storage of agricultural machinery and materials mainly associated with the farming of the land in the vicinity.
- 1.3 The proposal includes the demolition of the modern (and largely disused) agricultural buildings and the removal of the agricultural machinery and materials. The traditional brick buildings to the south-eastern corner of the site are proposed to be rebuilt and incorporated in a dwelling. The building to the west of the application site is also to be demolished and the land laid out as paddock.
- 1.4 The area to the east of the proposed dwellings forming an island bounded by the village street and the access track to the five plots is shown to be an "open grassed area". Access to the site is proposed to be via private access with two entrances on to the Main Street
- 1.5 Catton village falls within the Other Settlements grouping in the revised HDC Settlement Hierarchy introduced alongside the Interim Policy Guidance in April 2015. It has no defined Development Limits in the Allocations DPD Annex 5: Proposal Map, as it had previously been considered to be in the open countryside for the purposes of policy CP4 of the Core Strategy.
- 1.6 The site is not in a Conservation Area and is within Flood Zone 1.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02641/CLE - Application for a certificate of lawfulness to use the site as a plant hire business; Refused 24 April 2012.
- 2.2 15/01559/OUT - Outline planning application for the re-development of land for housing development (Use Class C3), following the demolition of a range of modern sheeted agricultural buildings; Granted 17 February 2016.

The permission included a condition requiring 40% of the units to be affordable housing.

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 CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework, 2012
 Written Ministerial Statement – Small-scale developers, November 2014

4.0 CONSULTATIONS

- 4.1 Parish Meeting – Unanimously agrees to support the development. Four issues were raised relating to (i) surface water drainage; (ii) the need for additional passing places on the highway to Catton from Skipton on Swale; (iii) assurance that the proposed stables are for private use only; and (iv) clarification on energy provision to the new dwellings, particularly the viability of main gas provision to the village.
- 4.2 Highway Authority – No objection; conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, visibility splays, details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No response; it is however noted that a condition was recommended on the outline application regarding discharge of surface water.
- 4.5 Public comment - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered are: (i) the principle of residential development in Catton (including the environmental impact of the existing buildings and storage, affordable housing and the developer’s “fall-back” position); (ii) the impact on the character and appearance of the area; (iii) landscaping; (iv) the use of the stables and potential disturbance to neighbours; (v) flooding and drainage; and (vi) highway capacity.

Principle

- 5.2 The application is for full planning permission and requires assessment of the LDF policies that seek to restrict new housing in locations outside the Development Limits

of settlements within the hierarchy of CP4 as updated in 2014. However, as set out in paragraph 2.2 above, outline planning permission was granted in 2016 and this has established that the principle of residential development that involves the removal of the existing buildings on the site. It was found in determining application 15/01559/OUT that the removal of the buildings and storage on the site would achieve an environmental gain that would justify the exceptional case test of LDF Policy CP4ii. Nothing has changed in the intervening period to alter that conclusion. Accordingly the outline planning permission is a “fall-back” position of considerable weight in this application. The development would give rise to a substantial improvement in the appearance of the site and its contribution to the character, appearance and amenity of the village through the removal of the buildings and storage from a prominent position on the frontage of the Village Farm site. The proposal is considered, notwithstanding its relatively remote location, to be in compliance with the provisions of CP4 by reference to criterion ii.

- 5.3 When the outline planning application was approved on 16 February 2016, the policy requirement was, in accordance with the LDF Policy at CP9, that affordable housing should be sought, subject to viability testing, of housing developments of two units and more. That was because the November 2014 Ministerial Statement that sought to exempt small-scale developments from the requirement to provide or contribute toward affordable housing had been found unlawful by the High Court. However, the Court of Appeal subsequently overturned the High Court’s judgement and the current policy position adopted by this Council is a threshold of six units a contribution toward affordable housing in designated rural areas such as Catton. As this development proposal is for five dwellings, there is no policy requirement for it to make a contribution towards affordable housing. A full application, rather than a reserved matters submission, is a means of seeking planning approval without triggering the requirement of the outline planning application to provide affordable housing. The proposal is in accordance with the Government’s policy on affordable housing and can be supported in this respect.

Character and appearance

- 5.4 The layout of the site is shown to form a grouping to the west of an open grassed area that has a simple form reminiscent of a small village green. The dwellings would each have private gardens and the open grassed area would present an opportunity for informal recreation and meet the objectives of policies CP19 and DP37. The layout would create a feature that reflects the form of the development at Catton Farm to the north, where the barns to be converted form a group behind an area of publicly accessible open space. The form of the development is substantially the same as indicated in the outline planning application and is considered an appropriate form.
- 5.5 Assessed on approach from the north, the layout of the proposed two-storey, stepped height dwelling on plot 1 with a frontage close to the village street is in a manner that would reflect the form of the dwelling on the west side of the village street to the north of the site. The dwellings on plots one and two would be linked creating visual interest and a cohesive design. Plot three would be set further towards the rear of the application site. Its position towards the rear would help to reduce the visual impact of what would be undoubtedly large dwellings which, following the existing ground levels, would be more elevated than the two dwellings closer to the village street. The layout of traditional designs of dwelling around the open grassed area, using brick, tile, render and slate with timber doors and windows, would relate well to the traditions of the area. The proposed reconstruction of the barn to the south side of the site is considered to be a sensitive means of achieving a substantial boundary with the neighbouring dwelling, Caelum House. It would also overcome the harm to amenity caused by a building in a state of disrepair. Parking would be provided in-

curtilage for each dwelling and would not rely upon garage space to meet the reasonable needs of the residents. The design approach is considered to achieve the requirements of LDF Policies CP17 and DP32.

Use of the stables

- 5.6 The proposed stable building to the rear of plot five with access between plots four and five shows three loose boxes and a corner unit and yard using a mix of stone and timber boarding and profiled roofing sheets or a felt roof. The stable building is closely related to the dwelling on plot five and relatively close to plot four. Controls relating to the disposal of stable waste and to prevent commercial use of the stables would be appropriate to protect the amenity of the occupiers. In all other respects the design and siting of the stables are in accordance with the provisions of the LDF Policies.

Landscaping

- 5.7 The main landscape feature of the proposal is the area of open grassland in front of the proposed dwellings, and the provision of hedgerows are shown to the north and south sides of the site frontage and to mark the rear and side boundaries of dwellings. The removal of all the buildings currently within the site to make way for the formation of a paddock would overcome the environmental harm caused by those buildings. The removal of the boundary hedge across the site frontage to enable the formation of the open grassed space is part of the vision for the site and would increase the openness of the site and achieve highways visibility splays at the site accesses. The retention of the hedge would have limited the visibility splays and removal is a reasonable compromise to achieve the open space that is supported by the Parish Meeting. A condition to require the provision of the open space and laying out of the paddock to the west of the site are appropriate to achieve the aims of improving the appearance of the site to overcome harm that justifies the development under Policy CP4ii.

Flooding and drainage

- 5.8 The site is within Flood Zone 1 and is therefore at the lowest risk of flooding. The proposed surface water drainage to soakaway and foul drainage to a packaged treatment work are considered to be suitable means of drainage.

Highway and infrastructure capacity

- 5.9 The Highway Authority raises no concerns regarding the capacity of the highway. It is noted that until recently the land use generated agricultural traffic and some usage of this type continues. The redevelopment of the land is expected to very substantially reduce or end agricultural vehicle movements to and from the site. It is considered by officers that the increased level of use of the rural road from Catton to Skipton on Swale as a consequence of the development of this site would be insufficient to justify a requirement for additional passing places from the developer.
- 5.10 The provision of mains gas to the settlement, a question raised by the Parish Meeting, is not a matter for this developer but for the utility providers to consider.

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. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development.
5. Prior to commencement of development 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, shall be submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted to 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.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The development shall be undertaken in accordance with the details of the approved plans including the finished floor levels of each of the buildings and the following works shall be completed prior to the occupation of any dwelling, and shall thereafter be retained in accordance with the approved plans: the 'Open Grassed Area' shall be laid out as shown on drawing 8B and in accordance the approved landscaping scheme required by condition 3; and the 'Paddock' area to the west of the approved dwellings shall be cleared of buildings and laid as a grass paddock as shown on drawing 8B.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together

with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements a. The details of the access shall have been approved in writing by the Local Planning; b. The accesses shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1.
11. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted drawing number 8B. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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.
14. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
15. The permission hereby granted shall not be undertaken other than in complete accordance with the site layout drawing numbered 8b received by Hambleton District Council on 16 January 2017 and the dwelling elevations and plans numbered 1, 4, 5, 6 received 30 November 2017 and stable building drawing number 7 received 30 November 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP33.
4. To ensure that the site is properly drained and surface water is not discharged to any foul sewerage system to prevent overloading.
5. To safeguard the health of construction workers and the amenities of future occupiers of the residential property in accordance with LDF Policy CP1.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To ensure that the harm to the amenity of the village that is caused by the buildings and storage on the site is rectified and that the benefits to be achieved by the redevelopment are realised in accordance with the details in the approved plans and the LDF policies CP1, CP16, CP17, DP1 and DP32.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. In the interests of highway safety.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In the interests of highway safety.
15. 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, and DP32.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015
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 or 0845 1211555.

Parish: Dalton
Ward: Sowerby & Topcliffe
4

Committee Date: 2 March 2017
Officer dealing: Ms Laura Chambers
Target Date: 1 March 2017
Date of extension of time (if agreed): 9 March 2017

16/02691/OUT

**Outline application with details of access (all other matters reserved) for residential development comprising 7 bungalows
At Land adjacent Fren Dene and Primrose Hill, Dalton
For Dh Land Strategy**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the southwest of the village of Dalton at the end of Pit Ings Lane as it joins the newer development of Harriers Croft. Pit Ings Lane rises steeply up from Dalton Lane whilst the site itself is relatively flat and bordered by managed hedgerows and trees. A grass track runs along the northern boundary and on the eastern boundary of the site is a bungalow (Fren Dene). Opposite the site is a public right of way.
- 1.2 The application proposes seven dwellings, which are intended to be bungalows. Details of the access have been included for determination, but all other matters are reserved. Illustrative layout plans have been included to demonstrate how the site might be laid out in order to demonstrate appropriate distances can be established from existing neighbouring properties, which are adjacent to the site as well as those previously approved as part of a previous application for the northern half of the site.
- 1.3 The application is supported by a Design and Access Statement, Ecological Survey, Flood Risk and Drainage Statement, Transport Statement, Soil Report and a Site Investigation Report.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/74/037/0006 - Outline application for residential development; Refused 30 January 1975.
- 2.2 16/00480/OUT - Outline application for 17 dwellinghouses and associated parking (considering access with other matters reserved) - Refused 9 May 2016, appeal pending.

The application was refused for five reasons:

1. Relating to the site being outside the Development Limits of Dalton and the impact of the development on natural boundary features to secure access, the impact on the character of the area and the size of the development in terms of adopted Planning Policy and the Interim Policy Guidance note. The indicative layout submitted also failed to demonstrate an appropriate design, mix, type or scale of development that would be in keeping with housing needs and fails to respect the character of the village.
2. Related to the robustness of the Flood Risk Assessment, the feasibility of sustainable drainage solutions and risk of flooding elsewhere have been fully considered. The Flood Assessment and Drainage Report has not established that drainage infrastructure has capacity to accept flows or given detailed consideration to sustainable drainage mechanisms. The surrounding area, including principal roads and infrastructure, is known to be subject to localised

flooding which could affect access to the site, the submitted FRA does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development.

3. The loss of best and most versatile agricultural land.
 4. The proposed new dwellings are on land close to commercial uses which are currently being used as storage units under Use Class B8 which could be intensified without the need for planning permission. The closest of the new dwellings shown on the submitted plans would be within 70m, some 30m closer than existing dwellings.
 5. In the absence of a signed Planning Obligation the proposal fails to deliver an appropriate level of affordable housing contrary to Policy CP9, CP9a and DP15 of the adopted Hambleton Local Development Framework as amplified by the Adopted Affordable Housing Supplementary Planning Document.
- 2.3 16/01933/OUT - Outline application for five dormer bungalows (considering access with other matters reserved): Granted 7 December 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 CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP6 – Distribution of Housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable Housing
Core Strategy Policy CP9A - Affordable Housing Exceptions
Core Strategy Policy 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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP11 - Phasing of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 – Promoting and Maintaining Affordable Housing
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP42 – Hazardous and Environmentally Sensitive Operations
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
Interim Guidance Note - adopted by Council on 7th April 2015

Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement on Landscape Character dated 27 March 2015

4.0 CONSULTATIONS

- 4.1 Dalton Parish Council - As the proposal is for more than five properties, the development does not fall within the current interim planning guidance and therefore does not meet current policies.

The land is a greenfield site and outside the building line. This site is NOT in the current Local Plan, nor has it been submitted for inclusion in the next phase following the recent call for future sites.

There are flooding issues on the main road through Dalton (at the bottom of Pit Ings Lane). The emergency exit route to and from the site as shown on the plans is unsuitable for motor vehicles.

Pit Ings Lane is a narrow road and there are serious concerns about the increase in traffic that the development would generate. There have already been problems with access for emergency vehicles due to parked cars.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – I have considered the above application and would like to make the following observations.

The proposed new dwellings are on land close to existing poultry sheds associated with Southland Farm, the closest of the new dwellings within 70m. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise.

I note that there are existing residential premises close to the poultry sheds, Larks Edge approximately 60m away and properties on Harriers Croft, the closest approximately 100m away. No complaints have been received historically and for 2 years the sheds have not housed poultry, only been used for storage. The absence of historical complaints associated with this farm indicates it has been managed so that a nuisance has not arisen.

