

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 19 April 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**

Date **Thursday, 27 April 2017**

Time **1.30 pm**

Venue **Yorkshire Suite, Golden Lion Hotel, 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 INVESTING IN THE PLANNING SERVICE, THE HOUSING WHITE PAPER,
BROWNFIELD LAND REGISTER AND PERMISSION IN PRINCIPLE AND
UPDATES ON STRATEGIC SITES AT NORTH NORTHALLERTON AND SOWERBY GATEWAY**

AGENDA

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|----|--|---------|
| 1. | MINUTES | 1 - 4 |
| | To confirm the minutes of the meeting held on 30 March 2017 (P.26 - P.27), attached. | |
| 2. | APOLOGIES FOR ABSENCE. | |
| 3. | PLANNING APPLICATIONS | 5 - 78 |
| | Report of the Executive Director. | |
| | Please note that plans are available to view on the Council's website through the Public Access facility. | |
| 4. | EXCLUSION OF THE PUBLIC AND PRESS | |
| | To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 5 on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 12A to the Act. | |
| 5. | PLANNING CONDITIONS RELATING TO PUBLIC RIGHTS OF WAY - CASTLEGATE AND MOWBRAY PARK DEVELOPMENTS (FORMER YORK TRAILERS SITE), YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL) | 79 - 88 |
| | Report of the Executive Director | |
| 6. | 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,
30th March, 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
	S P Dickins		C Rooke
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

Also in Attendance

Councillor S Watson

P.26 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 2 March 2017 (P.24 - P.25), previously circulated, be signed as a correct record.

P.27 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) 16/02714/FUL - Construction of five detached dwellinghouses at Land to the east of Willow Gardens, Leeming Bar for Briahaze Village Homes

PERMISSION GRANTED subject to an additional condition to protect wall mounted utilities

- (2) 17/00403/FUL - Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 4 flats at 5 Northallerton Road, Leeming Bar for Mr J Costandi

PERMISSION GRANTED

- (3) 16/02434/OUT - Outline application with details of access (all other matters reserved) for the construction of a dwelling and a detached garage at The Stables, Gatenby for Mrs Sarah Michael

PERMISSION REFUSED

(The applicant, Mr James Michael, spoke in support of the application.)

- (4) 16/02247/FUL - Development of four dwellings at Part OS 8471 and 9170, Gracious Street, Huby for Northminster Ltd

PERMISSION GRANTED

- (5) 16/02525/MRC - Variation of condition 2 of planning permission 15/02246/FUL (approved plans changes to design) - Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building at Kirkby House Farm, Hill Road, Kirkby in Cleveland for Mr & Mrs Rowland & Jane Holmes-Smith

PERMISSION GRANTED

(The applicant, Mr Rowland Holmes-Smith, spoke in support of the application.)

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

Note: Councillor D Blades left the meeting following discussion and voting on the above item.

- (6) 16/02574/OUT - Outline application with all matters reserved for a single dwelling at Churchfields, Piersburgh Lane, Low Worsall for Mr Peter Lancaster

PERMISSION REFUSED

(The applicant, Mrs Fiona Lancaster, spoke in support of the application.)

- (7) 17/00370/FUL - Single storey extension to provide additional fitness suite & toning studio spaces together with an accessible WC provision and a 24 hour access doorway; internal refurbishment works to revamp the existing changing areas, and provide new dance & group cycle/multi-purpose studios together with a new platform lift provision from the main entrance area at Hambleton Leisure Centre, Northallerton Road, Brompton for Hambleton District Council

PERMISSION GRANTED

- (8) 17/00234/FUL - Cancer centre building and associated works at Friarage Hospital, Northallerton for South Tees Hospitals NHS Foundation Trust

PERMISSION GRANTED

- (9) 17/00073/MRC - Removal of condition 15 and variation of condition 14 (to read cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030 and no cabins shall be stacked to a height of more than 6m unless otherwise agreed in writing by the Local Planning Authority) to previously approved application 14/02558/MRC - Application to vary conditions 18, 19, 20 and 21 of approved scheme 14/00141/FUL at Station Lane, Shipton by Beningbrough for S Wernick & Sons (Holdings) Ltd

PERMISSION GRANTED subject to an additional condition to control audible warning safety system on cranes

(The applicant's agent, Mr Richard Irving, spoke in support of the application).

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

(Mr John Crompton spoke objecting to the application.)

- (10) 17/00005/OUT - Outline application with all matters reserved for a residential development at Land to the east of Flawith Road, Tholthorpe for Messrs Robinson, Foster & Castlevale Ltd

PERMISSION GRANTED

- (11) 16/02733/FUL - Conversion of barns to create 4 dwellings at Holmfield, Newton Road, Tollerton for Mr Jim Robinson

PERMISSION GRANTED

(The applicant's agent, Mr Christopher Carroll, spoke in support of the application).

- (12) 17/00153/FUL - Four detached houses and ten parking spaces for school staff at Anchor Dykes, Station Road, Topcliffe for Mr & Mrs N Corps

APPLICATION WITHDRAWN

The meeting closed at 4.00 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee in the Yorkshire Suite at the Golden Lion Hotel, High Street, Northallerton on Thursday 27 April 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 27th April 2017
The Golden Lion Hotel, Northallerton

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	17/00144/FUL Miss L Chambers Alne Page no: 9	Demolition of barn and construction of two detached dwellings For: Ms Suzanne Coning At: Land North of Fold House, Main Street, Alne RECOMMENDATION: GRANT
2	17/00268/OUT Mrs C Strudwick Dalton Page no: 15	Outline application for a detached dwelling with details of access for existing and proposed dwellings (all other matters reserved) and gates and porch extension to existing dwelling For: Mr & Mrs M Pollard At: Hilltop, Dalton RECOMMENDATION: GRANT
3	16/02487/FUL Mr K Ayrton Kirby Page no: 21	Alterations to dwellinghouse, alterations and change of use to the existing barn/outbuildings to form habitable accommodation with two storey link extension, and alterations to existing barn to form garage with associated alterations to the vehicle hardstanding For: Mr Mark Barratt At: Manor Farm, Hill Road, Kirkby In Cleveland RECOMMENDATION: REFUSE
4	16/02127/FUL Mr T Wood Newton-on-Ouse Page no: 25	Construction of three dwellings and associated works (revision to planning application 16/01540/FUL) For: Mrs Toni Johnston At: Land to the south of Bravener Court, Newton-on-Ouse RECOMMENDATION: GRANT
5	16/02803/OUT Miss L Chambers Raskelf Page no: 39	Outline application (all matters reserved) for the construction of three dwellings For: Mr Paul Johnson At: Land To West of Green Acres, The Green, Raskelf RECOMMENDATION: GRANT
6	17/00355/FUL Mrs C Strudwick Shipton Page no: 45	Proposed two bedroomed dwelling For: Mrs Chris Shepherd At: East Villa, Main Street, Shipton by Beningbrough RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	17/00196/FUL Mrs C Strudwick Sinderby Page no: 51	Demolition of dwelling and construction of 2 bedroom dwelling & 4 bedroom dwelling For: Mrs Sandra Brittain At: White House Cottage, Sinderby RECOMMENDATION: GRANT
8	16/02722/REM Miss L Chambers Stillington Page no: 57	Reserved matters application for 5 bungalows, car ports, car parking and associated infrastructure For: Mr & Mrs P & K Mandefield At: Land South of White Bear Farm, South Back Lane, Stillington RECOMMENDATION: GRANT
9	17/00570/FUL Mrs H Laws Warlaby Page no: 63	Construction of a Pig Fattening House For: Mr Brian Phillips At: Hall Farm, Warlaby RECOMMENDATION: GRANT
10	16/02254/OUT Mr K Ayrton Welbury Page no: 67	Outline planning application for a detached dwelling with garage with all matters except access reserved For: Mr & Mrs T Johnson At: Colwell House, Welbury RECOMMENDATION: GRANT
11	16/01573/FUL Mrs H Laws West Tanfield Page no: 73	Retrospective change of use of dwelling and domestic curtilage for weddings/private functions. Retrospective works include construction of a Riverside Pavilion and use of land for the siting of two temporary marquees and car parking for up to 100 cars For: Mr Neil Bourne-Arton At: Tanfield House, West Tanfield RECOMMENDATION: REFUSE

Parish: Alne
Ward: Easingwold
1

Committee date: 27 April 2017
Officer dealing: Laura Chambers
Target date: 4 May 2017

17/00144/FUL

Demolition of barn and construction of two detached dwellings
At land to the north of Fold House, Main Street Alne
For Ms Suzanne Conning

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the east of Main Street at the northern extent of the village of Alne. There is currently an agricultural shed on the site located alongside Fold House, which is currently the last dwelling to the north of the village on the east side of Main Street. The land beyond the shed is in agricultural use.
- 1.2 The site lies immediately to the north of the Development Limits of the village and the access is within the Alne Conservation Area, although the main part of the site is just beyond it. There are a number of mature trees along the western boundary of the site, within a grass verge; there is no proposal to carry out work to these trees.
- 1.3 Main Street is the historic centre of the village, although the village has developed beyond this over time to the north and south. Although the application site is adjacent to the last dwelling on the east of Main Street, a number of properties lie further north on the west side of the street.
- 1.4 Full planning permission is sought for the construction of two four-bedroom detached dwellings with associated car parking following demolition of the barn. The existing access to the site would serve the two dwellings and would also provide continued agricultural access to the land beyond the site.
- 1.5 The proposed dwelling on Plot 1 would be located broadly on the footprint of the barn with Plot 2 positioned alongside it to the north. Landscaping is proposed within the plots and would include a native hedge to the northern boundary of the site.
- 1.6 Improvements have been secured as follows: the submitted plans indicate the use of a post and rail fence to demark the northern boundary of the site; however it has been agreed that a more suitable boundary treatment would be a native hedge, the specific details of which are to be secured by condition. Ecological mitigation proposals have been identified following public comment that alerted the presence of protected species on site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 86/1007/OUT – Outline application for a dwelling; Refused 1 September 1986.
- 2.2 16/02629/OUT - Outline application with all matters reserved for the demolition of barn and construction of two detached dwellings; Withdrawn 21 January 2017.