However, the sheds could come back into use as poultry sheds at any time and this could result in the dwellings being affected by odour, noise and flies which could impact on the farming operation if a statutory nuisance is established.

- 4.4 Scientific Officer (Contaminated Land) – No objection subject to conditions.
- 4.5 Yorkshire Water – Recommends conditions.
- 4.6 Public comment - 14 objections have been received raising the following points:
- Existing parking and traffic issues on Pit Ings Lane would be exacerbated, particularly for emergency vehicles;
 - An existing access to the field could be used instead of the proposed access on a bend which cars currently park opposite;

- The proposed site access would impact highway safety;
- The proposed emergency access via the lane is unsuitable for vehicles;
- An alleyway access to the bus stop is not suitable, particularly for elderly residents, due to lack of maintenance and being unlit;
- The village floods, making access to the site difficult. the proposal would increase flood risk;
- The site is beyond Development Limits;
- Combined with the previous approval for five dwellings, the proposal would be close to reaching the 17 dwellings previously refused;
- Uncertainty where surface water and drainage would go;
- Excessive number of dwellings proposed for a small site;
- Multiple applications appear an underhand way to increase the number of dwellings on the site or influence the outcome of an appeal;
- Insufficient facilities in the village to support the increasing population;
- Village shop now only providing post office service;
- Loss of green space;
- Detriment to wildlife;
- There is an existing supply of properties in the village and other permissions granted, there is not a need for more housing;
- Loss of boundary hedge;
- Negative impact on the character of the village;
- This is not an infill site;
- This is not a brownfield site;
- Objections of residents have been previously ignored;
- Proximity to underground gas tanks is a concern; and
- Approval could set a precedent for other sites beyond the limit to development.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) loss of agricultural land; (iii) design and the likely impact of the proposal on residential amenity; (iv) flooding and drainage; and (viii) highways and parking.

Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost

overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.

- 5.4 The IPG notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it results in incremental and organic growth. As a guide, small scale is normally considered to comprise up to five dwellings. However, each development must be considered on its own merits taking into the account the scale, form and character of the settlement.
- 5.5 Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. However, Dalton is identified as a Secondary Village in the 2014 Settlement Hierarchy and the IPG considers such settlements to be sustainable locations for small-scale development. It is noteworthy, however that the shop serving the village has recently diminished with only ad hoc opening hours and limited services available. This raises questions about the sustainability of the site and the amount of services future occupiers would have access to.
- 5.6 The IPG notes that 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. Wider consideration must also be given to the special physical characteristics of the surrounding area as well as the settlement which sets it apart from its surroundings and contributes to its individuality (e.g. architecture, landscaping, setting, natural features, open space, types and styles of housing, number and size of roads and footpaths) and how the proposal addresses this. Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area.
- 5.7 The applicant submits that the proposed site and the proposal site forms a natural rounding off to Dalton where development would not extend beyond the existing built form of the village and would infill a paddock that sits within existing development. The eastern boundary is formed by the development of a bungalow (Fren Dene), and the western boundary is formed by the built extent of a farmhouse (Larks Edge). To the north of the overall site there is residential development (Harriers Croft). The applicant considers that the site does not extend into open countryside as development will be contained within the current paddock, which is located between developed boundaries. This application effectively moves back to the larger scale proposals to develop the original site, rather than the small scale approach promoted under the IPG and achieved through the five bungalow scheme approved in December 2016.
- 5.8 In the previously refused application, the Council's assessment was that the proposal did not create or use natural or defensible boundaries. The existing landscape is defined by the open and rural views rising up from Dalton Lane and up Pitt Ings Lane. Harriers Croft currently forms a natural boundary to the village respecting the character of the area. Fren Dene is a separate dwelling and forms an end vista to the road and its limited scale ensures that the sense of openness is maintained rising up towards the site. The proposal would create a linear, non-natural boundary that would fail to respect the form and character of the settlement which formed the basis, amongst other considerations, for the first reason for refusal.
- 5.9 The previous application for five dwellings (proposed as bungalows) was determined to be small scale development in line with the IPG; however the combined impact of that and this proposal would be a more substantial form of development, out of

keeping with the character of the built form in a similar manner to the refused application for 17 dwellings.

- 5.10 The Council has a housing land supply well in excess of the minimum five-year requirement, based on allocations and extant permissions and as such the proposal is not necessary to address a shortfall in supply pursuant to the requirements of the NPPF.
- 5.11 The proposed seven dwellings, in addition to the previously approved five dwellings, would result in an overall scheme that does not accord with the Interim Policy Guidance and is not necessary to supplement housing land supply in the district. The character of the settlement remains as set out in the previous refusal, the proposal would not fit in with that character and the impact on the open countryside setting remains a reason for refusal.

Loss of agricultural land

- 5.12 As per the previous application for five dwellings, a soil report has been submitted with associated trial pit data. Following a detailed site assessment and trial pits, the site data can be considered as predominantly Grade 3b with some of the area being described as Grade 4. As such, the site cannot be considered as Best and Most Versatile agricultural Land and this issue would not constitute a reason for refusal of the application.

Design and residential amenity

- 5.13 The proposed layout, although indicative, shows four dwellings in a linear form to the south of the site, mirroring the previously approved dwellings to the north. A small terrace of three properties would form a cul-de-sac to the south west extent of the site. The properties would be served by a combination of in-curtilage car parking and garages, each with a minimum of two spaces. The proposed layout would allow for adequate separation distances to be achieved between those properties previously approved to the north in principle, albeit layout is not matter to be considered as part of this application.
- 5.14 The comments of the Environmental Health Officer on the previous application indicated that future residents could suffer harm to their amenity due to the proximity of poultry sheds to the south west of the site, even though the sheds are currently not used for that purpose. The buildings have planning permission for B8 storage units and are currently being used as such but the use could be intensified without the need for further planning permission. It should also be borne in mind that the buildings could revert to poultry keeping without planning permission because use for agriculture is not development.
- 5.15 Unlike the previously approved scheme, where there was more space available and a larger separation distance to neighbouring uses, this proposal would place dwellings in close proximity to the storage units with the associated potential impact on amenity. Environmental Health Officers have expressed concern in relation to the proposal and the proximity to the currently unused poultry sheds which lie to the south west of the site. Although the poultry sheds do not currently cause nuisance, they could be brought into a more intensive use without the need for planning permission and this is a material consideration in determining the application.
- 5.16 It is plausible that an appropriate and detailed assessment could outline mitigation and management mechanisms in relation to the operation of the neighbouring buildings but it should also be noted that the storage facilities would have a level of commercial activity. Without adequate assessment, the relationship between the

proposed residential and commercial uses cannot be assessed and parameters cannot be established within the outline application that would inform a subsequent reserved matters submission. The indicative layout does not automatically lead to an appropriate form of development that would create parameters for the delivery of a high quality development.

Flooding

- 5.17 Dalton Lane (at the eastern end of Pitt Ings Lane) and the Old Beck are within Flood Zones 2 and 3 and road closures occurred as a result of flooding in December 2015. Whilst the development would be some way from this, similar flooding could affect access to the site. Therefore safe access and egress to and from the site to areas outside the flooded areas in Dalton would be limited, although a through route from Harriers Croft to Chapel Row, beyond Flood Zones 2 and 3, is understood to be available. It is noted that other earlier flooding instances are raised by residents; however Yorkshire Water raises no objection subject to a condition requiring very limited drainage discharge which reflects the concerns of the drainage situation on the site and in Dalton, with the Old Beck a particular constraint.
- 5.18 When considering the previous applications for the site, the Swale and Ure Drainage Board commented on 19 April 2016 that: "the submitted drainage strategy and flow limitation to 3.5 l/s has been considered and found to be acceptable. The individual effect of this development is insignificant. However the concerns with regard to the Old Beck and recent flooding events in the last 12 months are noted. The cumulative impact of new and future large-scale development in the Dalton area, including this proposal, on the drainage network would need to be assessed by the Local Planning Authority as part of its Local Plan review as there may be an improvement scheme necessary to the Old Beck which would need to be funded by contributions from developers, the Lead Local Flood Authority and Grant in Aid. This could prove to be expensive".
- 5.19 The Lead Local Flood Authority also commented (on 20 April 2016) that issues of flood risk, volume control, pollution control, designing for exceedance (e.g. when sustainable drainage systems (SuDS) features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site), urban creep, and maintenance were not detailed to ensure suitable surface water management. These are set out in the detail in North Yorkshire County Council SuDS Design Guidance.
- 5.20 The application identifies two possible escape routes, one that would be proposed for pedestrians only, and the other for vehicles. A number of the objections received raise concern about the suitability of these routes as means of escape in relation to whether they would be passable due to maintenance issues the lack of a hard surface to ensure vehicles could be used. Concerns are expressed about the usability of these routes coupled with the likelihood the nature of the proposed dwellings increasing the likelihood they would potentially be used by those who are less mobile.
- 5.21 There continue to be concerns raised that future growth of Dalton would need to assess the impact of such proposals on the Old Beck and improvements would need to be undertaken through the form of contributions to reduce the incidence and impact of flooding. This would be best understood through the Local Plan preparation as such improvements could prove expensive and impact on the viability of schemes.
- 5.22 As such, whilst the scheme would have less of an impact than 17 dwellings under the original application, the scheme is constrained by the Old Beck. Whilst the site itself is away from Flood Zones 2 and 3, the proposal could have an impact on this constraint. Whilst it is accepted that a limited flow of 3.5l/s could be acceptable the

wider issue with flood risk in Dalton should be noted. As such, whilst the applicant has produced more information and an escape route there continues to be significant concern.

Parking and highways

- 5.23 A number of residents have raised objections in relation to the proposed access to the site and the impact of the proposal on car parking in the area. Access is a matter for which approval is sought at this stage; however this follows the previous approval for five dwellings which included the same access proposed here, which would therefore serve the whole development. The Highway Authority has raised no objection to the proposed access and associated visibility splays and it is therefore difficult therefore to attribute significant weight to the objections on this issue.
- 5.24 Although full permission is not sought at this stage, the indicative plans show the proposed properties would be served by in-curtilage parking, some also having garages. Each of the properties would have a minimum of two parking spaces, which meets with minimum requirements; no objection has therefore been made by the Highway Authority on that basis. As adequate parking for each proposed property could be achieved as part of a detailed reserved matters application, this matter does not warrant refusal of the application.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Dalton and in a location where the Council considers that housing development should only be permitted where it results in incremental and organic growth. The proposal would not deliver such growth and would cause substantive and significant harm to the open and rural nature of the site and result in the loss of natural boundary features as a result of ensuring a safe access to the site. There is a clear and defined boundary to the settlement which would be lost as a result of the proposal and which would harm the form and character of the settlement. The indicative layout submitted fails to demonstrate an appropriate design that would be in keeping with housing needs and fails to respect the character of the village. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the planning balance identifies that the harm from the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP8, CP9, CP9A, CP16, DP8, DP9, DP10, DP15, DP30, DP31, DP32 and DP33 as amplified by the Council's Interim Policy Guidance and Supplementary Planning Documents and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.
 2. The application should demonstrate, potentially as part of the Flood Risk Assessment that adequate infrastructure, feasibility of sustainable drainage solutions and risk of flooding elsewhere have been fully considered. The Flood Assessment and Drainage Report gives no indication of the feasibility of the potential strategies for draining the site of surface water and has not established that drainage infrastructure has capacity to accept flows or given detailed consideration to sustainable drainage mechanisms. As the surrounding area, including principal roads and infrastructure, is known to be subject to localised flooding which could affect access to the site, the submitted FRA does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development. In addition there is no mitigation that

has been put forward as part of a robust assessment to demonstrate that the development will not increase flood risk elsewhere and where possible reduce flood risk overall. The proposal is therefore contrary to policies CP21 and DP43 of the Hambleton Local Development Framework, North Yorkshire County Council SuDS Design Guidance and the aims and objectives of the National Planning Policy Framework and Flood and the Water Management Act 2010.

3. The proposed new dwellings are on land close to commercial uses which are currently being used as storage units under Use Class B8 which could be intensified without the need for planning permission. The closest of the new dwellings shown on the submitted plans would be within 70m, some 30m closer than existing dwellings. The advisable separation distance between livestock buildings and non-associated residential premises, previously published by DEFRA, is 400m to prevent odour nuisance and nuisance from flies and noise. It is noted that whilst the sheds have not housed poultry for 2 years, they could come back into use as poultry sheds at any time without requiring planning permission and this could result in the dwellings being affected by odour, noise and flies which could impact on the farming operation if a statutory nuisance is established. Adequate assessment and associated mitigation relating to noise and disturbance has not been put forward as part of the application submission. As such the proposals are contrary to Policies CP1, CP15, CP21, DP1, DP26 and DP42 of the Hambleton Local Development Framework.

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Parish: Easingwold
Ward: Easingwold
5

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

16/01785/OUT

**Outline application with details of access and layout (all other matters reserved) for construction of 3 dwellinghouses and 2 bungalows
At Hambleton District Council Depot, Stillington Road, Easingwold
For Mr Philip Atkinson - NCG Estates**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The site lies on the northern side of Stillington Road, within the Development Limits of Easingwold and is an area of 1800 sq. m of brownfield industrial land. The site's last use was as a maintenance depot operated by the Council and the redundant buildings are still on site. It is bounded to the west and east by housing and to the north and south by land that has planning permission for housing.
- 1.2 This application seeks outline permission for the access to the site and the positioning of two bungalows and three houses on the piece of land immediately to the north of the former fire station and to the rear of houses on Leasmires Avenue. The size and number of bedrooms for the dwellings have been submitted; however this is indicative and not for formal decision in this application. Access is to be off Stillington Road, running between the former fire station and retirement development to the west.
- 1.3 The layout of the site shows the two bungalows at the northern end and an access passing between them to serve the land beyond (which has outline permission for four dwellings). The layout also shows provision for a second right of way to this adjacent site along the western boundary of the application site, running through the gardens of one of the bungalows and one of the houses. The site landscaping and design of the dwellings is not the subject of this outline application and will be determined at reserved matters stage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02245/FUL - Construction of 5 dwellings, a retail food store (class A1) with associated parking, servicing and landscaping; Appeal against non-determination withdrawn 22 March 2012.
- 2.2 14/02506/DPN - Application for prior notification of proposed demolition of warehouses; Granted 30 January 2015.
- 2.3 The following applications relate to adjacent land:

To the west
- 2.4 14/01120/FUL - Demolition of building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking; Granted 23 January 2015.
- 2.5 15/01500/FUL - Revised application for the demolition of existing building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking (reduction in car parking spaces from 36 to 35); Granted 17 September 2015.

To the north

- 2.6 15/02638/OUT - Outline application for construction of four dwellings; Granted 5 May 2016.

To the south

- 2.7 16/02541/FUL - Demolition of building and construction of 8 apartments with associated external works; Granted 13 February 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP17 - Retention of employment sites
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP13 - Market towns regeneration
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP17 - Retention of employment sites
Development Policies DP32 - General design
National Planning Policy Framework
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015

4.0 CONSULTATION

- 4.1 Easingwold Town Council - Wishes to see the application approved.
- 4.2 Highway Authority – No objection, conditions recommended.
- 4.3 Environmental health Officer (Contaminated Land) – No objection, recommends a preliminary risk assessment as a condition.
- 4.4 Yorkshire water – No objection, conditions recommended.
- 4.5 Internal Drainage Board – No objection, recommends an informative regarding building regulations.
- 4.6 Ministry of Defence - No safeguarding objections.
- 4.7 Public comments - one observation has been received from North Yorkshire Fire and Rescue Services as owner of the adjacent land. It states that plots three and four on the indicative layout provide for three and five metre long rear gardens which back onto the Service's site. The Service expects to see standard ten metre rear gardens which, if achieved, would reduce the possibility of nuisance from the Fire Station site.

(Note: the Fire Station is closed and full planning permission has now been granted for residential redevelopment – see application 16/02541/FUL, paragraph 2.7 above.)

5.0 OBSERVATIONS

- 5.1 The main issues to be considered include (i) the principle of residential use; (ii) the layout of the site; (iii) the impact on residential amenity; and (iv) highway matters.

Principle of residential use

- 5.2 The site is within the Development Limits of Easingwold and therefore it is a sustainable location for housing. It would appear that, based on the applicant's submission the site falls under Sui Generis use.
- 5.3 The site to the north of this has the benefit of planning permission for 4 bungalows (15/02638/OUT) and the site to the south for 8 apartments (16/02541/FUL). It was deemed as part of this application that there would be no loss of amenity to future residents of the developments to the north and south as a result of being adjacent to this site, formally used as a depot. The principle of residential development in this area has been established through the permission to the north (15/02638/OUT), to the west (15/01500/FUL) and to the south (16/02541/FUL).

Layout of the site

- 5.4 The site is constrained by the two private rights of way which pass through it, giving access to the site to the north. These rights of way must be kept clear of development and so the layout has been designed around them. As a consequence of this, and the indicative housing mix and dwelling sizes, it is considered that the site does not have the capacity to accommodate the proposed level of development without it being in an unacceptably concentrated form that would be out of keeping with the prevailing character of the area. The overall impression of the proximity of the dwellings so close to one another, and the site boundaries is cramped and results in an over development of this site.

Amenity

- 5.5 There has been extensive discussion with the agent regarding the floor areas of the dwellings. The houses are proposed as three-bedroom (five-person) dwellings, with floor spaces of 78.9 square metres each. These sizes do not meet the minimal Nationally Described Space Standards of 93 square metres which are incorporated into the Council's Supplementary Planning Document on Size, Type and Tenure of New Homes. Advice has been provided to the agent regarding acceptable sizes to meet the Nationally Described Space Standards; however neither the dwelling sizes nor the numbers of bedrooms have been amended in response.
- 5.6 The agent has been advised as to what measures need to be taken to result in a proposal which accords with national and local policy in this respect. However, the dwellings and amenity space indicated in the application are too small, and so this proposal would not promote, encourage, protect or enhance the health, economic and social well-being, amenity and safety of the population. The scheme would not comply with policies CP1 and DP1 and therefore would not result in a high quality development. This assessment has taken account of the fact that the details are not formally for determination at this stage; however, it is understood that the applicant is intent on pursuing a scheme of the nature described and is not prepared to amend it to accord with policy.
- 5.7 Due to separation distances between the proposed development and neighbouring dwellings there is unlikely to be any significant loss of amenity or privacy to warrant refusal of the application. Plot five would sit approximately 90cm from the boundary of 9 Leasmires Avenue. Particular would need to be taken when considering the design of the south eastern elevation to ensure there is no loss of amenity for the residents of the existing dwelling or the proposed dwelling. Plot four would be at a distance of 3.5 metres from 5 Leasmires Avenue and it is not expected that there would be an unacceptable loss of residential amenity as a result of the positioning of

this dwelling. It is not considered that at the outline stage that there would be any unacceptable loss of amenity for existing residents as a result of the development; however finished heights and the positioning of windows would need to be determined at reserved matters to ensure accordance with LDF Policy DP1.

Highway matters

- 5.8 Sufficient parking spaces could be provided for the five dwellings, again as shown in the illustrative details, and the Highway Authority has no objections to the scheme subject to appropriate conditions.
- 5.9 At the widest point there is 21.5 metres of hardstanding from the parking for plot one across the further point of the parking for plot four. There is then a 19 metre length of parking north to south for visitors to plot three. At the reserved matters stage careful consideration would need to be given to what materials are used, to ensure effective surface water run-off and how the hard surface could be interrupted by soft landscaping to ensure an attractive, well landscaped environment.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The scheme fails to achieve a high quality of design due to the fact that the development is not in keeping with the existing form of development in the immediate area and does not reflect the local character. The proposed number and size of dwellings would result in an over development of the site, leading to an unacceptable impact on existing and future residents of the area. The proposal would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP17 and DP32.

Parish: East Harlsey
Ward: Osmotherley & Swainby
6

Committee Date: 2 March 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 5 December 2016
Date of extension of time (if agreed): 6 March 2017

16/02233/OUT

**Outline planning application for the construction of a dwellinghouse with details of access and layout (all other matters reserved)
at land to the north east of East Harlsey Telephone Exchange, East Harlsey
For Mr & Mrs David Porter**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the north western edge of East Harlsey, with a frontage onto the main road, which passes north (to the Rountons) and south towards Northallerton, which is approximately 7 km to the south west.
- 1.2 The site currently forms part of a wider field, which extends to the north and west of the site. The topography is such that the land rises to the north before it falls away. The majority of the site is in an L shape, fronting the road and extending to the rear of the Telephone Exchange, and includes an existing access to the south of and shared with the Telephone Exchange. The site therefore encircles the Telephone Exchange and also a strip of land between the application site and the Telephone Exchange, which accommodates a polytunnel. The supporting planning statement states that this land is not within the ownership of the applicant. There is a mature hedge along the eastern boundary between the application site and highway.
- 1.3 There is residential development in the form of modern detached dwellings to the south of the Telephone Exchange. The overall character of development in this area is modern in form and design, which is in contrast to the more historic core of the village.
- 1.4 The proposal is in outline form for the erection of one dwelling, with approval being sought for access and layout. A layout plan identifies the proposed siting of the dwelling and the supporting planning statement confirms that this would be a three-bedroom bungalow, which is considered to "best reflect the character of dwellings in the immediate locality".
- 1.5 The access to the site would be via the existing track. This would be extended around the rear of the Telephone Exchange to serve the plot.
- 1.6 The supporting planning statement advises that the agent gave pre-application advice in March 2016, when working for the Council, but there is no record of this.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None on the application site.
- 2.2 However, there have been recent applications for new dwellings in this part of the village, including:

15/01838/OUT - Detached dwelling with all matters reserved (on land adjacent to The Cat and Bagpipes PH); Granted 13 November 2015.

16/00293/FUL - Demolition of agricultural buildings and construction of two dwellings (at Town End Farm); Granted 19 August 2016.

16/00612/FUL - Two two-storey detached dwellings (on land adjacent to Brindlewood);
Refused 24 June 2016, appeal in progress.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - The majority of the Parish Council would like to see this application refused for the following reasons:

- The application is to build on agricultural land;
- The application is not for building on a brownfield site;
- The site is not within the built form of the village;
- Development on the site would not be in keeping with the linear character of the village;
- The dwelling would take the total of new builds to be outside the Parish Council view of what is reasonable in the village;
- The dwelling would increase the development of new houses centred round a small part of the village; and
- Concerns regarding highway safety due to poor visibility on the brow of the hill.

4.2 Environmental Health Officer (Contaminated Land) - No objection.

4.3 Public comments - Ten representations have been received in support, making the following points:

- The application is by a local family rooted in the community running a local business;
- The site, though on the edge of the village, would not significantly extend it further;
- Its impact on the village would be minimal;
- The proposed site is substantially screened by a tall hedge, raised verge and rising gradients. A bungalow would not be visible at all from the northern approach;
- The proposal would use an existing access which is set back from the carriageway and within the 30mph limit;
- The proposed bungalow would not disadvantage the village appearance and layout;
- This is not a property speculation development, but intended for long term settlement;
- The site lends itself for building of a reasonable family dwelling;

- The village is short of family housing, which affects the numbers at the local school and the dynamics of the village;
- The applicant has lived in the village all his life and this would enable villagers to stay in the village. It seems unfair that locals are being forced out by high prices that outsiders are prepared to pay;
- There is currently a shortage of affordable housing in the area;
- The applicant intends to screen the property as much as possible by planting hedging where appropriate; and
- The proposed bungalow is of a similar nature to recent constructions in East Harlsey. It would provide a home for an agricultural worker and his family, allowing him to manage the land which he owns.

4.4 One neighbour objection (two submissions) makes the following points:

- The proposal has not met the tests of the Interim Policy Guidance (IPG), and as such, a dwelling beyond Development Limits cannot be justified;
- The areas which it is felt that this proposal conflicts with the IPG are:
 - It does not reflect the existing built form and character of the village;
 - It will have a detrimental impact on the open character and appearance of the surrounding countryside; and
 - It cannot be accommodated within the capacity of existing infrastructure. Concerns are raised with the suitability of the access arrangements and lack for visibility from the junction.
- The applicant appears to be making a case for personal circumstances that would secure both social and economic benefits. However, the applicant would already appear to be living in the village in perfectly acceptable accommodation, which already provides a base to run his machinery/contract businesses from the village; and
- East Harlsey would appear to have had its fair share of development since the introduction of the IPG, with four scheme approved under it.
- The privately funded highways report does not give a true reflection as to the volume of vehicles parking in the lay by and adjacent area to the proposed access. The vehicles parking in this vicinity restrict observations and give limited time to react to speeding vehicles entering the village from the national speed limit. The layby is used daily by BT vans which are regularly double parked causing a further obstruction to road users forcing them to overtake on the hill. Local residents, visitors and dog walkers also park in the lay by.

4.5 Highway Authority - The Highway Authority has previously asked for further information in relation to the speed of vehicles approaching from the north and requested that the speeds of vehicles were measured and the visibility available was justified in terms of the advice in Manual for Streets. Transport consultants working on behalf of the applicant have submitted a report showing the 85th percentile speeds of vehicles approaching from the north to be 31.0mph which would correspond to a visibility splay requirement of 45m. The visibility splay that is available to the north is in excess of this requirement.

Concern must be expressed with regard to vehicles which are sometimes parked in the layby and obscuring visibility to the north however consideration must be given that there are two existing accesses at that location and that there have been no injury accidents recorded at that location.

Consequently an objection on highway safety grounds would be difficult to sustain.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of 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; and (iv) highway safety.

Principle

- 5.2 East Harlsey does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.

- 5.3 Whilst the planning statement makes some references to the proposed dwelling being for a local agricultural worker (described as an agricultural machinery and agricultural contracting business) and his family, it is clear that the application has not been made on the basis of exceptional circumstances identified in that policy (e.g. agricultural workers dwelling) and as such the proposal is a departure from the Development Plan. The planning statement also confirms that the applicant already lives in the village.

- 5.4 Although the proposal is considered to be a departure from the Development Plan, 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".

- 5.5 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.

- 5.6 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.

- 5.7 In the Settlement Hierarchy reproduced in the IPG East Harlsey is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

- 5.8 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the proposal for one dwelling is considered to be an acceptable scale.