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
 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
 Development Policy DP43 – Flooding and Floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects on the grounds that the site is beyond Development Limits and it has no wish to see ribbon development.
- 4.2 Highway Authority – No objection.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Ministry of Defence – No safeguarding objection.
- 4.5 Public comments – Two objections and one neutral response have been received and are summarised below.
 - Limited details have been provided in order to make an informed decision;
 - The proposal represents ribbon development;
 - There is little justification for development beyond current Development Limits;
 - Detrimental impact on the open character and appearance of the surrounding countryside;
 - Loss of view;
 - Loss of privacy;
 - Impact on wildlife, including protected species;
 - The proposed entrance does not appear suitable for farm traffic, which should not be combined with residential access;
 - It is unclear whether the access will be surfaced; left unsurfaced it would become muddy and hard surfacing could damage an adjacent tree;
 - A precedent could be set for further development of the field; and
 - Potential strain on amenities and traffic of recent planning approvals in Alne.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the area; (iii) design of the proposal; (iv) the impact on residential amenity; (v) the impact on wildlife; and (vi) the suitability of the proposed access.

Principle

- 5.2 The site falls outside of Development Limits of Alne and Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy

DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the settlement hierarchy contained within the IPG, Alne is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.

Impact on character

- 5.5 The proposal for two dwellings is in line with the requirement for development in villages to be small in scale and is also closely related to the existing settlement being immediately adjacent to the edge of the village. The proposed dwellings would follow the established building line and are therefore in keeping with the existing built form. It is not considered that two dwellings would constitute ribbon development; rather they would be a small scale continuation of the linear form of development along Main Street.
- 5.6 Although beyond the current development limits, the application site is not the most northerly extent of the village as there are a number of other properties on the western side of Main Street that lie further north. As such, and subject to appropriate landscaping on the northern boundary, the perception of entering the village from the north would not alter significantly and the proposed dwellings would not appear isolated or detract from the character of the open countryside beyond.
- 5.7 The agricultural building on the site has a dilapidated appearance and although beyond the Conservation Area boundary, it does little to enhance the character of the area. As such, its replacement with a building of appropriate design presents an opportunity to secure a modest improvement in the character of the area.

Design

- 5.8 Main Street is characterised by large properties that front the road and are within generous plots, however there is not a single architectural style with small numbers of properties having developed over time. The proposed dwellings would also occupy large plots and would be in excess of national and local minimum space standards. They would therefore be in keeping with the pattern of development in the area.
- 5.9 The proposed dwellings are to be constructed of facing brickwork, as is common throughout the village, and clay pantiles, which is also prevalent. The properties would be different in appearance but with unifying features, including chimneys, a canopy over the front door and decorative headers and sills to the windows.
- 5.10 Although the majority of the site is not within the Conservation Area, it is immediately adjacent to it and the development could therefore impact upon it. The proposal is of a high quality design that would be appropriate to the surrounding area and would not therefore harm the character of the Conservation Area.

Residential Amenity

- 5.11 The closest existing property to the site is the adjacent Fold House and concerns have been raised about the impact of the proposal on the amenity of neighbouring occupiers. This relates principally to windows within the side elevation of an extension to Fold House. The dwelling proposed for plot 1 would be positioned at an offset angle to the neighbouring property and would include two secondary windows in the side elevation to the south, serving a utility and WC.
- 5.12 There is a separation between the proposed property and the neighbour's extension of approximately 16m. Separation distances to protect privacy commonly would require principal room windows directly opposite a proposed side elevation to be 14m. As the separation is greater than this and the properties would not be directly opposite each other, it is not considered an unacceptable loss of privacy would result.
- 5.13 The proposed properties would be set back from the road with a substantial verge and mature tree planting, as such the amenity of neighbouring properties to the west of Main Street would not be adversely affected by the proposed development.
- 5.14 The concern raised in relation to the loss of a view is not a material planning consideration and cannot be afforded weight in determining the application.

Wildlife

- 5.15 Concerns have been raised about the potential impact the proposal could have on wildlife, including Great Crested Newts and bats, which are protected species. The applicant has accordingly submitted an ecology assessment, following site survey, to identify whether any species would be affected by the development. It is noted within the report that none of the potential habitats within the site that would be affected by the development are considered of significant ecological value. In particular, and despite the name of the nearby farm, there is no evidence of a pond on the site.
- 5.16 Notwithstanding the above, the report recommends compensation measures for bird species should be incorporated into the design, a Great Crested Newt Mitigation and Compensation Strategy carried out and a dusk emergence survey for bats be undertaken. At the time of writing the applicant is preparing further details, which will be reported on at the meeting. However, at this stage it is considered that effective protection could be achieved through the imposition of appropriate conditions.

Access

- 5.17 Access to the proposed dwellings would be taken from the existing access off Main Street, forming a shared private drive to serve both properties and the agricultural land beyond. Concern has been expressed about the suitability of combining residential and agricultural access; however this is found in other village locations and has not been identified as a safety concern by the Highway Authority.
- 5.18 Ample parking is proposed for each property and this would meet NYCC standards and as such no objection has been raised. It is not considered the proposal would adversely impact the highway network and is therefore compliant with policy DP32.

Heritage assets

- 5.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Alne Conservation Area. On

assessment of the application it is considered that it would not lead to harm to a heritage asset and would therefore preserve it.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission 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 LP, 01A, 02A, 03A, 04A, 05A, 06A received by Hambleton District Council on 06/12/17 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. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. Any such scheme as may be approved shall be implemented on site prior to occupation of the dwellings hereby approved. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. Prior to the commencement of development the recommended additional survey work identified in the ecological appraisal received by Hambleton District Council on 29/03/17 shall be carried out and details of proposed mitigation measures shall be submitted to the Local Planning Authority in writing for approval. Any such scheme for mitigation as may be approved shall be implemented on site and maintained at all times.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In 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, CP2, CP4, CP16, CP17 and CP21.
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.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. In the interests of protecting the ecology of the area.

Informatives

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

1 x 240 litre black wheeled bin for general waste
1 x 240 litre 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 Hambleton District Council - Waste and Streetscene.

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: Dalton
Ward: Sowerby & Topcliffe
2

Committee date: 27 April 2017
Officer dealing: Mrs C Strudwick
Target date: 5 May 2017

17/00268/OUT

Outline application for a detached dwelling with details of access for existing and proposed dwellings (all other matters reserved)

At Hilltop, Dalton

For Mr & Mrs M Pollard

This application is referred to Planning Committee as the application is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is within the curtilage of Hilltop, to the north of Chapel Row, partly beyond the Development Limits of Dalton. There is an electrical substation between the road and the site.
- 1.2 Hilltop and the site are bounded by a mature evergreen hedge, closed boarded fence and soft landscaping, with very little visibility from the street. The site is elevated from the street. There is no Conservation Area or designated historic asset nearby. The localised area is predominately residential, with a car repair garage nearby.
- 1.3 This application seeks outline planning permission for a detached dwelling and formation of a new access for the existing dwelling. The existing access would serve the proposed dwelling.
- 1.4 The only matter for approval at this stage is access. The remaining matters of appearance, landscaping, layout and scale would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 08/04396/FUL - Vehicular and pedestrian access; Granted 22 December 2008.

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 CP17 - Promoting high quality design
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP32 - General design
Interim Policy Guidance on housing in small settlements
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Dalton Parish Council – No objection.
- 4.2 Highway Authority – No objection; recommends conditions.

- 4.3 Environmental Health Officer – No objection; the risk of contamination affecting the development or end users is considered to be low; no objection.
- 4.4 Public comment – One comment has been received requesting further information regarding the design of the proposal and stating that works should only take place during reasonable hours.

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.
- 5.4 Dalton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. It is noted that the site is close to other properties within the settlement and close to local facilities and that the front part is within Development Limits. The siting of the proposed dwelling is not for decision at this stage, however, given the location and extent of the site, it would relate well to the existing settlement and would therefore be acceptable in principle, subject to detailed consideration of the design, layout and relationship to neighbouring properties at the reserved matters stage.