Character and Appearance

- 5.9 The question of cumulative growth also needs to be considered. It is accepted that other development in the village has already been approved under the IPG. At the time of writing this report, six dwellings have been granted planning permission under the IPG. These would be sited throughout the village with the closest ones being at Town End Farm, some 30m from the site access, on the opposite side of the road, and on land to the north of the Cat and Bagpipes public house, approximately 100m from the site access. Owing to the greater separation from other IPG sites, it is considered that the proposed dwelling would not be viewed in the same context as them. In this part of the village, if development proceeds adjacent to the Cat and Bagpipes and on Town End Farm, they and this site could be perceived together. However, the cumulative housing growth of these three sites is four dwellings (two of which would replace a large barn on Town End Farm) and this cumulative impact is not considered to be harmful.
- 5.10 There is also a pending appeal for two dwellings on land adjacent to Brindlewood, located to the east of the application site, on the opposite side of the road. Even if the appeal were allowed, the site, whilst close, is not viewed in the same context and would not change the view formed on the cumulative impact of the proposals.
- 5.11 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 environment and built form. This is consistent with other policies in the Local Plan.
- 5.12 There is no doubt that the proposed dwelling would encroach into the countryside. However consideration needs to be given as to whether this would be to a detrimental level. As set out in section 1 of this report, the site forms part of a wider field, therefore it is currently seen in the context of the wider countryside. However, in its favour, the topography of the land rises to the north of the site before falling away. Therefore views of the site are limited when approaching the site from the north because of the crest of the hill. The site also benefits from a mature hedgerow along its eastern boundary, which would soften the impact of development and which can be retained in full due to the proposed use of the existing access to the south of the Telephone Exchange.
- 5.13 Whilst in outline form, the supporting planning statement explains that a bungalow is considered to be the most appropriate scale of development for the site. This is reflected in the submitted layout plan, which aims to secure the layout of the dwelling at this stage.
- 5.14 It is considered that a bungalow would be in keeping with the relatively small scale of the Telephone Exchange building to the south of the site and further mitigate the impact of the development on the character of the surrounding countryside. The layout plan also demonstrates that the siting of the dwelling would be consistent with the existing built form in this area of East Harlsey.
- 5.15 Therefore it is concluded that the proposed development would not be detrimental to the surrounding natural environment and would be in keeping with the built environment.

Residential Amenity

- 5.16 Layout is a matter for determination at this stage. The submitted layout plan clearly demonstrates sufficient separation from the nearest residential property, namely

Goosecroft, to the south of the Telephone Exchange. Therefore it can be concluded that the development would not be harmful to neighbouring residential amenity.

Highway safety

- 5.17 It is proposed to use the existing access to the site. This is supported by a highway access appraisal, which includes a speed survey.
- 5.18 The submitted information has been considered by the Highway Authority. Whilst some concern has been expressed with regard to vehicles which are sometimes parked in the layby and obscuring visibility to the north, consideration must be given to the two existing accesses at that location and that there have been no injury accidents recorded at that location.
- 5.19 Consequently, and as the Highway Authority advises, an objection on highway safety grounds would be difficult to sustain.

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 approve
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwelling; (b) design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.
 3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicle parking and turning areas.
 4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 3 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 5. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.

6. 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 are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
5. 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.
6. 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.

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Parish: Hutton Rudby
Ward: Hutton Rudby
7

Committee Date: 2 March 2017
Officer dealing: Mrs A Sunley
Target Date: 12 December 2016
Date of extension of time: 6 March 2017

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**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey terraced dwelling, which lies to the west side of North End, within the Hutton Rudby Conservation Area.
- 1.2 The dwelling has no front garden but looks onto the Green and the highway, the rear of the property has a long narrow garden which is at an elevated position to the dwelling and is accessed by steps from a small patio area at the rear of the property.
- 1.3 The rear garden of this dwelling and the neighbouring gardens are all at an elevated position, so the boundary screening to these properties and their garden areas are all at a higher level than the ground levels immediately behind the dwelling.
- 1.4 The application is for a two-storey and single-storey extension to the rear of the dwellinghouse.
- 1.5 Revised drawings have replaced a flat roofed element of the two storey extension with a pitched roof. Additional information was also provided illustrating application of the 45 degree code in relationship to neighbouring properties.
- 1.6 The application was deferred at Planning Committee in January to allow further consideration of the impact of the development on neighbouring residential amenity, specifically in terms of daylight.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02329/CAT - Works to Ash Tree; Permitted 30 November 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

National Planning Policy Framework - published 27 March 2012
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

- 4.1 Public comment - Two objections have been received on the following grounds:

- The flat roof design is inappropriate;
- The extension is too high compared with other dwellings;
- The extension is too close to the boundary; and
- Loss of light entering the windows to the south at number 24, which include the main windows for the kitchen/diner, and the only window for one of the bedrooms and the bathroom.

4.2 Parish Council - Considers the proposal is over-development and requested a site inspection (carried out in January) before the Planning Committee determines the application.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are: (i) whether the proposed development would have any adverse impact on the appearance of the host building and visual amenities of the surrounding area; (ii) whether the development would preserve and enhance the character and appearance of the Conservation Area; and (iii) whether the proposed development would have a detrimental impact on the residential amenities of nearby properties.

Appearance of the building

5.2 The proposed development would remove the rear dormer windows from the two storey elevation of the dwelling and extend this two storey element by approximately 1300mm into the rear garden and replace the roof with a pitched design. This new addition would encompass existing living areas to create larger bedroom facilities for the dwelling, at present these amenities are relatively small.

5.3 A single storey extension would be sited to the rear of the new two storey extension; the structure would be approximately 1500mm with a pitched roof design and would accommodate a kitchen-dining room. Due to the boundary screening the single storey extension would have no significant impact upon neighbouring properties.

5.4 The Parish Council observations in regard to over-development of the site have been noted. The dwelling is a small, terraced property and the extensions are relatively large. However, taking into consideration the size of the rear garden, the design of the proposal and the site context, along with the precedent set by the existing rear extensions within this terrace of properties, the proposed development is considered reasonable and in keeping in terms of design and form.

Character and Appearance of the Conservation Area

5.5 The proposed development would not be directly visible from any public space within the Conservation Area. However, the originally submitted flat roofed design was considered to fail to preserve or enhance the character and appearance of the Conservation Area. The design has since been amended to a more traditional pitched roofed form. The overall changes to the building are considered to be an improvement and are considered to contribute positively to the character and appearance of the Conservation Area.

Residential amenity: (a) 24 North End

5.6 The occupants of a neighbouring property, number 24, have raised concerns directly and through a surveyor regarding the proposed new extension and the detrimental impact it could have on light reaching windows of their property. Following these concerns being raised, a further site inspection was undertaken to establish the

internal layout of the objector's property and how this relates to the external windows facing the application site.

- 5.7 The four windows on the southern elevation of number 24 have obscured glass. The two windows at first floor level serve a bathroom and a cloak room, and the two windows on the ground floor level serve the kitchen area, which includes a small breakfast bar. The kitchen area has an additional plain glass window on the northern elevation which has an outlook onto number 24's garden. The property also has a separate dining room area, which is to the rear of the property on the western elevation. This room looks onto the rear garden area. The two small windows on the western elevation, looking onto the application site, serve a bathroom at first floor level and a bedroom at ground floor level.
- 5.8 It is considered that the proposed extension at number 22 would have an impact on diffuse daylight to the windows on the southern elevation of number 24 that faces the application site but two windows (the cloak room and a kitchen window) of the four windows on this elevation are already overshadowed by the built form of number 22. The other two windows would be impacted by the proposed development. Hambleton District Council's Supplementary Planning Document (SPD) for Domestic Extensions states "an extension must not cause any significant loss of light to principal rooms in neighbouring properties".
- 5.9 The SPD does not define a principal room but elsewhere refers to habitable rooms and states that these include "living rooms, studies, bedrooms and larger kitchens". The SPD also states that a kitchen window is a "habitable room window" if it provides the main source of light to a dining area. In this case, light reaching the breakfast bar is already restricted by kitchen units that stand between it and the windows and it is not considered that the kitchen window facing the application site is a habitable room window because it is questionable whether the breakfast bar constitutes a dining area in the broadest sense of the phrase. In any event, the kitchen has alternative sources of daylight. Furthermore, it is evident that the guidance within the SPD referred to above is directed towards rear facing windows, not side facing ones.
- 5.10 The bathroom and cloakroom are not habitable rooms so there is no requirement to assess the daylight reaching them under the SPD.
- 5.11 The existing dwelling at number 22 already crosses a 45 degree line drawn from the centre of the nearest windows in the western (rear facing) elevation of number 24 and as such the SPD is not considered to be relevant in terms of the 45 degree code as the impact on these windows already exists.
- 5.12 Taking all of this into account, it is considered that the proposed development would not be in contravention of the SPD to a degree that would cause a significant loss of amenity to the occupiers of the property.
- 5.13 When the application was presented to the Planning Committee in January, a Manchester based surveyor representing the occupiers of number 24 wrote suggesting that the development could fail to maintain standards of daylight and sunlight that the Building Research Establishment (BRE) guidance "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice – Second Edition" advocates. The surveyor confirmed that he had not carried out a detailed assessment but had undertaken a desktop assessment, so it would appear that he had not inspected the site and his client's windows before expressing his view, not least as the Council's subsequent internal inspection of number 24 suggests that the letter contained inaccuracies about the nature of some of the rooms concerned. No detailed assessment has since been submitted to the Council.

- 5.14 The BRE guidance does not constitute policy and has not been adopted by the Council. In the absence of a detailed assessment from the neighbour's surveyor and considering the above analysis of the nature of the affected windows and consideration of the proposal against the Council's adopted policy it is not considered necessary to refer to the BRE guidance.

Residential amenity: (b) 18-20 North End

- 5.15 The occupier of the neighbouring property at number 18-20 states that the proposal would dominate their dwelling, due to the design, the size of the footprint and height of the extension. The neighbouring property on the other side at number 16 also has a rear projecting extension and the occupier of number 18-20 is concerned that the proposed additional two storey extension at number 22 might result in over-shadowing and create an unacceptable sense of enclosure within the curtilage of number 18-20.
- 5.16 The applicant has submitted a drawing illustrating application of the 45 degree code from the Council's SPD, which shows that only one window of the two windows within the kitchen area of the dwelling of 18-20 would be infringed under the code. In this case it is considered that the adjacent remaining window would be able to provide sufficient daylight into the kitchen area to maintain appropriate amenity for this space.
- 5.17 Number 18-20 has also previously been extended to the rear to incorporate a two storey, a single storey and a conservatory extension. The garden area to the rear of this dwelling is at an elevated position but is much wider compared with the application site. There is an existing sense of enclosure within this area of terraced properties due to the current built form, trees, flora and boundary screening. The development would result in an additional projection of approximately 1300mm from the proposed two storey extension and it is considered that this added depth would have only a minor impact on the amenity of the occupiers of number 18-20, and not sufficient to warrant a recommendation of refusal in this case.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **approved**, subject to the following conditions.
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: W/572/01 Rev A and W/572/SP Rev C; received by Hambleton District Council on 23 November 2016; unless otherwise approved in writing by the Local Planning Authority.
 3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 29 September 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 CP1, DP1, CP17, DP32, CP16, NPPF - National Planning Policy Framework and DOMEX - Domestic Extensions SPD Dec 2009

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.

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Parish: Newton on Ouse
Ward: Easingwold
8

Committee Date: 2 March 2017
Officer dealing: Caroline Strudwick
Target Date: 6 March 2017

16/02743/FUL

**Siting of prefabricated building for use as office accommodation
At Beeches Farm, Tollerton Road, Newton on Ouse
For Mrs J Rooke**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Beeches Farm is located 550m north of the Conservation Area boundary of Newton on Ouse, on the eastern side of Tollerton Road. The farm is a mixed arable and beef enterprise, with 75 sucklers and followers and 320 acres of grass and arable land. The farmhouse utility area currently accommodates all of the farm records for RW Rooke and Sons along with the records for the running of Yorkshire Proficiency Test Committee (YPTC) City and Guilds Assessment Centre for land based activities.
- 1.2 The proposed prefabricated building would sit to the north of an open sided barn which provides agricultural storage for crops and machinery, and to the rear of two cattle buildings. The building would provide accommodation for a lobby area, store, a two desk office and a single desk office. The two desk office would provide accommodation for the operation of the YPTC Charity which is operated by the applicant and one local part time staff member. The single office would provide accommodation as a farm office for the running of RW Rooke and Sons, including a meeting area for visitors.
- 1.3 The proposed office would replace a home office accommodated within the single storey eastern wing of the main farmhouse, which doubles as a utility room and rear access to the dwelling.
- 1.4 The building would measure approximately 9.6m x 3m, with an approximate height of 3m. The structure would be constructed of powder coated metal walls and roof.
- 1.5 The applicant states that there is currently insufficient space to house all the required documents needed for business at Beeches Farm and YPTC within the farmhouse.
- 1.6 The YPTC activities on site are predominately administrative. The charity liaises with training providers to handle the administrative side of the accreditation of their land based qualifications. The assessments comprise practical licenses to practice qualifications predominantly in the land based sector. A small amount of candidate testing is undertaken at Beeches Farm, this resulted in 21 visits to the site between March 2015 and August 2016.
- 1.7 The need to keep YPTC documentation for three years and accounting records for seven years is a further requirement for the relocation of the office activities away from the dwelling due to the space limitations within the farmhouse.
- 1.8 This application is brought before Planning Committee for decision because the applicant is the wife of a Ward Member.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 05/01981/FUL - Agricultural building; Granted 10 October 2006.

- 2.2 09/03917/FUL - Treated timber clad building for the storage of machinery and produce; Granted 29 June 2010.
- 2.3 15/02525/FUL - Engineering operation to form 11 fish farm ponds and construction of two polytunnels; Granted 21 April 2004.
- 2.4 16/01323/FUL - Change of Use of agricultural land to equestrian and the formation of an all-weather private equestrian arena; Granted 18 August 2016.

3.0 RELEVANT NATIONAL AND LOCAL POLICY

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP25 - Rural employment
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP26 - Agricultural issues
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Highway Authority – No objection.
- 4.2 Environment Health Officer – No objection.
- 4.3 Public comments – None received.
- 4.4 Parish Council – No response received.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development in the rural setting; (ii) whether the scale, materials and design of the proposed building would have a harmful impact upon the surrounding countryside or (iii) the amenities of any neighbours; and (vi) impact on highways.