Character of the area

- 5.5 The area is predominately residential and a dwelling here would not be incongruous. The site is will screened by the hedge, fence and electrical substation. Views into the site would be limited. As a result of an additional access point on the road there would be a loss of a portion of the planting and landscaping, however is it considered that this would not have an unacceptable impact on the character of the area.
- 5.6 The indicative plan shows a dwelling which almost entirely fills the width of the plot. It is acknowledged this is an outline application, with appearance, layout and scale for later reserved matters, however careful consideration must be given to how the

space within the plot is used, the positioning of the dwelling and its proximity to the boundaries.

Neighbour amenity

- 5.7 The proposal includes indicative details of layout, however this detail is not for formal decision. With the external appearance and precise position of windows to be determined at a later date, it is considered that a dwelling here could be designed in a manner to ensure that overlooking and privacy would not be adversely affected.
- 5.8 The existing access to Hilltop would be handed over to the proposed dwelling, whilst the new access for consideration in this application would be for the use of occupiers at Hilltop. Overall it is considered that there would be no significant harm to the amenities of residents arising from both elements of this proposal.

Highway safety

- 5.9 The Highway Authority raises no objection in principle. In view of this advice, it is considered that the additional traffic associated with two dwellings would not have a significant impact in terms of highway safety. The access could be accommodated safely within the space. Therefore it is not considered that highway safety would be compromised.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 2017:08/03B unless otherwise agreed in writing by the Local Planning Authority.
 3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 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. 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: (d) The crossing of the highway verge and footway shall be constructed in accordance with Standard Detail number E6; (e) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; (f) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10; and (h) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular parking; and (b) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, DP1, CP17, and DP32.
3. 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.

4. In the interests of highway safety.
5. In the interests of highway safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. 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 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 Hambleton District Council - Waste and Streetscene.

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

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

2. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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Parish: Kirkby
Ward: Stokesley
3

Committee date: 27 April 2017
Officer dealing: Mr K Ayrton
Target date: 28 April 2017

16/02487/FUL

Alterations to dwellinghouse, alterations and change of use to the existing barn/outbuildings to form habitable accommodation with two storey link extension, and alterations to existing barn to form garage with associated alterations to the vehicle hardstanding

At Manor Farm, Kirkby in Cleveland

For Mr Mark Barratt

This application is referred to Planning Committee at the request of Councillor Wake

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located approximately 700 metres to the south of Kirkby in Cleveland, sitting close to the foot of the North York Moors National Park. It is served by a private drive, which comes off a relatively narrow public highway leading back to Kirkby to the north, and Toft Hill Caravan Park to the south. The road also serves several other isolated dwellings.
- 1.2 The existing linear dwelling is of simple local vernacular design using traditional materials. The dwelling and outbuildings contribute positively to the character and appearance of the countryside. Their scale, design and relationship are typical of farm buildings in this area, and are visible from viewpoints beyond the site boundary, most notably the road linking with the village of Kirby and the public footpath, which passes through the site and along the access road. However, there is landscaping the around the site that also limits some viewpoints, most notably from the east.
- 1.3 The proposal as originally submitted was for the following works:
- Erection of a large two story link building between the front elevation of the dwelling and the outbuilding;
 - Erection of sun lounge attached to north elevation of outbuilding;
 - Conversion of outbuilding to form double garage and dog drying area;
 - Creation of single storey link between sun lounge and garage; and
 - Introduction of additional doors into southern elevation of main dwelling.
- 1.4 Concerns were raised with the applicant and agent during the consideration of the application. These mainly related to the potential impact of the proposed two-storey link building on the character, form and appearance of the dwelling and outbuildings. In response, some amendments were made, including the removal of the sun lounge and link to the garage, but the main two-storey link building has been retained.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 86/0952/FUL - Alterations and extensions to dwellinghouse; Granted 11 March 1986.
- 2.2 92/1075/FUL - Extension to dwelling; Granted 7 April 1992.

3.0 RELEVANT PLANNING POLICIES

CP1 – Sustainable Development

CP16 - Protecting and enhancing natural and man-made assets
CP17 – Promote High Quality Design
DP1 – Protecting Amenity
DP30 – Protecting the character and appearance of the countryside
DP32 – General Design
Supplementary Planning Document – Domestic Extensions
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection but asks whether Hambleton District Council is happy with the changes to the traditional range of farm outbuildings and notes that although the application states that work has not yet commenced, some outbuildings have been demolished.
- 4.2 Environmental Health Officer – No objection.
- 4.3 Northumbrian Water – No comments.
- 4.4 Ramblers' Association – No objection.
- 4.5 Public comments – One letter of support received making the following comments:
- I have no objection as it does not affect the nearby houses;
 - The works would not be visible to any house owners or the National Park; and
 - It might be possible to object had it been made into more properties.

5.0 OBSERVATIONS

- 5.1 The main issue to consider is the impact of the development on the form, character and appearance of the host dwelling and surrounding area. The likely impact on neighbour amenity also requires consideration.

Character and Appearance

- 5.2 Development Policy DP30 states that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.3 Development Policy DP32 requires the design of all development to be of the highest quality. In respect of form, it specifically requires that proposals respect local character and distinctiveness, relate to and respect any historic context of the site, and pay regard to traditional design and forms of construction.
- 5.4 The Domestic Extensions Supplementary Planning Document (SPD) provides further guidance in respect of the design of domestic extensions and alterations. It includes five important design principles. These require that extensions maintain character; are subservient; maintain spaces; maintain privacy; and maintain daylight.
- 5.5 The SPD also provides guidance on front extensions. It states that "single or two storey front extensions would only be supported where they: harmonise with the surrounding street scene, are modestly sized and sympathetically proportioned, do not affect the amenity of neighbouring properties, and do not harm the character of the host building. Generally the opportunity for front extensions is likely to exist where there is sufficient space to the front of a property or where the housing is of low density and is detached."

- 5.6 The form of the existing property and outbuildings are typical of a farm house of its era in this location and the existing development sits comfortably in its landscape. The buildings are visible and are clearly legible in terms of their use and historical development.
- 5.7 Whilst it is accepted that the buildings are no longer in agricultural use, it is still important to retain their character and positive relationship with their setting. Indeed this is a clear requirement of the planning policy summarised above.
- 5.8 The proposed two-storey link building would sit between the simple front elevation of the dwelling and the converted outbuilding to the north. It would introduce a large and dominant feature that would significantly detract from both the simple linear form of the dwelling and the historic relationship with the outbuildings. Whilst the creation of additional floor space is not in itself unacceptable, there is no evidence in the proposed plans or the supporting documents of any consideration being given to the existing character of development or the site's relationship with the surrounding landscape.
- 5.9 In respect of the works to convert the outbuildings to form additional outbuildings and garaging, there is no objection in principle. The design treatment of these buildings is largely acceptable, other than the treatment of the west elevation of the proposed family room, which includes an external chimney. When viewed in the context of the proposed two storey domestic link, the character of the outbuilding is lost, with the appearance more akin to a wing of a very large dwelling. This is perhaps best demonstrated in the proposed west elevation (labelled Elevation A-A on the plans). Whilst there is always a difference between how buildings appear in elevation drawings and when viewed from nearby vantage points, it clearly shows a large dwelling with what is effectively the creation of a large central entrance, which leads to the proposed great hall. The wings would sit on either side, linked by the substantial two-storey links.
- 5.10 Critically, the existing character of development and the site's relationship with its setting would be lost. As a result the proposal would be harmful to the character and appearance of the host dwelling and the surrounding countryside, in conflict with Development Policies DP30, DP32, CP17 and the Domestic Extensions SPD.

Residential amenity

- 5.11 Considering the site's isolated position, there would be no adverse impact on neighbours.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proposed development would be harmful to the character and appearance of the host dwelling and the site's relationship with its countryside setting, thereby contrary to Development Policies DP30, DP32, CP17 and the Supplementary Planning Document – Domestic Extensions.

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16/02127/FUL

Construction of 3 dwellings and associated works (revision to planning application 16/01540/FUL)

**At land to the south of Bravener Court, Newton on Ouse
For Mrs Toni Johnston**

Consideration of this application was deferred at the meeting of 5 January 2017 for further assessment of the impact on protected species and to seek a reduction of the height of the building on Plot 1

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a field to the east of Back Lane, Newton-on-Ouse to the south of Bravener Court and opposite the junction with Sills Lane. The site is fronted by a highway verge some parts of which are used at times for parking. The verge varies in width from 3m to 8m with a hedgerow fronting the site and a number of trees on the verge and within the application site. To the south of the site is a pond which relates to historical pits and filled ground and allotment gardens.
- 1.2 The application proposes three dwellings served by a single access point which currently is a field access. Plot 1 is located to the south of the site with Plot 3 located closest to Bravener Court. Plots 1 and 2 are proposed to be four bedroom, two-storey houses, although of different designs whereas Plot 3 is proposed as a three bedroom dormer bungalow.
- 1.3 The application proposes to fell two of the wild cherry trees that are within the field to allow the development to be built.
- 1.4 Amended plans were received on 24 November 2016 making the following amendments:
- Plot 1 - The garage portion has now been aligned to the rear gable so reducing the overall depth of the house - allowing roof configurations to be rationalised - affording also a better plot placement in relation to the garden space around the footprint.
- Plot 2 - The hall between the house and garage has been removed reducing the width of the house and the overall plot width - this adjustment giving more room for Plot 3.
- Plot 3 - The adjustment to the width of Plot 2 has allowed the relocation of the Plot 3 dormer bungalow such that it is now clear of the boundary tree canopy and has more garden space around the footprint
- Boundary Treatment - now notes the enhancement of the front boundary hedge also the provision of a new enclosing hedgerow (native species) around the plots
- 1.5 Further amendments were made following the deferral of the application at the Planning Committee meeting on 5 January 2017 to reduce the height of Plot 1 and on 10 February 2017 to include a proposal for hibernacula within the south west corner of Plot 1 that will provide shelter for Great Crested Newts that may be displaced by the removal of other rubble that will be removed from the site during construction of the dwellings.

- 1.6 Additional details have been prepared to show the ridge heights of properties on the west side of Back Lane by both the applicants and neighbours in an attempt to show the relationship of the proposals to neighbouring dwellings. The initial drawings were based on estimation of heights of the dwellings on the west side of Back Lane, following criticism that the agents drawings contained incorrect heights a measured survey has been undertaken. The final streetscape drawings were received on 20th March 2017 and have been the subject of re-consultation to neighbours.
- 1.7 The application is also supported by a Design and Access Statement, Planning Statement, Heritage Statement, Flood Risk Assessment, Landscape Statement, Preliminary Assessment of Land Contamination, Sustainability Statement, Tree Survey and Ecological Assessment.
- 1.8 The application site is outside the Conservation Area and the village does not have Development Limits. Newton-on-Ouse is classed as an Other Settlement in the settlement hierarchy. However Linton-on-Ouse & Newton-on-Ouse are a quoted example of cluster villages within the Council's adopted Interim Planning Guidance.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00901/HYB - Hybrid application for: Site A full planning application for the construction of a four bedroom dwellinghouse and Site B outline planning application for the construction of up to 4 additional dwellinghouses (all matters reserved); Withdrawn 26 May 2016.
- 2.2 16/01540/FUL - Construction of four dwellings with associated access, parking and landscaping; Refused 11 October 2016 for the following reason:

The proposed development by reason of its impact on trees, punctuation of the grass verge with new accesses, the proximity to the front boundary, in particular Plot 1, and the lack of garden space and the design of the dwellings would be out of keeping with the character of the area.

- 2.3 16/00009/TPO2 – Tree Preservation Order relating to trees and the hedge on the site frontage; Confirmed 3 October 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 – Achieving and maintaining the right mix
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Newton on Ouse Parish Council – Whilst the Parish Council welcomes a method statement it notes that this has not been assessed by Natural England and therefore does not provide Hambleton District Council with the reassurance that the method statement is sufficient to ensure the viability of this protected species. The Parish Council's strong recommendation is that the applicant has a licence from Natural England for HDC to be satisfied on the method statement. This is in accordance with planning guidance and an established principal following a judicial review (the details of which Newton on Ouse Parish Council have previously submitted).

The Parish Council maintains its objection on the scale of the property and also the lack of reassurance around the protection of the newts.

The following text is reproduced from the earlier consultation responses:

Does not object in principle to additional houses in the village but objected to the application as originally proposed for the following reasons:

Landscape

- Welcomes changes to the planning application reducing the number of dwellings to three and retaining one access route rather than several.
- Remains concerned that there is no S.106 agreement in place to ensure the retention of the hedge running along Back Lane on the boundary of the planning application.
- This hedge an important wildlife corridor for great crested newts but it also forms part of a continuous hedge screen running from the entrance to Bravener Court to the end of Back Lane.
- Wish to see the management, size and species composition (native species) of the hedge secured into the future by a S.106 Agreement. The Parish Council also wishes to see conditions in any planning permission protecting the verge, trees and hedge from significant damage during the construction phase.

Access and parking

- Concerned that parking provision within the application site is insufficient for the number of vehicles likely to be present.
- Wishes to see sufficient parking space provided on the application site by reducing the number of bedrooms in Plot 3.
- Access to the development site along Back Lane is narrow; the road is untreated when icy and in some sections is of poor quality with pot holes.
- Construction traffic will cause significant damage to the road, pose a risk to walkers and cyclists that regularly use the road and cause noise disturbance in the early morning and evening.
- Wishes to see restrictions placed during the construction phase to mitigate these concerns.
- The Parish Council maintains its concerns that the road has limited capacity to support a significant number of additional cars.

- There remains some uncertainty about the right of access to the proposed site, with the Parish Council maintaining that verge belongs to the Parish Council.

Design of building in planning application A

- The 'look and feel' of the proposed development, despite the helpful reductions already submitted, appears to be out of kilter with the 'street scene' and ambience of the neighbourhood.
- The Parish Council wish to see a reduction in scale of plot 3 in keeping with nearby 2-storey houses and rooflights used where dormer windows impact the character along Back Lane.
- It would have been helpful for the planning application to include an artistic impression of the development with a 'pedestrian view' from Back Lane to aid decision making.

Wildlife and European protected species

- Having reviewed the great crested newt survey we wish to see a method statement providing a thorough survey, impact assessment, construction methodology, compensation and post development commitments.
- The routing of surface water via the soakaways may also affect both the quality and quantity of water reaching the pond and this will need further assessment.
- Would like to see all necessary mitigation secured and underpinned by a S.106 Agreement prior to the application being considered. Several species of bat also make use of the local environment and it is important that this is recognised.

Wider development

- Extremely concerned with the possibility of wider development of the field which has the potential for many more properties and would inevitably affect both the character of the village and impact on the population of great crested newts.
- The Council is also disappointed that there will be no affordable housing in the current plans.

4.2 The Parish Council recognises that the amended plans have made some significant changes to the application and comments that the overall headings of its previous observations and concerns remain valid. There are still concerns about the potential environmental damage; the houses still look out of keeping with the general ambience of Back Lane; and, more specifically, the vehicular access, turning spaces and parking areas appear inadequate and inappropriately designed for the number of vehicles likely to use the site. The Parish Council also objects due to the lack of a mitigation plan for the Great Crested Newts and the lack of Section 106 planning obligation to commit the applicant to managing the hedge and any important habitat for the newts.

4.3 The following specific comments are made in response to the amended plans:

Great Crested Newts

Welcome the mitigation proposals of two refugia adjacent to the pond. Note the absence of a licence from Natural England. The issuing of a licence would reassure Hambleton District Council that the mitigation proposals are to the standard required by Natural England to safeguard the population of Great Crested Newts. The environment of the great crested newts is fragile and a secure management plan is

needed to mitigate these risks and this will need to be in place from the very beginning of any eventual construction work.

(Officer Note: See additional commentary under the heading “Ecology” later in this report.)

Planning elevation

Concerns remain around the limited parking arrangements illustrated on the plans, and around safety issues in general along Back Lane and at the junction with Sills Lane. Above all, however, concerns remain about the impact of the proposed dwellings on the character of Back Lane. These have been expressed with clarity and insight by local resident Anthony Scott and the Parish Council endorses his concerns. There appears to be a significant difference between the street scene of the applicant and that of the residents who are objecting. Both street scenes have been prepared by qualified architects. Hambleton District Council must be satisfied of the accuracy of one of the assessments.

(Officer Note: See additional commentary under the heading “The Character of the area” later in this report.)

- 4.4 Highway Authority - No objection to the proposal subject to conditions. Advises that the verge on Back Lane is considered to be part of the highway maintained at the public expense but it is not owned by the County Council.
- 4.5 Ministry of Defence - No safeguarding objection.
- 4.6 Yorkshire Wildlife Trust – No comment received.

(Officer Note: The Trust raised no objection to planning application 16/01540/FUL and the submitted Great Crested Newt (GCN) survey was considered to be acceptable for that proposal. The Trust advised that as long as a licence is obtained from Natural England before the development went ahead and all the mitigation is put in place there should not be an impact on GCN. It also advised that the developer should maximise the amount of semi-natural habitat suitable for wildlife and connect up hedgerows and field margins as much as possible. It is assumed that, had the Trust commented on the current application, it would have said the same.)

- 4.7 Environmental Health Officer (contaminated land) – No objection subject to a condition.
- 4.8 Yorkshire Water - No objection. Consideration should firstly be given to discharge to soakaway, infiltration system and watercourse. A water supply can be provided.
- 4.9 Public comment - There are 79 letters of objection (many residents have written more than once). The objections are on the following grounds:
 - The proposal is contrary to the Interim Planning Guidance and policies;
 - Lack of facilities in Newton-on-Ouse;
 - Precedent for other plots purchased for housing from Land and Property Bank;
 - The long term future of the RAF base is uncertain and should it be discontinued there would be a surplus of housing stock should no alternative use be found for the site;
 - No benefit to the local community;
 - The design and size of the proposed development does not conform to the character and appearance of the area;
 - New dwellings should be restricted to a single storey;

- Plot 1 is oversized compared with existing houses along Back Lane;
- Impact on the existing residents of Back Lane and Bravener Court, including overlooking and loss of privacy;
- Back Lane is narrow and cannot cope with traffic; it is clearly marked as 'Unsuitable for Motor Vehicles'; the access is unsafe and the proposal would make it more dangerous for pedestrians and the increasing number of cyclists using Back Lane as part of a dedicated cycle route;
- Impact on trees which are an integral part of the landscape;
- Impact on the War Memorial;
- Impact on the verges and the current use for vehicles parking there; deliveries to the proposed properties would mean more parked vehicles obstructing Back Lane and Sills Lane; and
- Impact on protected species, wildlife and habitats, including hedgehogs, bats and great crested newts.
- A licence from Natural England should be secured before a decision is made on the application
- A number of trees would be lost to the new proposed development.
- There are question marks over the ownership of the grass verges on Back Lane.
- The access point is for agricultural use only.
- There is no footpath at all, beyond Sills Lane, endangering adults, children and animals, who enjoy the tranquillity and peace that it affords villagers and visitors.
- The additional traffic that the proposed development would bring, to an already busy village

5.0 OBSERVATIONS

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

Principle

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

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

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

smaller settlements and has included an updated Settlement Hierarchy and this is considered below.