Principle

- 5.2 The Local Development Framework (LDF) at Policies CP1, CP2 and CP4 sets the local policy context for consideration of the proposal. Policy CP4 seeks to exercise constraint on development in locations outside Development Limits but allows for exceptions. One such exception, under criterion i, is for development that is necessary to meet the needs of, amongst other things, agriculture that has an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy. It is also required by CP4 that the development should not conflict with environmental protection and nature conservation policies of the LDF and that mitigation and compensatory measures may be required to address harmful impacts.
- 5.3 It is considered reasonable and necessary for an agricultural enterprise of this size and for the administrative running of the Yorkshire Proficiency Test Committee (YPTC) City and Guides Assessment Centre to have an appropriate dedicated office

space. For that reason the principle of development here, to meet the needs of agriculture, is compliant with CP4 criterion i.

Impact on the surrounding countryside

- 5.4 The office would be obscured from Tollerton Road by agricultural buildings and the farmhouse. There are no public rights of way to the rear of the site which would provide views of the development. It is considered that neither the location nor the design of this prefabricated office building would adversely impact on the surrounding landscape. It would sit appropriately alongside the series of agricultural buildings within the site. However, it is recommended that the colour of the structure is conditioned to ensure it blends with the countryside setting.

Impact on neighbour amenity

- 5.5 The proposed office would be located some way from the nearest neighbours, Cedar Lodge, separated by Tollerton Road and a number of large agricultural buildings. The siting of the office in this location would have no impact on the amenity of any neighbouring properties.

Impact on highways

- 5.6 Currently the operation of YPTC is undertaken from Beeches Farm, within the farmhouse. It is not proposed to increase the number of assessments so there should be no material increase in journeys to Beeches Farm. The farm currently already receives visitors in relation to its operation, and there is not expected to any increase in such journeys to the farm.

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 proposed floorplan and elevations received by Hambleton District Council on 16th December 2016; 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.

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 CP17 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

16/02116/OUT

**Outline application with details of access, layout and scale (appearance and landscaping reserved) for the construction of up to 14 dwellings and 1 replacement dwelling
At Station Farm, Pickhill
For Mr Barningham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within Pickhill towards the south western edge of the village on the northern side of the main village street. It covers an area of 0.75 hectares and has a street frontage of approximately 50m. The majority of the site lies to the rear and is occupied by vacant poultry buildings, a paddock area and the farm access road. An existing dwelling lies within the site boundary on the road frontage, which is a detached single storey dwelling, set on slightly higher ground than the adjacent road and footway, with a stone retaining wall forming the front boundary. The access into the site is at the western end; the access road exits the site at the north eastern corner onto an access road (and a public right of way) shared with other properties.
- 1.2 Two large poultry sheds lie in the north western corner of the application site bounded to the rear by a row of mature trees. Three smaller sheds lie on the western boundary with the neighbouring property at The Vicarage. Existing small agricultural buildings lie along the eastern boundary of the site abutting the public right of way.
- 1.3 The application is in outline with access, layout and scale included as matters to be considered at this stage, for the construction of 15 dwellings. The scheme involves the removal of the existing dwelling that fronts onto the village street so would comprise 14 additional dwellings.
- 1.4 Amended plans have been received that reposition the access from the western edge of the site to a more central position within the frontage. A dwelling is proposed to the east of the access to replace the existing bungalow and a dwelling is proposed to the west of the access. Both of these dwellings would be accessed from the proposed internal road.
- 1.5 The layout proposes a cul-de-sac development of a further 13 dwellings served by the shared access road. The overall scheme proposes the following:
- Two four-bedroom two-storey dwellings;
 - Six three-bedroom two-storey dwellings;
 - Three two-bedroom two-storey dwellings;
 - Two three-bedroom bungalows; and
 - Two two-bedroom bungalows.
- 1.6 Detached garaging is proposed for six of the dwellings with parking provided either on the individual plot or in a rear courtyard area.
- 1.7 The scale of the buildings is a matter submitted for consideration at this stage. However, illustrative material indicates that the tallest dwellings proposed for the site would have a ridge height of up to 9.8m and a footprint of approximately 90sqm; the

bungalows would have a ridge height of up to 7.8m and a footprint of approximately 75sqm.

- 1.8 The scheme would include the provision of an area of landscaped open space, positioned centrally within the site with footpath access onto the village street in the south eastern corner of the application site. Planting is also proposed along the boundaries. The detail of the landscaping is a reserved matter at this stage.
- 1.9 The application does not include the provision of affordable housing.
- 1.10 The application also includes the following documents: a Design and Access Statement; an Ecological Appraisal; a Flood Risk Assessment and Drainage Strategy; and a Planning and Heritage Statement.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP2 - Access
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement – Small-scale developers, November 2014

4.0 CONSULTATIONS

- 4.1 Parish Council - No objection.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water - The Flood Risk Assessment is not satisfactory to Yorkshire Water as currently shown. The existing vs proposed surface water drainage route is not clear. We note the planning application form states ' Soakaway and Watercourse', but the FRA suggests Soakaways or Public sewer? Clarification is required.

Notwithstanding the above, if planning permission is to be granted, a condition is recommended in order to protect the local aquatic environment and YW infrastructure.

4.4 Ramblers Association - No objection; dwellings for people is preferred to clapped out sheds for hens. The site layout indicates an overlap of the building onto the adjacent public footpath. A minor site movement is required. No indication of the nature of the access to the building where it crosses the footpath. The footpath system around the farmstead requires TLC. These points have been discussed with the occupant.

4.5 Public comments - Observations have been received from five local residents; three of whom support the proposed development and one of whom objects. The comments are summarised as follows:

- We very much welcome this change and improvement of what is, in effect, a redundant area. If it is developed as per the architect's attached plans, this should provide a well planned, appropriate, modest development, to provide quality homes;
- These new homes should encourage families and professionals to enjoy village life, which in turn will support the village school, and other local amenities and ensure the continued viability of Pickhill;
- The position of this new exciting development will upgrade the "gateway" to the village. We firmly believe that villages must evolve, and we thoroughly support this application to re-generate this area;
- I think that the regeneration of the old chicken farm would be a great idea. I look out over the site and it is run down, some houses would be better for the community, including the school and pub;
- A big improvement. The houses look well spaced out and appear to be appealing to future buyers;
- The proposal for 14 dwellings will significantly increase the traffic flow along Street Lane. We feel that a review is required of the access to the site which is currently shown as the existing access. It is not clear from the planning application whether this access is to be widened in order to facilitate the necessary width to achieve sufficient clearance and swept envelope for two vehicles to pass safely during access and egress on to Street Lane;
- We have concerns regarding the impact of the vehicle headlights shining intrusively into our property; taking into account the significant difference in elevation of the site above the adjacent road level. We would seek assurance that suitable mitigations are considered as part of any further detailed design;
- We doubt that there is sufficient off-street parking in the development to accommodate the vehicles associated with 14 dwellings to reasonably mitigate the need for any overspill parking along the adjacent section of Street Lane. Any associated overspill parking along Street Lane would compromise the free flow of normal traffic and pedestrian safety on the adjacent footpath. This will also restrict the safe passage of agricultural vehicles, buses and emergency services;
- This application is attractively planned on an unattractive site and we would like to be able to support it. However in its current form, we object;
- There is insufficient parking as part of the development to allow for all householders, visitors, deliveries etc. without creating a problem of parking on the road. The road at that point is not wide enough to allow for on-street parking and such parking would create a significant problem with traffic flow and safety;
- If this development goes ahead the number of houses within the village will have increased by c.25% in 15 years. There has not been matched by any accompanying improvements in village infrastructure to deal with this increase and there is already a real problem with parking, road condition and broadband capacity within the village. In addition the village has no village hall, no shop and

an extremely limited bus service and thus it is not clear that this is a village that can sustain such expansion; and

- The plans as drawn do not show a sufficiently wide access road and it is not clear that the necessary width can be created if both of the road facing bungalows are developed as planned.

5.0 OBSERVATIONS

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

Principle

- 5.2 The Development Limits of Pickhill, which is defined in Policy CP4 as a Secondary Village, run through the site approximately 25m parallel to the village street. Approximately 1200 sq.m of the site (16% of the total) is within Development Limits. The development of this part of the site would therefore be acceptable in principle in accordance with LDF Policy CP4. The majority of the site falls outside Development Limits.

- 5.3 Policy DP9 states that development will only be granted for development beyond Development Limits “in exceptional circumstances” but it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 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 details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

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

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

- 5.6 In the 2014 Settlement Hierarchy contained within the IPG, Pickhill 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. Additional dwellings would help to support facilities within Pickhill such as the school and the pub and would provide a short term economic impact in respect of their construction. Criterion 1 would be satisfied.
- 5.7 Criterion 2 of the IPG requires development to be small in scale. Based on 2014 figures there is a total of 136 dwellings within the village; an additional 14 dwellings would be an increase of almost 10%. Consideration must also be given to the cumulative impact of 14 additional dwellings over and above those recently granted permission and not yet built under the terms of the IPG. Since the IPG was introduced in April 2015 it has provided justification for a total of 16 dwellings approved in Pickhill. As the permissions for the 16 dwellings remain extant it is anticipated that they will all be implemented. This would result in a total of 30 dwellings, which would be a cumulative increase of 22%.
- 5.8 In this respect the proposed development does not comply with the criteria of the IPG and would contribute towards a large amount of housing development within the village over the next few years. Consideration must therefore be given to the impact of such a large number of houses on a Secondary Village. One of the facilities within the village is the local primary school, which has a capacity of 63 pupils but currently has 31. This is a significant undersubscription and the additional housing would go some way towards increasing the numbers and supporting the viability of the school.
- 5.9 There are also a number of local employers in the village including the School and the Nags Head Public House. There are local farms and small business including Pickhill Engineering and Thomas Armstrong Construction Services. The additional housing would increase opportunities for workers to remain in or relocate to the village.
- 5.10 In order to justify the amount of development proposed, to enable the removal of the existing buildings, the applicant was asked to provide evidence to show the abnormal costs associated with the clearance of the site. Additional viability information has been submitted by the applicant's agent, which shows that the abnormal costs associated with the clearance of the site, including the demolition of the existing buildings and the removal of asbestos has a significant impact on the viability of the site. Taking into account the existing use value of the site, the cost of the development and the abnormal costs involved in the clearance of the site Officers are satisfied that the proposed redevelopment of the site would not be viable if fewer than 14 units were provided.
- 5.11 The site lies within the Area of Opportunity defined as Spatial Principle 1 of the Core Strategy. Policy CP4 of the Core Strategy sets out specific criteria for development in locations outside of Development Limits. Development is only supported when an exceptional case can be made for the proposals which relate to Policies CP1 and CP2 (which relate to sustainable development and minimising the need to travel - it is concluded in paragraph 5.6 above that the location is sustainable). In this instance it is suggested that the exceptional case may relate to the necessity of development 'to secure a significant improvement to the environment' (criterion ii of CP4).
- 5.12 The environmental improvements would be twofold in this instance: an improvement in the appearance of the site and enhanced residential amenity. None of the existing buildings are particularly prominent but are unsightly and, as a group and due to the large scale of the site and the buildings are considered to detract from the

appearance of the village. It would be possible to construct dwellings on the frontage of the site within the Development Limit boundary that would help to screen the unsightly buildings to the rear. The removal of the buildings and replacement with dwellings would significantly alter the character of the site from agricultural to residential but within this village location a more formal arrangement of dwellings would have a positive impact on the character and appearance of the settlement.

- 5.13 The screening of the rear portion of the site with frontage development would not address the potential harm that the re-use of the buildings for intensive agricultural use could have on the amenity of existing and future residents. The buildings are currently vacant but could be brought back into use. The proposed residential use would have much less harmful impact on residential amenity in the vicinity of the site.
- 5.14 It is considered that the proposed development is in a sustainable location and would secure a significant improvement to the environment whilst helping to support the local economy by supporting local facilities. It would therefore comply with LDF Policy CP4 and is acceptable in principle.

Character and appearance of the village

- 5.15 It is considered in paragraph 5.12 above that the replacement of the agricultural buildings with dwellings would improve the appearance of the village.
- 5.16 Pickhill is characterised by linear development; the development of the large cul-de-sac of Melltowns Green is not in the traditional character of the village. LDF Policy CP17 requires a high quality of design that should “respect and enhance the local context and its special qualities”. The submitted layout is for approval and proposes to construct development that falls within three distinct types. The proposed development in the north western corner is in the form of an agricultural yard, with buildings of different types and heights to three sides. The central section of the development would be based around a landscaped open space, characterising a village green. The frontage development would be the third type and would continue the existing form of development along the village street.
- 5.17 The proposed development is a relatively low density (20 dwellings per hectare), which reflects the low density of buildings in the surrounding area. The character of the existing paddock area is replicated by the landscaped open space proposed in the centre of the site.
- 5.18 The site, albeit in agricultural use, has more in character with the village than the adjacent rural landscape and is physically separated from the open countryside beyond by well-established landscaping. The proposed development would not therefore encroach into the countryside to the detriment of its open and rural character.
- 5.19 The adjacent dwelling at The Old Vicarage is a grade II listed building. It lies within a large garden plot, which would provide a significant amount of separation from the proposed development. The proposed dwellings would lie further from The Old Vicarage than the existing agricultural buildings and it is considered that the setting of the listed building would be improved as a result of the development. The site lies far enough from the Pickhill Conservation Area for it to have no impact on its character or appearance.
- 5.20 As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. The application site lies within a different part of the village to housing developments approved under the IPG and therefore would not result in a perception of significant

cumulative development within the village. There is no identified harmful impact to the built or historic environment and the proposal would therefore accord with LDF Policies CP16 and CP17.