- 5.4 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.5 As Newton-on-Ouse is an Other Settlement in the current Settlement Hierarchy, to satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The IPG indicates that in order to be sustainable, and therefore appropriate for development, an Other Settlement must be capable of clustering with either a Service Village or a Secondary Village or with one or more Other Settlements that would jointly provide the necessary supporting services and facilities. In all cases, the settlements in question should be no more than approximately 2km apart and without significant barriers such as rivers between them. The IPG identifies Newton-on-Ouse and Linton-on-Ouse as an example of clustered villages. It therefore recognises that the two villages share a sufficient level of services and facilities to be a sustainable community. The supporting Planning Statement concurs, noting that the proposed development would be located where it can support local services in Newton and nearby Linton-on-Ouse. Overall, whilst the lack of facilities in Newton-on-Ouse is noted, given that the village forms a sustainable cluster the development is supported by the IPG in principle. The proposal is therefore considered to meet criterion 1 of the IPG.

The character of the area

- 5.6 The IPG advises that small scale development normally constitutes five or fewer dwellings. There have been no other applications within Newton-on-Ouse that have been considered under the remit of the IPG and considering the size and character of the village the proposal could be considered as a small-scale development. Noting the concerns of residents, the application site is not located in the Green Belt and any proposal for further development of the field would need to be considered on its merits, including the cumulative impact of development. It is therefore not considered that the proposal would set a precedent for further development. The proposal is therefore considered to be small in scale, the first part of the requirements of criterion 2 of the IPG, in the context of the village.
- 5.7 The area is a mix of property styles and character with modern development (e.g. Bravener Court) being a mix of two-storey and single-storey properties. Properties on Sills Lane and further south on Back Lane are close to the back of the highway with small back gardens. Further there are also large outbuildings and garages fronting Back Lane to the south. A different character exists on Cherry Tree Avenue where dwellings are predominantly older and larger.

- 5.8 The application proposes three new dwellings which present three properties of differing scale and proportions. The smallest being Plot 3, closest to Bravener Court and the largest being Plot 1 on the southern boundary. Whilst being a larger property, Plot 1 would be in keeping with larger properties found on Back Lane and elsewhere in the village but is larger than the bungalows on Back Lane and in Bravener Court.
- 5.9 Drawings of the street scene of the proposal overlaid with the details of the properties opposite the site have been prepared. An extended topographic survey has been supplied with an updated street scene drawing. This additional information will allow a more accurate comparison to be made of the heights of the proposed and existing dwellings and an informed decision on the matter of the appropriate ridge heights for the new dwellings.
- 5.10 The agent explains that the survey has revealed higher ground levels for Braeside and Oak Tree (on the west side of Back Lane) than on the proposed site as well as lower ridge levels than those previously interpolated. The agent also explains: "The streetscape projection should be seen as an aid to judging relative scale but the proposals should be considered with an appreciation of what would be the actual experience on the ground given that there is a curvature to Back Lane and that the screening hedgerow and the verge trees in front of the proposed dwellings would soften the visual impression of their presence."
- 5.11 The previous reason for refusal related to the proximity of dwellings to the front boundary, in particular Plot 1, and the lack of garden space and that the design of the dwellings would be out of keeping with the character of the area.
- 5.12 The proposal, by reducing the numbers and amending the design, has improved the spacing within the site and the amendments have reduced the physical impact of the proposal's physical bulk and mass.
- 5.13 The information in the table details the height of the proposed dwellings and nearby dwellings. It can be seen that the proposed dwellings on all plots would be higher from ground to ridge height than the nearby dwellings with the difference in heights in the range of 1.1m to 1.5m, except for Plot 3 that would be 0.2m lower than White Rose Cottage albeit 1.69m higher than Fieldings Barn.
- 5.14 The reason for deferral relating to the height of Plot 1 has been addressed by the applicant; the height has been reduced from 7.815m to 7.665m
- 5.15 In considering the height reference is made to the surrounding dwellings. Those nearby vary in height; the nearest dwellings excluding those on Bravener Court are (from the north) Braeside, Oak Tree House, Fieldings Barn, and further to the south but closer to Back Lane than Fieldings Barn, is White Rose Cottage. Height may be considered as height from ground to eaves, ground to ridge and absolute height above a datum. The proposed dwellings from the north are Plots 3, 2, and 1. This information is presented as follows.

Table 1: heights of dwellings, application site and Back Lane

All heights in metres taken from drawing (05) 15 A	Ground to eaves	Ground to ridge	Ridge height above datum
Plot 3	3.385	6.082	26.58
Plot 2	4.971	8.130	28.63

Plot 1	4.875	7.665	28.17
Braeside	2.280	4.720	25.43
Oak Tree House	3.150	6.360	27.09
Fieldings Barn	4.820	6.090	26.48
White Rose Cottage	3.980	7.890	28.02

Plot 1 was shown with a ground to ridge height of 7.815 prior to the amendment to the proposal.

- 5.16 The proposal now has more reasonable space around the dwellings and would retain the hedgerow at the front of the site. It would also use the existing tarmac access and therefore there would be no need for a further punctuation of the highway verge. It is considered that the proposal offers a more generous layout than the previous scheme and would not harm the character of the area.
- 5.17 The war memorial is to the north of the application site and with the alterations to the position of the dwelling within plot 3 it is considered the proposal would not harm the significance of the memorial. Overall, for the reasons expressed above, it is considered that the proposal has addressed the reason for refusal of the previous scheme and would be in keeping with the character of the area.

Residential amenity

- 5.18 The previous decision (16/01540/FUL) did not raise the issue of residential amenity as a reason for refusal. Nonetheless, the relationship is noted with the properties on Bravener Court. The proposal would maintain a separation of at least 21m between Plot 3 and 20 Bravener Court with other properties further away. Further, the use of a dormer bungalow on Plot 3 reduces the bulk and mass and impact of the proposed dwelling. The use of landscaping and hedgerows would, over time, lessen the impact of the proposed dwellings further.
- 5.19 It is considered that the separation distance is therefore sufficient to maintain appropriate privacy to existing and future residential occupiers.

Access

- 5.20 The proposal would utilise an existing access from Back Lane with improvements including hard surfacing. It is noted that the reasons for refusal of the previous scheme did not include lack of car parking. The comments of the Highway Authority are also noted.
- 5.21 The application includes garaging and space in front of the garages. Excluding the garage space there would be 2 spaces for plots 2 and 3, and 4 spaces for Plot 1. Additional parking would be available within the site as the access road is wide enough to accommodate informal parking. There would be sufficient space for parking within each plot.
- 5.22 The proposal includes an appropriate level of parking and therefore it is considered that it would be acceptable in this respect. The details of the scheme do not preclude a continuation of the use of the grass verge on Back Lane for parking.

Impact on trees, hedgerow and the Tree Preservation Order

- 5.23 The proposal would result in the loss of two of the smaller Wild Cherry trees which lie within the site to the rear of the hedgerow, which would be enhanced by additional planting. The trees were included in the Tree Preservation Order as part of a group in recognition of their contribution to the character of the area but the two trees proposed to be removed are not in themselves identified as being significant. With the proposed new planting to the rear boundaries, which would lessen the impact of the proposal, and an enhanced hedgerow planting to Back Lane, it is considered that the proposed loss of these two small trees would not be significant to the character of the area and the Tree Preservation Order should continue in force to protect the remainder of the trees. The loss of the two small Wild Cherry trees is therefore not considered to be significant and the proposal is considered to be acceptable subject to adequate landscape planting.

Ecology

- 5.24 The applicant has submitted an ecological report noting that presence of Great Crested Newts (GCN) could have major impacts on the viability of the site for development and subsequently commissioned a GCN survey. GCN are fully protected through The Conservation of Habitats and Species Regulations 2010 as a European Protected Species (EPS). They also receive protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
- 5.25 The survey revealed that a small GCN population is present at the pond near the site, therefore any development of the site would need to be undertaken under the terms of a licence from Natural England. The precise terms of granting or not granting the licence are a consideration for Natural England. The submitted GCN survey, which is agreed by the Yorkshire Wildlife Trust, states that the pond is sufficiently distant from the application site for the impact on the species to be considered low. Development could not start unless the licence was granted but there is no evidence that harm to habitats would occur from the development.
- 5.26 The application has been amended to include the provision of two hibernacula within plot 1 (on drawing 01 Rev E) to compensate for the loss of an area of ground within the application site that may be used as a hibernaculum. The proposal has been detailed in a Great Crested New Mitigation and Compensation Habitat Management Plan. As such in accordance with case law, the application forms a suitable basis for the decision to be made. The matter of a licence falls outside the scope of the planning system but must be obtained to comply with the law relating to protected species. Whilst the comments of the Parish Council are noted, a planning obligation is not necessary to manage the ecology of the site; the requirements can be dealt with through appropriate planning conditions.

RECOMMENDATION

- 6.1 That subject to any outstanding consultations the planning 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 4048-(05)01 Rev D, 4048-(05)11 Rev B, 4053-(05)12 Rev C, and 4053-(05)13 Rev B received by Hambleton District Council on 22 and 28 September 2016 as amended by plans received on 24 November 2016 and 4048 (05) 14 Rev B received 20 March 2017.
 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. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority.
5. The ground and finished floor levels shall be constructed in accordance with the details of drawing 4048 (05) 14 Rev B and thereafter be retained in the approved form.
6. No site clearance, removal of hedgerows or other development that involves work to the site shall commence until a mitigation strategy and Natural England licence requirements for Great Crested Newts have agreed. The mitigation measures submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the commencement of the demolition or other development that involves work to the structures. Thereafter the mitigation measures shall be retained in accordance with the approved scheme.
7. Prior to their installation details of bat and bird boxes shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed prior to the first occupation of the dwelling and retained thereafter.
8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. 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 existing access shall be improved by reconstructing in accordance with the approved details and Standard Detail number E6Var and the final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 4048-(05)01 Rev D. Prior to the first occupation of the dwelling, the parking areas shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.
11. 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.
12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be

converted into domestic accommodation without the granting of an appropriate planning permission.

13. 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; and (c) 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. The approved details shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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. 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.
4. To ensure that the site is adequately drained and does not result in flooding elsewhere.
5. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
6. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
7. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton District Wide Local Development Framework Policy DP30, DP31 and DP33.
9. In accordance with Policy CP2 and DP4 and in the interests of highway safety.
10. To ensure that there is adequate provision of parking and turning areas within the site.
11. In the interests of highway safety and the general amenity of the area.
12. 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.

13. To provide for appropriate on-site vehicle parking and storage facilities and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Informatives

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

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

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

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

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

2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in the planning conditions.

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Parish: Raskelf
Ward: Raskelf & White Horse
5

Committee date: 27 April 2017
Officer dealing: Laura Chambers
Target date: 2 May 2017

16/02803/OUT

**Outline application (all matters reserved) for the construction of three dwellings
At Land to west of Green Acres, The Green, Raskelf
For Mr Paul Johnson**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is currently the domestic curtilage of Green Acres, which occupies a substantial plot to the south of Hag Lane. The village of Raskelf is principally a linear settlement centred on North End, however a small cluster of properties, known as The Green, are located to the south on Hag Lane, this area is closely associated with and easily accessible from the main part of the village, although it is beyond Development Limits.
- 1.2 This part of the village has a range of properties of varying eras, styles and materials although they are broadly more modern developments than the more historic centre of the village. The majority of properties follow the sweep of Hag Lane, with the exception of Green Acres itself, which is positioned to the south of the plot, well set back from the road it does not follow the established building line.
- 1.3 Permission is sought in outline for residential development in a paddock to the west of the existing dwelling, which would still retain a substantial garden. The existing access would be used and a private drive serving all four properties formed.
- 1.4 The indicative layout shows 3no detached dwellings in a linear layout, infilling the area between Green Acres and 1 The Green. The layout also indicates garages and in curtilage parking for each property could be achieved. The supporting statement outlines that the properties would be between 141sqm and 165sqm, which exceed the national space standards requirement.
- 1.5 The matter for approval at this stage is the principle of development as all other matters are reserved and would form part of a later application if this is approved.
- 1.6 Improvements have been secured as follows: an alternative indicative layout has been provided to take account of the sewer and easement identified by Yorkshire Water.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 94/51021/O – Outline application for the construction of 2 detached dwellinghouses with domestic garages; Refused 22 March 1994, appeal dismissed 23 January 1995.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Yorkshire Water – The initial indicative layout was noted to conflict with a sewer across the site and that no development could take place over it or within associated easement. (No comment has been made in respect of the revised indicative layout.)
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comment – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) character of the area; (iii) residential amenity; and (iv) the Yorkshire Water sewer.

Principle of Development

- 5.2 The site falls outside of Development Limits of Raskelf, Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.4 In the settlement hierarchy contained within the IPG, Raskelf is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 380m (by road) beyond Development Limits.
- 5.5 The village of Raskelf has two parts; the proposed development is within The Green area to the south of the main village and this area is beyond Development Limits. Notwithstanding that, this area is closely associated with the main part of the village being approximately 250m apart at its closest point and linked via a lit footpath that enables residents to access services, including the recreation ground which is located between the two parts of the settlement.
- 5.6 Although there is a separation between the two areas, The Green area does not appear isolated and the site lies between existing properties within this part of the settlement. There is a well-defined boundary to the south of the site with a line of mature trees demarking this part of the settlement from the open fields beyond.

Character

- 5.7 The area is characterised by dwellings within well-proportioned plots, however there is a variety of architectural styles some of which are traditional and others more modern. Although matters of design and appearance would be dealt with at reserved matters stage there is nothing to suggest that appropriately designed dwellings could not be achieved on the site without detracting from the character of the area. The indicative layout demonstrates dwellings with suitably proportioned plots that would be in keeping with other properties in the vicinity.

Residential Amenity

- 5.8 The indicative layout is of a linear form and therefore the proposed properties would sit side by side with number 1 The Green and Green Acres itself thereby minimising the prospect of negatively affecting privacy or light to adjacent occupiers. The side elevation of Claro House to the north of the site is 39m from the proposed front elevation of plot 1, and therefore a suitable separation distance can be achieved.

Yorkshire Water Sewer

- 5.9 Yorkshire Water has advised that the indicative layout initially submitted showed buildings over the line of sewers across the site and would not therefore be acceptable. Although the layout of the proposed development may be subject to change at reserved matters stage, a revised indicative layout has been submitted to demonstrate that three dwellings could be accommodated on the site without building over the sewer or associated easement.
- 5.10 Further investigative work would be required to ensure the sewer is located where it is shown on the plan from Yorkshire Water and this would inform a reserved matters application, however on the basis of the information currently available it would be possible to accommodate three dwellings on the site in principle.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of

the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1684/1 and supporting documents received by Hambleton District Council on 03/01/17 unless otherwise approved in writing by the Local Planning Authority. The number of dwellings shall not exceed three.
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. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. Any such scheme as may be approved shall be implemented on site prior to occupation of the dwellings hereby approved. 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. 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 requirement: The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6VAR. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) Vehicular accesses; (b) Vehicular parking; and (c) Vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order

and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

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

The reasons are:

1. To ensure compliance with Section 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, 2, 4, 16, 17 and 21.
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.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. In accordance with Policy CP2 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.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. In accordance with Policy CP1 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 CP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

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

1 x 240 litre black wheeled bin for general waste
1 x 240 litre 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 Hambleton District Council - Waste and Streetscene.

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

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

2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 5.

Parish: Shipton
Ward: Easingwold
6

Committee date: 27 April 2017
Officer dealing: Mrs C Strudwick
Target date: 5 May 2017

17/00355/FUL

Construction of a dwelling
At East Villa, Main Street, Shipton by Beningbrough
For Mrs Chris Shepherd

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a rectangular piece of land of 700sq m, which currently serves as domestic garden to East Villa. The site is outside the designated development limits of Shipton by Beningbrough. East Villa is on the corner of Main Street (A19) and East Villa, fronting onto Main Street. Between East Villa and the site is a single storey modern garage and an older two-storey outbuilding. The site is on East Lane, which is just off the A19. The eastern boundary is shared with number 6 The Old Orchard and beyond the southern boundary is domestic land for adjacent houses to East Villa. The site is has a number of trees, of varying species and quality.
- 1.2 The site faces onto East Lane, from where an access point is sought as part of this application. The Grade II listed Holy Evangelists church and St Catherine's care home are opposite. Primrose Hill, which is opposite East Villa on Main Street, is Grade II Listed. The older houses in this area of Main Street are red brick with slate roofs, East Villa and The Villa, next door, are both attractive red brick Victorian properties.
- 1.3 This application seeks full planning permission for a two-bedroom dormer bungalow, to be constructed of bricks, with a natural slate roof and painted timber windows and doors, and conservation roof lights. The dwelling would be positioned to the east of the site, with a detached cycle store to the west. Access would be approximately at the middle point of the East Lane frontage with a turning area within the site to enable vehicles to enter and exit the site in forward gear. A landscaping scheme has been submitted, showing which trees would be removed and indicating where additional planting would be carried out.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

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 CP17 - Promoting high quality design
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – The only access/egress from the proposed development is onto a sometimes very busy road but acknowledge that there are many other residential properties with access/egress onto this same road. Other than this, the Parish Council has no other comments to make and would be satisfied if the application were approved.
- 4.2 Highway Authority – No objection; recommends conditions.
- 4.3 Environmental Health Officer – No objection; the potential impact on amenity and likelihood of nuisance has been considered but there will be no negative impact.
- 4.4 Public comments – None received.