Residential amenity

- 5.21 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. The supporting information submitted with the application states that the existing agricultural buildings are not currently in use. However, they could be brought back into use. The potential agricultural use as an intensive poultry farm is considered to be inappropriate adjacent to a residential area and therefore the proposed development would replace a potentially undesirable agricultural use within the village.
- 5.22 The proposed layout illustrates a single access road through the site with dwellings to both sides. There would be adequate distance between the existing and proposed dwellings for there to be no loss of amenity as a result of overlooking or overshadowing. There would also be sufficient separation between the proposed new units to offer them a suitable level of amenity.

Affordable housing

- 5.23 The application does not include the provision of affordable housing. LDF Policy CP9 requires development in locations such as this of two or more dwellings to provide a 40% proportion of affordable homes. The November 2014 Ministerial Statement contradicted this by seeking to exclude developments of ten or fewer dwellings from the requirement to include any affordable housing but allows Councils to adjust the threshold in designated rural areas to seek cash contributions towards affordable housing for sites of 6 to 10 dwellings. This Council has adopted the lower threshold in designated rural areas, which includes the parish of Pickhill with Roxby, and it therefore would apply in this case. A financial contribution equating to 40% on-site provision would be required for the dwellings over the threshold of five (requiring a contribution equivalent to 3.6 affordable dwellings). This provision is offset by applying the vacant buildings credit introduced by the Ministerial Statement to any floor space converted or demolished to make way for development. The buildings are not currently in use and therefore the credit can be applied.
- 5.24 The vacant buildings amount to 2,684 sq.m of floor space; the proposed floor space to be created would be 1,492.4 sq.m (layout and scale are matters included at this stage). The total floor space of the new buildings would be smaller than the floor space of the existing buildings to be replaced and therefore the provisions of the vacant buildings credit override the requirement for an affordable housing contribution in this case.
- 5.25 The proposed scheme includes two and three-bedroom properties and bungalows, for which there is a need in this area although the proposed dwellings would not constitute affordable housing and the occupants cannot therefore be restricted to those in need in the locality.

Biodiversity

- 5.26 The Ecological Appraisal concludes that the existing buildings have limited potential as bat roosts but that there is suitable habitat for a range of common birds. There is no evidence of, and low potential for, other species such as Great Crested Newts, badgers or water vole. The report provides details of compensation and mitigation measures and a condition is recommended to ensure these works are undertaken.

Trees

- 5.27 A mature belt of trees lies along the north western boundary of the application site, which it is proposed to retain. The proposed site plan shows garages to be sited within close proximity of the canopy but adequate space would remain between the rear of the proposed dwellings and the tree line for it to have a negligible impact on the amenity of the future residents. It is recommended that a condition be imposed requiring the submission of a tree survey with the reserved matters submission to ensure there would be no adverse impact on the health and stability of the trees.

Highway issues

- 5.28 There would be no buildings that would encroach onto the public right of way that lies along the eastern boundary of the site as suggested by the Ramblers' Association's comments. The proposed dwellings would lie further from the track than the existing agricultural buildings.
- 5.29 The access is one of the matters included for consideration. The Highway Authority has no objections regarding the proposed development as amended. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission 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 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. 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 dwelling shall not be occupied until the boundary treatment associated with that dwelling has been implemented in accordance with the approved details and thereafter retained.
7. No development shall take place until a tree report has been submitted to the Local Planning Authority to assess the impact of the proposed development on the trees that lie along the north western boundary of the application site. Thereafter any recommended works, approved by the Local Planning Authority, shall be undertaken in accordance with the approved details.
8. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
9. The package of mitigation measures as detailed within the Ecological Appraisal produced by Quants Environmental Ltd, received by Hambleton District Council on 22 September 2016, shall be carried out in full.
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, 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; and (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; and (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; and (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 with 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 basecourse macadam level and/or block paved and kerbed and connected to the

existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

12. No part of the development shall be brought into use until the existing access on to Street Lane has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.
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 measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved details. Once created these parking 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 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.
18. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered GA_00 and Proposed Site Plan received by Hambleton District Council on 22 September and 24 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 commences.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP1, CP17, DP1 and DP32.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP17 and DP32.
7. The trees are of some local amenity value and worthy of protection in the context of new development in accordance with LDF Policies CP16 and DP30.
8. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with LDF Policies CP21 and DP43.
9. To minimise risk or disturbance to wildlife habitats in accordance with LDF Policies CP16 and DP31.
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 in accordance with LDF Policies CP2 and DP4.
13. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
14. 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.
15. 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.
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 accordance with LDF Policies CP2 and DP4 and in the interests of highway safety and the general amenity of the area.

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

Informatives

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
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.

Parish: Romanby

Ward: Romanby

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Committee Date: 2 March 2017

Officer dealing: Mr Kevin Ayrton

Target Date: 25 November 2016

Date of extension of time (if agreed):

16/02147/FUL

**Construction of 3 dwellinghouses, associated parking and access and the formation of 2 additional parking spaces for existing dwellinghouse
At land at the south of St Paulinus Drive and St Cuthbert Drive, Romanby
For Mr B Rennison**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site comprises a long strip of land sited at the bottom of St Paulinus Drive and St Cuthbert Drive, Romanby; both are cul-de-sacs with a turning head at the bottom end. The site is well connected to Northallerton town centre, which is approximately 1.3 km to the north east, accessed via Romanby Road.
- 1.2 The properties along both roads comprise a mix of two-storey, semi-detached dwellings, some with first floor accommodation within the roof space, albeit there are detached properties located at the entrance to both roads.
- 1.3 The site is approximately 0.11 hectare in size; its length is 80 metres; and its width is 14 metres. It is separated from the end of the cul-de-sac by a timber fence with a large evergreen hedge running the length of the boundary. The site is grassed with a number of small trees and some ancillary residential structures. It is separated from the land to the south, which appears to be in agricultural use, by a fence, which delineates the extent of the site ownership.
- 1.4 The proposal is for the construction of three dwellings comprising a pair of semi-detached, two-storey dwellings and a detached two-storey dwelling, all with first floor accommodation within the roof space. The buildings have been sited to follow the existing building lines down both St Cuthberts Drive and St Paulinus Drive, although they are separated by a stretch of grass, which adjoins the existing properties at the bottom end of the roads.
- 1.5 The dwellings would be accessed via a new driveway, which would extend to the side of the St Paulinus Drive turning head, passing through the front garden of 21 St Paulinus Drive, which is occupied and owned by the applicant. The drive would then pass through the site to serve the parking areas of the host property and proposed dwellings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant history relating to the applications site.
- 2.2 Several letters of objection make reference to the refusal of a planning application (14/02609/FUL) by Persimmon Homes for 56 dwellings on land approximately 30m to the south, to the rear of 56 Ainderby Road, on 21 April 2016.

3.0 RELEVANT PLANNING POLICIES

The relevant policies are:

Core Policy CP1 - Sustainable development

Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP8 –Development Limits
Development Policy DP9 – Development outside Development Limits
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer (Contaminated Land) – No objection.
- 4.2 Parish Council -No comments received.
- 4.3 Highway Authority - No objection subject to conditions.
- 4.4 Public comments - Ten representations were received objecting to the scheme as submitted, with a further seven representations reiterating those objections in respect of the amended plans. The representations make the following comments:
- There is no justifiable reason for building on a greenfield site;
 - Risk that this could open the door for other larger development in future;
 - The Persimmon Homes development for 56 dwellings received a very large number of objections from residents in the Romanby area;
 - The Persimmon Home application was turned down because the site lies beyond the Development Limits of Romanby. The proposal would therefore form be a form of unsustainable development causing environmental harm;
 - Near accidents with speeding traffic on Chantry Road;
 - The design of the new layout is basically to fit the shape of the land rather than enhance the surrounding area or fit in with the already existing properties;
 - The curvature of the access road onto St Paulinus Drive would result in local residents suffering from glare from vehicle lights;
 - Loss of light to nearby dwellings;
 - There is no need for new housing especially taking into consideration the North Northallerton Development Area;
 - Increased volume of traffic in and out of St Paulinus Drive could put children's lives at risk;
 - Loss of views across open fields;
 - Restrictive covenants constraining development;
 - Proximity to sewage works; and
 - The Council has a housing land supply in excess of 5 years so there is no housing, economic or social need for the proposed development.

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; and (iv) highway safety.

Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Northallerton and Romanby, which extend along the northern boundary of the site. Policy CP1 indicates that development that would significantly harm the natural environment will not be permitted. Core Policy CP2 indicates that development should be located so as to minimise the need to travel by private car. 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.
- 5.3 The explanation for Policy CP4 indicates that the policy is intended to create sustainable communities and to focus development within settlements where it will help to support the use of local infrastructure and facilities. It says that this approach helps to reduce the need to travel by car. This is expanded upon in Policy DP8, which states that Development Limits exist to achieve a number of objectives, including "to prevent the outward spread of development from settlements".
- 5.4 It is also necessary to consider the more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. This is an important material consideration. Two of the core planning principles contained in Paragraph 17 are that planning should be genuinely plan-led and actively manage patterns of growth. Paragraph 49 also states that housing applications should be considered in the context of the presumption in favour of sustainable development. This is consistent with paragraph 14 of the NPPF, which confirms that the presumption in favour of sustainable development should be seen as a golden thread through decision-taking.
- 5.5 The challenge for the Local Planning Authority is to deliver consistency in its decision making, which is reflective of both the Development Plan and NPPF. Development Limits are an effective tool in achieving this. Arguably it is for the emerging Local Plan to properly consider the way in which settlements should grow and for the time being to continue to apply the policies (in this case Development Limits) relating to housing supply and settlement form until changes (e.g. allocations, amendments to the Development Limits) are formally made in any future adopted Local Plan. There is no evidence that such an approach would be harmful to the Council's requirement to identify and deliver a five-year supply of housing.
- 5.6 It is accepted that whilst the site falls beyond the Development Limits, the fact that it adjoins a Service Centre, supports the view that the site would minimise the need to travel and would help to support the use of local infrastructure and facilities in accordance with the requirements of the NPPF. However, whilst the proposal is relatively small in scale, it would result in unplanned outward spread and have a degree of impact on the wider infrastructure (e.g. highways, education) which is as yet, unplanned for. It may be that the development of three dwellings in isolation would not have a material impact on local infrastructure. However it would fail to deliver some of the benefits that can be achieved through sites allocated in the Local Development Framework (e.g. affordable housing).
- 5.7 Were this application to be approved it would also weaken the Council's ability to resist other sites adjoining the Development Limits of Service Centres throughout the District undermining the plan led approach to the delivery of development. In this regard, it is important to note that there is no policy provision relating to Service Centres that would permit exceptions to Development Limits by reason of the scale of the proposal. Therefore while three dwellings might not seem a significant breach of policy, the principle is identical for proposals of three, thirty or three hundred dwellings.

- 5.8 This leads to the conclusion that the principle of development cannot be supported because of the conflict with policies CP4 and DP8.

Character and appearance

- 5.9 Other policies in the Development Plan require consideration to be given to the impact of the development on the surrounding and natural built form. The surrounding area is typical of a suburban area. There is a consistency in the type of dwellings in terms of layout, form, scale and appearance. The proposed dwellings are consistent with those found along St Paulinus Drive and St Cuthbert Drive.
- 5.10 The plans have been amended during the consideration of the application, which saw the dwellings reduced from two storeys in height. This was because it was considered that the height of the dwellings should be consistent with those closest to the application site. The design of the dwellings, which is not of a particularly high quality in their own right, is consistent with the design of the existing dwellings in the surrounding vicinity.
- 5.11 It is recognised that the proposed site layout does have some compromises. The supporting planning statement explains why it is not possible to simply enter the site at the top end of the turning head because of a ransom strip restricting access. As a consequence the access to the site passes close to the front of 21 St Paulinus Drive, to gain access into the site. However, once in the site, the spacing around the buildings is generally consistent with the surrounding area.
- 5.12 The development includes a detached dwelling at the end of the St Paulinus Drive side of the development. Whilst the dwellings along this road are mainly semi-detached, the actual form and footprint of the development will be similar and is considered to be acceptable. Therefore it is concluded that the proposed development would be largely in keeping and would not have a detrimental impact on the character of the built environment.
- 5.13 The site is currently undeveloped, but separated from the agricultural land to the south by boundary treatments. Indeed the character of the site, whilst not typically residential due to its shape and content, is distinct from the land beyond. However, whilst accommodating some outbuildings, its general character is still open, particularly when viewed from within the site. Because of this context, the impact on the surrounding countryside would not be significant, however there would be a change to site's transitional character and appearance and an erosion of the buffer between the edge of development and the countryside.

Residential Amenity

- 5.14 Policy DP1 seeks to protect the amenity of neighbours. The siting, separation and orientation of the dwellings will avoid adverse levels of overlooking and overshadowing, most notably to the dwellings to the north of the site. The proposed windows in the north facing elevations will serve ancillary rooms (e.g. bathrooms), which are not considered to be main habitable rooms. It is concluded that the development would not harm the living conditions of the adjoining occupiers.

Highway safety

- 5.15 The plans were amended during the consideration of the application to respond to initial concerns raised by the Highway Authority. This resulted in the access road being increased to five metres in width so that two vehicles are able to easily pass. The parking arrangement to serve 21 St Paulinus Drive was also amended to allow for an improved access to plot one.