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; (iv) highway safety; and (v) impact on heritage assets.

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 Shipton by Beningbrough is categorised as a Secondary 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 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 hall and public house. 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 of the area

- 5.5 Development extends from the junction of Main Street with East Lane to the development limits of the village to the east, along East Lane in a largely linear form. A dwelling in this location is a logical infill to the existing character of the village and development layout, maintaining the linear form. The principle of a dwelling here would make good use of this piece of land, whilst the scale and detail of design are in keeping with the older style of housing in this area of the village, making reference to and in keeping with the character of the conservation area.
- 5.6 East Villa is a particularly attractive building, contributing to the conservation area. The design of the dwelling is sympathetic to East Villa, using similar materials and ensuring the ridge height and massing of the development is subservient to the host dwelling. Inspiration for the design of the proposal has been drawn from East Villa; the windows on either side of the front door mirror the narrow style of window above the front door of East Villa and the overall style of windows divided into smaller panes using astragals and the use of varying height gables reflect the design of East Villa. It is considered that the design is high quality and the surrounding dwellings and listed buildings have been carefully considered to ensure minimal impact and harm. Therefore the scheme is supported by CP17 and DP32.
- 5.7 A tree report, tree survey and planting schedule have been submitted in support of the application. There would be a loss of trees on site to accommodate development. Species on site are relatively common, with 54% of the trees being classified good or fair in condition and 3% dead. A total of 13 trees would be removed; of these 9 are considered to be low value 'C' category trees and a further 4 are considered to be category 'U'; being diseased or with serious structural defects. Seven new trees are proposed on site, predominantly on the southern boundary with East Road, and a new hedge would be planted along the eastern boundary shared with East Villa.

Neighbour amenity

- 5.8 The dwelling has been designed so that it is positioned in the middle of the plot. This allows separation distances of approximately 17.5m from the eastern boundary with East Villa, and the western boundary with 6 The Old Orchard. It is considered that the ground floor windows would not cause any overlooking, with the rear northern windows proposed as obscure glazed. A window is proposed in each of the gable ends of the dwelling, one to each bedroom. Given the separation distances to the neighbouring dwelling it is considered that the neighbour's privacy would not be unacceptably affected.
- 5.9 The proposed would remove a large area of garden, currently used by the occupants of East Villa. The curtilage of East Villa would extend over 13m from the existing garage and so it is considered that there would be sufficient amenity space remaining.

Highway safety

- 5.10 Subject to appropriate conditions being placed on any consent granted, the Highway Authority has raised no objection.

Heritage assets

- 5.11 Opposite the proposal site are the grade II listed Holy Evangelists Church and St Catherine's Care Home. On the western side of Main Street, opposite East Villa is the grade II listed Primrose Hill.

- 5.12 The application has been considered in respect of these heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.13 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the harm is considered to be outweighed by the social and economic benefits of an additional dwelling.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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 SB2/A/B & SB.1 received by Hambleton District Council on 31st March & 13th 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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 13th February 2017 has been carried out. 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6; (b) Any gates or barriers shall not be able to swing over the existing or proposed highway; and (c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
 6. 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 45 metres measured along both channel lines of the major road (East Lane) from a point measured 2 metres down the centre

line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; and (d) measures to control the emission of dust and dirt during construction.
8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

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 CP1, DP1, CP16, DP28, CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. In the interests of road safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

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 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 Hambleton District Council - Waste and Streetscene.

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: Sinderby
Ward: Tanfield
7

Committee Date: 27 April 2017
Officer dealing: Caroline Strudwick
Target Date: 5 May 2017

17/00196/FUL

Demolition of dwelling and construction of a 2 bedroom dwelling & a 4 bedroom dwelling
At White House Cottage, Sinderby
For Mrs Sandra Brittain

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies towards the southern end of Sinderby, on the western side of the main street through the village.
- 1.2 White House Cottage is a two-storey, three-bedroom cottage, on the north eastern corner of the site. The site has a wide frontage onto the main street, extending 21.5m. Church Farm is to the north east of the cottage, and Aspen House to the south west. White House Cottage is proposed for demolition as the house is reported to be poorly insulated, damp and has evidence of structural movement.
- 1.3 Improvements have been secured; the scheme been significantly altered from the original submission. The final scheme seeks to replace White House Cottage and its associated outhouses with a two-bedroom house to the rear of the White House Cottage footprint and a four-bedroom house to the south west of this. Parking and cycle and bin storage is proposed to the rear of both dwellings. The design of both the dwellings is a traditional brick and pantile construction, with sash windows and hardwood doors. Both houses would be set back from the front of the plot, with the smaller two-bedroom dwelling to be in line with Church Farm to the north and the larger four-bedroom dwelling to be set further back through discussions with the neighbour at Aspect House in order to protect lighting and outlook of the kitchen window on the northern elevation of Aspen House.

2.0 RELEVATION PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012
Interim Policy Guidance on housing in small settlements

4.0 OBSERVATIONS

- 4.1 Parish Council - No comments in support or objection, but notes that the application form incorrectly stated the proposal is for three and four bedroom properties.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer - No objection.
- 4.4 Public comments - Three representations were received in respect of the original scheme:
- Concern that the two-bedroom dwelling would block all light into the kitchen window in the side elevation of Aspen House;
 - Concern regarding the impact on the amenity of Church Farm due to the proximity of the proposed development;
 - The massing of two dwellings on the site would detract from Church Farm's charm and character; and
 - The scheme should be switched round, so the larger house is on the other side. The house is too large for the location within the village and should also be reduced.

As a result of discussions with officers and neighbours the scheme has been amended and is now supported by all those who previously objected. No further objections have been received.

5.0 OBSERVATIONS

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

Principle

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

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

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

- 5.4 In the 2014 Settlement Hierarchy contained within the IPG, Sinderby is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The facilities within Sinderby comprise a village hall. The only settlement within approximately 2km is Pickhill, which is a Secondary Village in the Settlement Hierarchy. It is accessible from Sinderby by the unlit road, which has no footway. Whilst Pickhill has a pub, a primary school and a church, there are no cycle paths, footpaths or bus routes linking the two villages. Crucially however, the distance between Sinderby and Pickhill by road is less than 2km, which is considered to be an acceptable separation allowed for in the IPG. It is considered that Sinderby and Pickhill are capable of forming a sustainable cluster of villages with sufficient facilities and services to support a sustainable community and would satisfy criterion 1.

Character and appearance

- 5.5 Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". The site frontage is located within the built form of the village and as such is considered to be compliant with the IPG in these terms. The red edged land extends well beyond the normal depth of development within the village; however, the agent has provided an amended plan showing only the first 45 metres forming a residential curtilage, with the land beyond remaining a paddock.
- 5.6 The existing dwelling is not particularly attractive; it is closer to the village street than the development on either side of it and faced in pebble dash. The proposed replacement dwellings would improve the appearance of the village in terms of its siting in line with the prevailing building line, by mirroring the ridge and eaves heights of existing development and in terms of its architectural quality and materials.

Residential amenity

- 5.7 The site is already in residential use but approval of the application would effectively double the number of households. It is considered that the proposed subdivision of the site would result in adequate amenity space for each of the proposed dwellings and would provide private space for the properties.
- 5.8 Concern has been raised by the neighbours of either side of the site regarding a loss of residential amenity through overshadowing. The neighbour at Aspen House had concerns that plot 1 would block natural light from entering a kitchen window on the northern side elevation, which is the sole window to the kitchen. In response to this concern the proposed dwelling has now been pushed back into the plot and away from this window. The building lines and the depth of frontages along the main street vary, a dwelling in this revised position would not interrupt a well-defined building line and it is considered that it would not harm the form of the village.
- 5.9 As well as being positioned deeper into the plot, the proposed dwellings have been swapped around so the larger house would be next to one of a similar size, Aspen House, and the two-bedroom, smaller dwelling would be adjacent to the smaller Church Farm. The dwelling on plot 2 would be sited to the rear of the current footprint of White House Cottage, in line with the adjacent dwelling at Church Farm. There would be an improvement in the outlook from the front rooms of Church Farm compared with the current relationship with White House Cottage. The smaller dwelling would not extend as far back, also relieving any concerns regarding any potential overshadowing the larger dwelling may have caused in this position. As a result of the changes to the scheme, it is considered that there would be no unacceptable loss of residential amenity to those living at Church Farm, through overshadowing, nor through overlooking.

Highway impact

- 5.10 Subject to appropriate conditions being placed on any consent granted, the Highway Authority has raised no objection and therefore no adverse highway impact is anticipated.

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 2166.03C, 04, 05 received by Hambleton District Council on 10th April and 19th Jan 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. 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 footway shall be constructed in accordance with the approved details and Standard Detail number E6; and (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
 6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference "site layout". Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order

and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

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

The reasons 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, CP16, DP28, 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. 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.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. 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 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 Waste and Street Scene Services.