- 5.16 The amended scheme has been considered by the Highway Authority and it has raised no objection subject to conditions relating to the control of surface water onto the highway, the provision and retention of the parking and the impact of the construction period on the highway.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal would extend residential development outside of the Development Limits of Northallerton (with Romanby) and would result in a change to the site's transitional character and appearance and an erosion of the buffer between the edge of development and the countryside that would be contrary to Local Development Framework Policies CP4, DP8, CP16 and DP30, which seek to protect the openness, intrinsic character and quality of the District's landscape. No exceptional case for development beyond the Development Limits, as allowed for by Policy CP4, has been made.

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Parish: Seamer
Ward: Hutton Rudby
11
16/02470/OUT

Committee Date: 2 March 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 3 March 2017

Outline application for the construction of 3 bungalows with all matters except access reserved

At OS Field 6300, Tame Bridge, Stokesley
For Mr & Mrs Roche

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located within the linear settlement of Tame Bridge. It is approximately 0.3 hectares in size, forming part of a larger undeveloped parcel of land. The remainder of the undeveloped land broadly mirrors the size and extent of the application site.
- 1.2 The settlement of Tame Bridge is located approximately 0.7 km to the west of the built up area of Stokesley. There is a footpath link the entire length between the two settlements, with street lighting.
- 1.3 The application site has a hedgerow along its front boundary, adjoining the highway. The land adjoining the western boundary accommodates a bungalow sited to the front of the plot, with rooms in the roof space; and the land adjoining the eastern boundary accommodates two chalet bungalows sited to the front and rear of the plot. The land to the north (rear) of the site is open countryside, with a relatively open boundary.
- 1.4 The site is relatively featureless, other than a pond which is sited at the front corner, adjacent to the access.
- 1.5 The predominant characteristic of this part of the settlement is of a linear form of development. The chalet bungalow sited to the rear of the site to the east is somewhat of an anomaly to this.
- 1.6 The application is in outline form for the construction of three dwellings. All matters other than access are reserved. An indicative proposed site plan has been submitted in support of the application. This shows the creation of three access points to serve each individual dwelling, one of which replaces the existing access.
- 1.7 Whilst all other matters are reserved, the indicative proposed site plan indicates three detached dwellings located to the front of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/01869/FUL - Creation of a new vehicular access; Granted 15 December 2006.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity
Development Policies 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
Affordable Housing - Supplementary Planning Guidance - June 2008
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Ministerial Written Statement – Small-scale developers, November 2014

4.0 CONSULTATIONS

- 4.1 Northumbrian Water - The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration); or where not reasonably practicable
 - Discharge to a surface water body; or where not reasonably practicable
 - Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable
 - Discharge to a combined sewer
- 4.2 Contaminated Land Officer - Given the agricultural use of the land and scale of the development the applicant is required to submit a Phase 1 Preliminary Risk Assessment. Ideally this information should be submitted prior to determination, however, if you are minded to approve the application then I recommend a condition in order to secure the investigation and, where necessary, remediation of any contamination on the site.
- 4.3 Environmental Health Officer: No objection.
- 4.4 Highway Authority – No objection. Amended plans show individual accesses to serve the proposed properties. The advice in Manual for Streets can be applied to this situation. The road has a 40 mph speed limit and it is reasonable to assume that the 85th percentile is 40 mph local to the site and as such the required visibility would be approximately 2.4m by 65m. Visibility splays in excess of 2.4m by 65m are available in both directions at each of the accesses.
- 4.5 Parish Council - No objection. Our only observation is regarding the historical problems of flooding in this area, but assume that this will be addressed whenever the properties are built. Also, landscaping at any development will be much appreciated.
- 4.6 Public comment - Two letters of objection have been received making the following comments:
- Increased surface water run-off affecting neighbouring property. There is no flood risk assessment with the application to support the proposal. The comments of Northumbria Water should be conditioned if the application succeeds, or at a later date when a reserved matters application is made;
 - The proposal is located outside of Development Limits. While the development would share services with Stokesley; however the sustainability of a development of 3 houses in a modest hamlet is questionable. Bungalows will sell to older people who are more car reliant;
 - Potential views into neighbouring property with resultant loss of privacy;

- This field holds standing water and the development will increase the risk of surface water run-off to adjacent property. The current drainage in the area cannot cope and the development would only add to the risk; and
- The entrance to this development would be onto an already busy road where motorists have scant regard for the speed limit so this entrance would be dangerous.

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) impact on ecology; (v) highway safety; and (vi) affordable housing.

Principle

- 5.2 Tame Bridge lies beyond Development Limits defined in the Local Development Framework and 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 Settlement Hierarchy reproduced in the IPG Tame Bridge is identified as an Other Settlement. This status recognises its relatively limited range of services and

facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.6 Stokesley, which is a Service Centre, is the largest settlement in closest proximity at approximately 0.7km, albeit the majority of services and facilities are located a little further to the east. 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. Whilst Stokesley is not a Service Village or Secondary Village, its status as a Service Centre indicates that it is more preferable in terms of its provision of services available to Tame Bridge. It is therefore considered that Tame Bridge can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. This would be consistent with appeal decisions in similar situations within the District involving small settlements close to Service Centres.

Impact on character

- 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 is considered to be an acceptable scale.
- 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 In making this assessment it is noted that the application is in outline form only with all matters other than access reserved. The plans submitted as part of the application are for indicative purposes only. However, the illustrative site plan demonstrates how it would be possible to deliver a linear form of development on the site, which would be in keeping with the local pattern of development.

Residential Amenity

- 5.10 The main impact to consider is in relation to the two dwellings adjoining the eastern boundary of the site. Due to the size of the site, it is considered that three dwellings can be comfortably achieved without a detrimental impact on their residential amenity.

Ecology

- 5.11 The supporting planning statement describes the site as being of low ecological interest. This view has been informed by a phase 1 habitat survey. However, there is recognition that there are a number of ponds in the general area of Tame Bridge in addition to the application site itself. The statement adds that the larger ponds in the area are stocked with fish and therefore unsuitable for accommodating any newts. It goes on to add that in a pond in a neighbouring curtilage, underneath the pond liner, a single Great Crested Newt was discovered. The ecology consultant is of the view that the presence of a single Great Crested Newt within a nearby domestic curtilage is not grounds for either the application being refused or any European Protected Species License being required to enable the development to proceed. They do however recommend a series of precautionary practical measures being put in place relating to the construction process and these are detailed at Section 6 of their report. There is no reason to disagree with this conclusion and the recommendations can be secured through by planning condition.

Highways

- 5.12 The existing access to the front of the site would be altered to serve the proposed development. This shows the creation of three access points to serve each individual dwelling, one of which replaces the existing access. The Highway Authority considers that suitable visibility splays can be achieved in both directions at each of the accesses and has raised no objection.

Affordable Housing

- 5.13 A ministerial statement has removed the burden for developers to make contributions on housing developments of five units or less within specially designated rural areas and ten units elsewhere. Whilst the extent of the land in the applicant's ownership might deliver a total of five units or more, the application only relates to a part of the site and proposes three dwellings, which is below the Government's threshold. Therefore no affordable housing contribution is required from this application alone.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the landscaping of the site.
 3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
 4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (ii) 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 (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the public highway.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) vehicle parking and turning arrangements.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 6: 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.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (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.
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 shall not be commenced until a site specific ecological method statement has been submitted to and approved by the Local Planning Authority. The statement will include the recommendations set out in the ecology report prepared by Naturally Wild, received by Hambleton District Council on the 18/01/2017.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. In accordance with policy DP3 and in the interests of highway safety
4. 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.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. 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.
8. 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.
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 in accordance with Hambleton Local Development Framework CP21 and DP42.
10. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.

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: Skutterskelfe
Ward: Hutton Rudby
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Committee Date: 2 March 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 31 January 2017
Date of extension of time (if agreed):

16/02540/FUL

Revised application for the use of land and siting of caravan as a private gypsy site for one family

**At land adjacent to Ranch House, Hutton Rudby Road, Skutterskelfe
For Mrs Savannah Foster**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a plot of land approximately two miles west of Stokesley. The main body of the site is approximately 54 x 25 metres, and is accessed by a track approximately 75 metres long. The site and track have an informal hard surface.
- 1.2 On the site there is a blockwork and timber barn, and an incomplete blockwork stable. On the south-west boundary there is a high hedge. To the north east there is a fence to an open field, known as the football field. Beyond the field is an existing single family gypsy site, approximately 100 metres distant. Immediately to the south-west of the site there is a single storey social club house. Beyond the club house, to the south-west, there is a scatter of houses; the closest is Erran Bungalow, approximately 85 metres away.
- 1.3 A previous application for the same description was refused by Planning Committee in June 2016 for the following reasons:
1. The Hambleton District Council Traveller Housing Needs Study, as updated June 2014, and taking into account the provisions of Planning Policy for Traveller Sites 2015 and June 2016 confirms that there is no current shortage in the supply of traveller pitches to meet local need. Therefore this site is not essential to the provision of traveller and gypsy sites in Hambleton and no exception to NPPF and LDF policies is justified.
 2. The proposal fails to satisfactorily demonstrate that the applicants are persons of nomadic habit of life as set out in Planning Policy for Traveller sites 2015 and thus cannot benefit from the provisions of Policy CP8 and DP14 in relation to provision of the accommodation that meets the needs of gypsies and travellers.
- 1.4 The proposed development includes the use of the site for gypsy accommodation and the siting of a large static caravan to the rear (south) of the site. The applicant states that the accommodation is for her benefit and for her husband, William Welch, and their baby son.
- 1.5 This current application has been supported by additional information, which includes details of the applicant's family background and travel for work purposes. This states (not exhaustively) that:
- The applicant and their family travel at all times of the year; and
 - The main reason for travelling has been work with this sometimes taking major gypsy events en-route with the cumulative time away from any base being over 9 months in the last 12.

Details are listed of trips away with reference to events (e.g. Seamer Horse Fair, Appleby Horse Fair). Reference is also made to travelling for work, however no details have been provided as to the extent of work or the type of work.

1.6 The supporting statement highlights what the applicant considered to be the site benefits:

- Buildings and land are already available for keeping horses, dogs and chickens; and
- It is close to family (the applicant's brother lives on the gypsy pitch on the other side of the former football field).

2.0 RELEVANT PLANNING HISTORY

2.1 2/05/134/0071 - Laying out of land and construction of a stable block; Granted 5 September 2005.

2.2 06/00435/FUL – Haybarn; Refused 21 April 2006.

2.3 06/01226/FUL - Revised application for a haybarn; Granted 1 August 2006.

2.4 08/02503/FUL - Access track and private treatment plant; Granted 8 October 2008.

2.5 15/01652/FUL - Use of land and siting of caravan as a private Gypsy site for one family at part of former football pitch; Refused 24 June 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

Development Policies DP3 – Site Accessibility

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

Development Policies DP14 - Gypsies and Travellers' sites

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

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

Development Policies DP32 - Design

Planning Policy for Traveller Sites (August 2015)

National Planning Policy Framework

4. CONSULTATIONS

4.1 Highway Authority - No objection.

4.2 Parish Council - Recommends refusal on the grounds that (i) there is no need for any more gypsy sites within the Parish; (ii) such sites should be nearer to towns, not in open countryside; and (iii) it would be development on green land.

4.3 Environmental Health Officer - No objection but asks that advice be give regarding the need to obtain a caravan site licence if permission is granted. No objection on land contamination grounds.

4.4 Public comment - nine objections have been received making the following comments:

- The application is a repeat of previous proposal with no new reasons; there is no reason for this particular site;
- There is a growing risk of proliferation of gypsy sites in Tame Bridge and Skutterskelfe;
- It would not be sympathetic or in keeping with the surrounding rural area of the quality of nearby dwellings;
- It would be unfair to allow anyone to buy agricultural land in a very desirable location with outstanding views and erect a permanent dwelling;
- Risk of precedent for similar dwellings in the locality;
- As there are enough vacant pitches in Hambleton for the travelling community, there is no need to build on greenfield;
- The applicant has not satisfactorily demonstrated that she is a person of nomadic lifestyle as set out in the Planning Policy for Traveller Sites 2015. The robust case made by the Planning Authority to refuse previous applications for the use of this land as a private gypsy site should be upheld in regard to this latest application;
- The argument that alternative provisions are not suitable as they do not provide facilities for horses and poultry do not recognise the local provision of accommodation for gypsies in keeping with nationally recognised standards;
- The fact that the applicant is raising a young family cannot justify development of a greenfield site;
- It appears the building has already been delivered and erected, with enabling civil works being carried out on the site; and
- There are currently two static type mobile homes on the site

(Note: observations of the site have not verified the last two points.)

5. OBSERVATIONS

- 5.1 The main issues to consider are (i) whether the proposed occupier meets the definition of a gypsy or traveller for planning purposes; (ii) whether there is currently a need for additional gypsy or traveller pitches within the District; and (iii) whether the proposal can draw support from any other Development Plan policy or from national planning policy
- 5.2 Other matters include (iv) the sustainability of the site; (v) the impact on the character and appearance of the natural and built environment; (vi) impact on residential amenity; and (vii) highway safety.

Gypsy or traveller status

- 5.3 Planning law requires that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.4 The 2015 Planning Policy for Traveller Sites (PPTS) defines gypsies and travellers as:
- “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus-people travelling together as such.”
- 5.5 It is therefore necessary to consider whether the proposed occupier currently leads a nomadic life, including the reasons for travel. If they previously led a nomadic life but

have ceased to travel temporarily, their reasons for ceasing and whether (and when) they intend to resume a nomadic life are relevant considerations. Reasons for ceasing temporarily to travel are limited to their own or family or dependants' education and health needs or old age.

- 5.6 Based on the submitted information, it can be established that the applicant is married to William Welch, who is stated to have led a nomadic life in terms of working at major events in the gypsy calendar and Mrs Foster is stated to have led a nomadic life but to have ceased due to the birth of their child. The child is too young to be in education and no health needs have been cited for any member of the family, none of whom is in old age. The applicant has given no indication of when she intends to resume a nomadic way of life.
- 5.7 The revised definition of a gypsy or traveller in the 2015 Planning Policy for Traveller Sites turns on whether the head of the household travels for work and people who have stopped travelling permanently for work purposes do not meet the definition.
- 5.8 Some information has been submitted in support of the application in relation to work, which is summarised in section 1 of this report. It is considered that this information is not sufficiently detailed for the Local Planning Authority to be confident that the applicant meets the definition of a gypsy or traveller.
- 5.9 Taking all of the foregoing into consideration it has not been demonstrated that the applicant meets the planning definition of a gypsy or traveller and on this basis the site is not a justified exception to the strong presumption against new development in the countryside.

Need for additional gypsy or traveller pitches

- 5.10 The conclusion on the first issue above indicates that this issue does not need to be considered. However, for completeness it is pertinent to have regard to the Gypsy and Traveller Accommodation Assessment (June 2016). The updated assessment was prepared by Opinion Research Services and provides a robust and credible evidence base which can be used to aid the implements of Development Plan policies.
- 5.11 The latest evidence, including the findings of 30 household interviews and an assessment against the Government definition of a traveller, is that one additional pitch will be needed in Hambleton between 2021 and 2031 for the six gypsy and traveller households who meet the definition. This takes into account supply from a pitch due to become vacant. The evidence confirms that no new pitches are required before 2021.
- 5.12 The current study indicates that two additional pitches may be required to meet the needs of new household formation for families where it was not possible to establish the traveller status of occupiers. However, it is not considered necessary to plan for this now because it would first be necessary to establish whether the families in question meet the definition. This is a matter to be progressed through the Local Plan in the first instance.
- 5.13 Part of the justification for the site is its ability to allow for the on-site retention of horses, dogs and chickens. It is also stated that one of the reasons that the existing site at Seamer is not appropriate, is because it does not allow for the keeping of animals. However, the requirement of keeping animals on site appears to be more of a desirable, as opposed to an essential site requirement. This is also true in relation to the site's close proximity to the applicant's brother. Therefore these factors cannot be given weight in the determination of the application.

- 5.14 Overall, this site is not considered necessary to meet the needs of gypsies and travellers at this time.
- 5.15 Taking into account that it has not been demonstrated that applicant does not meet the planning definition of gypsy and traveller, and that the site is not necessary to meet the needs of gypsy and travellers at this time, further consideration of the Council's detailed policy in relation to gypsy and traveller sites, principally DP14, is not necessary in this case.
- 5.16 Several requirements of DP14 are consistent with the PPTS, with particular reference to paragraph 25 which states:
- “Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.”
- 5.17 Were it necessary to consider the development against policy DP14, there would be reasons for concern over the site's relatively unsustainable location in relation the nearest Service Centre (Stokesley) approximately 2.8km to the east. There would also be concern about harm caused to the character of the countryside. It is noted that within the surrounding area, there has already been a degree of harm caused by gradual development involving the creation of small parcels of land (often delineated and with timber fencing and formal planting). This existing impact does not justify further harm being caused particularly where there is no demonstrable need for the development. Whilst some additional landscaping is proposed, the overall character of the site would still change as a result of the development.

Whether the proposal can draw support from any other Development Plan policy or from national planning policy

- 5.18 Policy CP4 includes six criteria which may allow development outside sustainable settlements in exceptional cases, including where it is necessary to meet an essential rural need to locate in the countryside, or for affordable housing where the need cannot be met in a settlement within the settlement hierarchy. The applicant has not claimed any of the exceptions listed in policy CP4 and no evidence has been submitted to justify a location in the countryside.
- 5.19 NPPF paragraph 55 states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances and identifies four such circumstances. Three of these broadly follow the criteria of CP4 and are therefore not met. The fourth NPPF consideration, exceptional quality or innovative nature of the design of a dwelling, is neither claimed nor achieved.

Residential Amenity

- 5.20 The nearest residential properties are located to the west of the application site with sufficient separation distance to avoid any harm to residential amenity.

Highway Safety

- 5.21 The Highway Authority has raised no objections to the proposed development.

6.0 RECOMMENDATION

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

1. The proposal fails to satisfactorily demonstrate that the proposed occupiers are persons of nomadic habit of life as set out in Planning Policy for Traveller sites 2015 and thus cannot benefit from the provisions of Policy CP8 and DP14 in relation to provision of the accommodation that meets the needs of gypsies and Travellers.
2. The Hambleton District Council Traveller Housing Needs Study, as updated June 2016 and taking into account the provisions of Planning Policy for Traveller Sites 2015, confirms that there is no current shortage in the supply of Traveller pitches to meet local need. Therefore this site is not essential to the provision of Traveller and Gypsy sites in Hambleton and no exception to NPPF and LDF policies is justified.

Parish: Tollerton
Ward: Easingwold
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Committee Date: 2 March 2017
Officer dealing: Caroline Strudwick
Target Date: 10 March 2017

16/02550/FUL

**Temporary siting of a mobile home for 3 years
At OS Field 4578, Sykes Lane, Tollerton
For Mr Robert Elstone**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is located to the north-east of Tollerton, approximately 750m beyond Development Limits, and comprises 4.86 hectares of agricultural land with a modern barn in the North West corner, near Sykes Lane. Access is gained from Sykes Lane to the north.
- 1.2 The scheme is a resubmission following refusal of 14/02152/FUL for the placement of temporary mobile home for three years. This application seeks temporary consent for the siting of a timber clad cabin style mobile home to replace a static caravan close to the western boundary of the site and a short way to the south of the existing barn. It would be for use in association with the worm farm.
- 1.3 The worm farm enterprise is not active and ceased operating in 2010 following the failure of the functioning of the outdoor worm farm pits due to cold winter weather conditions. The applicant now proposes to operate a worm farm in the barn to overcome that problem.
- 1.4 The applicant resides in Skelton, some nine miles away from the site. He considers that an on-site presence is necessary due to monitoring power cuts, equipment failure, feeding, water and security associated with the running of the worm farm.
- 1.5 The application is referred to Planning Committee for decision at the request of Councillor Knapton.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/162/0250 - Change of use of agricultural land to Class B2 use as a worm farm to include the formation of worm pits and siting of a static caravan to provide office accommodation; Granted 3 July 2002.
- 2.2 14/02152/FUL - Placement of temporary mobile home for three years; Refused 21 September 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 – Development outside development limits
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP26 - Agricultural issues
Development Policies DP32 - General design

Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Environmental Health Officer - No objection. An informative regarding the necessity for a caravan licence is noted.
- 4.2 Yorkshire Water - No comments to make.
- 4.3 Highway Authority - No objection.
- 4.4 Public comment - None received.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to (i) the principle of the temporary residential use in this location; (ii) any impact on the visual amenity of the surrounding area; (iii) any impact on neighbour amenity; and (iv) any highway safety issues that may arise.

Principle of development

- 5.2 Considering the approximate 750m distance from the Development Limits of Tollerton, the proposal would be an isolated dwelling in the countryside and could not be considered as development within a village under the Council's Interim Policy Guidance. Paragraph 55 of the National Planning Policy Framework (NPPF) must be satisfied if the principle of the development is to be considered acceptable. It states that isolated new homes in the countryside must be avoided unless there are special circumstances such as (as relevant) the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.3 Criterion i of Policy CP4 of the Hambleton Local Development Framework allows development in the countryside where it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy. Where the evidence demonstrates a need for a permanent on-site presence, it is reasonable to allow dwellings for the required number of workers, subject to conditions preventing general occupation. An example of that is an agricultural worker's dwelling permitted at Stark Farm, on the opposite side of Sykes Lane, in 2008.
- 5.4 The applicant considers there is essential need for a dwelling to be provided on site for him to live in for these reasons:
 - Sustainability benefits from reduced travelling from the applicant's home to the site;
 - Increased welfare for the worms through regular surveillance;
 - Establishment of the business due to easier on-site management which would facilitate further financial investment; and
 - Improved security of the site.

It has also been suggested that there would be sustainability benefits through production of worms close to where they would be used at local fish ponds.

- 5.5 The applicant had consent granted for the use of the land as a worm farm, with external worm stores, in 2002. However, he lost his stock in 2010 due to adverse weather conditions. Since this time the applicant has still supplied composted horse manure (previously used to supply the external worm farm) to the local area at a low scale but has predominantly focused his commercial interests elsewhere.
- 5.6 The applicant now wishes to re-establish the worm farm but entirely within the barn. However, this calls into question whether a rural location is essential for a business that could reasonably be carried out in any similar building, including those on sites within urban locations. For this reason it is considered that the proposed dwelling cannot benefit from the rural business exception of CP4i and would be contrary to national and local policies restricting new housing in the countryside. This is considered sufficient to justify a refusal of planning permission but for completeness it is prudent to also consider the other elements of the applicant's case.
- 5.7 The applicant has defined a standard day were he to operate the worm farm at this location, remote from his home. He has also provided an overview of a business plan to outline the growth of the enterprise on site and has described the life-cycle of the worm.
- 5.8 The applicant's envisaged standard day operating the site remotely suggests seven visits to the site to monitor the worms, with further visits required overnight to respond to emergencies. The applicant advises that remote monitoring equipment is costly and unreliable and is not a substitute for on-site surveillance. In contrast, the planning history indicates that a worm farm operated on the site for some eight years without needing an on-site residential presence and that it was primarily the impracticability of growing worms outdoors that caused the enterprise to cease, not the arguments now being made in support of the proposed dwelling. Considering the conclusion already reached, that the business does not have an essential requirement to locate in a rural area, these practical issues do not appear to prevent a worm farm from operating but may further illustrate why a location closer to the applicant's home would be more appropriate.
- 5.9 The improved sustainability credentials of living on site and the growth of the business due to easier on-site management do not justify an isolated dwelling, particularly as the worm farm is not currently operating. The applicant has carried out investigations into the possibility of worm farming inside the industrial unit, using 5kg of worms. Through a series of incidents, including power loss and temperature drop, which the applicant felt could have been addressed by living on site, almost all the worms were lost. What is not clear is how the applicant would have addressed these incidents had he been on site, and why they could not be addressed by locating the enterprise closer to where he lives. Agricultural diversification is to be supported in principle but it is not proved that a dwelling is required in order for a viable worm farm to be formed.
- 5.10 It is reported that the site has suffered two thefts, involving items including a tractor, a generator, a cement mixer, fuel and cables. The applicant has explored the use of a remote security system but given the distance from the applicant's home the site cannot be reached during a break in. No explanation has been offered as to why items such as a tractor or cement mixer might be needed in order to operate an indoor worm farm and accordingly this issue can be given very little weight. The improved security of the site is not an essential need for an isolated new home, indeed it further illustrates the benefit of seeking a less remote building in which to carry out the business.
- 5.11 The agent has provided the examples of five companies in the UK who commercially grow worms and have dwellings on site. No information has been submitted to

demonstrate that any of those dwellings were permitted as a result of demonstrating essential need. Through carrying out a high level search of these businesses on the internet, one appears to be a supplier of worm kits to potential farmers, however this business does appear to be within an established agricultural unit. Four of the examples appear to be diversification of established agricultural units with some more traditional agricultural use still taking place on site. Two appear to be large commercial operations which advertise a variety of worms, fishing bait and live reptile food being produced. Very little information was available as to the location of the fifth example, however, it is a large scale enterprise.

- 5.12 The applicant's financial appraisal of an envisaged enterprise suggests that it could be a profitable concern. The applicant has established that there would be a market locally for the worms at nearby fishing lakes although there can be no guarantee that worms produced on the site would be used there. However, this does not change the fact that a business that operates within a building does not need a rural location or that a dwelling is required to enable to applicant to establish the business.
- 5.13 The applicant has provided a paper entitled Home Worm Production, as demonstration of the labour intensive nature of worm farming. This paper does state that "New earthworm growers should consider entering the business on a small scale and learn to raise worms successfully before attempting mass production". There is no reference to what constitutes mass production, additionally this paper appears to be intended to guide amateurs who wish to start growing worms at home. This paper does not provide sufficient information on the commercial production of worms to demonstrate that this type of enterprise is labour intensive and warrants a dwelling on site, or more importantly, that a rural location is needed.
- 5.14 It is considered that the applicant has not provided sufficient information to justify an essential need for a dwelling in this location.

Visual amenity

- 5.15 The proposed temporary log cabin would replace a static caravan against the western boundary of the site. The overall design of the structure, its positioning away from and screened to nearby public viewpoints, and its colouration are such that there would not be a significant harmful impact on local visual amenity. The structure would not be suitable for permanent retention; however this matter could be resolved by the imposition of an appropriate condition if permission were to be granted.

Neighbour amenity

- 5.16 The site is isolated and the nearest dwelling, Stark Farm, is approximately 75m away, building-to-building, on the opposite side of Sykes Lane. The proposed temporary dwelling and associated activity would not harm neighbour amenity.

Highway safety

- 5.17 The Highway Authority has not raised an objection and it is therefore accepted that the proposed development would not have a harmful impact on highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal is contrary to Hambleton Local Development Framework Policies CP1, CP2, CP4 and DP9 and the National Planning Policy Framework Paragraph 55 as no

essential need for a rural worker to live at their place of work in the countryside remote from a range of services has been demonstrated.

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