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

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

2. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Parish: Stillington

Ward: Huby

8

Committee date: 27 April 2017

Officer dealing: Laura Chambers

Target date: 4 May 2017

16/02722/REM

Reserved matters application for five bungalows, car ports, car parking and associated infrastructure

At Land South of White Bear Farm, South Back Lane, Stillington

For Mr & Mrs P & K Mandefield

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the south of South Back Lane, Stillington adjacent to a recently constructed housing development to the west, holiday accommodation immediately to the north and dwellings on the opposite side of South Back Lane, which vary in age and design. The land gently slopes down to the rear of the site and is a grass field with a number of saplings within the field and pond at the south. Beyond the southern boundary of the site is the Stillington sports field and then open countryside.
- 1.2 The site lies to the south of the Stillington Conservation Area and there are no listed buildings in the vicinity. The site lies within Flood Zone 1 and is therefore at the lowest risk of flooding.
- 1.3 This application follows a previous outline application in which all matters were reserved; as such access, appearance, landscaping, layout and scale are now to be determined. The proposed development is five bungalows with access taken from South Back Lane, to the west of White Bear Cottage, and a shared private drive running through the middle of the site with a turning area to the south of the site.
- 1.4 Parking would be provided via a combination of car ports and parking spaces for plots 1, 2, 4 and 5, while plot 3 would be served by a detached garage with parking space and there would be four in-curtilage parking spaces provided for the existing White Bear Cottage to the north of the site.
- 1.5 Three of the proposed properties are two-bedroom and two are three-bedroom, while all are described as bungalows, each would have rooms in the roof space, albeit served by roof lights and not dormer windows.
- 1.6 Improvements have been secured including revisions to the site layout to secure best practice in terms of privacy distances.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/00131/FUL - Alterations to agricultural buildings for use as 2 holiday units; Granted 10 May 2002 subject to a condition preventing occupation as permanent dwellings.
- 2.2 13/00174/FUL – Retrospective application for formation of wildlife pond; Granted 26 March 2013.
- 2.2 14/00479/FUL - Change of use of two holiday letting units into two detached self-contained dwellings; Withdrawn 30 June 2014.

- 2.3 14/01332/FUL - Use of two holiday letting units as one dwelling house with ancillary facilities; Granted 25 June 2015.
- 2.4 16/00883/OUT - Outline application (all matters reserved) for 5 bungalows, car ports, car parking and associated infrastructure; Granted 16 September 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – express concern about footpath links into the village and parking restrictions within the development but does not object.
- 4.2 Highway Authority – No additional comments beyond those made at the outline stage.
- 4.3 Environmental Health Officer – No objection; recommends a contaminated land condition.
- 4.4 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The principle of development was established at outline stage and as such this application will deal with matters of detail. The main issues to consider are: (i) highway safety; (ii) design and appearance; (iii) residential amenity; and (iv) landscaping.

Highway Safety

- 5.2 The proposed vehicular access to the site is the same as was shown on the indicative details at outline stage, which the Highway Authority has no objection to, subject to appropriate conditions regarding construction details. Following concerns from the Parish Council about pedestrian access into the village the proposed layout has been revised and now includes a footpath to the western side of the private drive linking the development to South Back Lane and then towards Main Street. This has

not reduced the width of the vehicle access as previously proposed. This revision accords with the requirements of policy DP32 iv.

- 5.3 Adequate levels of parking have been provided for each proposed dwelling and the existing property to the north of the site. While noting the Parish Council's concern for overspill parking the development includes a private drive and not an adopted road; it would not therefore be possible to introduce parking restrictions. Given adequate parking is provided the relevant tests of policy DP32 are met.

Design and Appearance

- 5.4 The proposed development would sit on the fringe of the village, adjacent to a recent larger form of development. It would not be viewed as an isolated or intrusive development within the wider area.
- 5.5 The dwellings proposed are limited in scale to those with rooms in roof space but have the appearance of bungalows. This would be in keeping with the converted farm buildings on the site and the detached garage along the shared boundary with the neighbouring development.
- 5.6 The dwellings are of a high quality design, although broadly similar each includes variation in the design while the use of features and materials, such as art stone sills and arched window heads, create a cohesive impression. The properties would be constructed of facing brickwork and natural slate roofing with painted timber windows and doors. Such materials would be in keeping with existing properties in the area. The submitted plans indicate reclaimed materials will be used where possible, alternatively the approval of the Local Planning Authority will be sought for new materials; accordingly a condition requiring the submission of samples for approval would be appropriate.

Residential Amenity

- 5.7 Following a minor relocation of the property at plot 4, adequate separation distances can be achieved between the proposed dwellings and the existing holiday lets to the north of the site. While there are to be windows in the west elevation of plot 3, these are secondary in nature and would be adjacent to the blank rear elevation of a detached garage on the adjacent site and as such would not impact amenity of existing or future occupiers.

Landscaping

- 5.8 The proposed site layout indicates private defensible space to each property as well as grassed verges and planting to soften the hard landscaping also proposed. To the south of the site the existing pond would remain along with existing hedging and trees, this is to be bolstered as part of the landscaping scheme and would assist in defining the boundary of the site, the green appearance linking to the open countryside beyond. A suitably worded condition to require details including materials and species for hard and soft landscaping to be submitted for approval is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1641/2, 1641/5, 1641/6, 1641/7, 1641/8, 1641/9, 1641/10, 1641/11, 1641/12 received by Hambleton District Council on

16/12/16 and drawing number 1641/4A received by Hambleton District Council on 20/03/17 unless otherwise approved in writing by the Local Planning Authority.

2. The development hereby permitted shall be begun within two years of the date of this permission.
3. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular and pedestrian access (including all lining and proposed build-out feature; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. 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 (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 25m measured along both channel lines of the major road South Back Lane from a point measured 2.0m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. 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.
7. Prior to occupation of the dwellings hereby approved a detailed hard and soft landscaping scheme indicating the proposed materials, the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. Any scheme as may be approved shall be implemented within the first available planting and seeding seasons following the approval of the landscaping scheme. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons are:

1. 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, CP2, CP4, CP16, CP17 and CP21.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

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.
4. 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 CP17 and in the interests of road safety
6. In accordance with Policy CP17 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In order to soften the appearance of the development and help assimilate it within the existing landscape.

Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website www.hambleton.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 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

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Parish: Warlabby
Ward: Morton-on-Swale
9

Committee date: 27 April 2017
Officer dealing: Mrs H Laws
Target date: 12 May 2017

17/00570/FUL

Construction of a pig fattening house
At Hall Farm, Warlabby
For Mr Brian Phillips

This application is referred to Planning Committee because the applicant is a Councillor

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the northern side of Warlabby adjacent to the farmyard area of Hall Farm. The farm comprises a bungalow close to the entrance to the site, and several agricultural buildings used for general storage and existing pig accommodation.
- 1.2 It is proposed to construct a building at the north eastern edge of the farmyard. The footprint of the building would be approximately 25.5m x 13.7m with a ridge height of 4.5m. It would be finished in olive green coloured sheeting with a green coloured steel sheet roof.
- 1.3 The building would be used to accommodate pigs for fattening. A slurry store would be provided beneath the building with capacity for up to six months' slurry.
- 1.4 The greater part of the proposed building would lie within Flood Zone 2. It is proposed to raise the finished floor levels above the ground level and drain surface water to a soakaway.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/00120/FUL - Pig finishing building; Granted 28 March 2013.
- 2.2 14/01372/FUL - Extension to pig grower shed; Granted 22 August 2014.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP26 - Agricultural Issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 – General design
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – No objections or comments.
- 4.2 Highway Authority – No objection.
- 4.3 Environment Agency – No objection. In accordance with the National Planning Policy Framework, paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied
- 4.4 Swale & Ure Internal Drainage Board – Offers guidelines for any increase in surface water discharge.
- 4.5 Environmental Health Officer – No objection. The service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that given the existing environment there will be no negative impact.
- 4.6 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) whether the building is appropriate to the purpose and the rural surroundings in respect of scale and design; (ii) whether there would be any harmful impact on the amenities of neighbouring occupiers; and (iii) flood risk.

Scale and design

- 5.2 The site lies to the rear of the existing buildings and is screened by them to a large degree from the road and any public viewpoint. The building would be close enough to be perceived as part of the farm and would not be isolated from the main operational area. The design includes the use of dark colour to the roof and walls and its simple utilitarian form is typical of other nearby agricultural buildings. The building would be relatively unobtrusive in the wider surroundings.

Impact on residential amenity

- 5.3 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Particular consideration should be given to the impact of the proposal on the amenity of local residents as a result of noise and odour resulting from the use of the building for the accommodation of pigs.
- 5.4 The site lies within 50m of the boundary of the nearest dwelling at Warlabby House. The site is separated from this dwelling by the existing farm buildings although there is the potential for noise and smell nuisance to occur as a result of the pigs being moved into and out of the building and during the cleaning of the building, but these activities are not a frequent part of the use and are not considered to result in any significant adverse impact on residential amenity. The development is considered to comply with the requirements of Policy DP1.
- 5.5 Slurry would be stored below the building until being removed to be spread on land. There are other regulations to control the spreading rates on land to ensure compliance with the Nutrient Vulnerable Zone legislation and this is regulated by the Environment Agency. It is considered that the proposed building would not increase adverse impacts on residential amenity in the locality.

Flood risk

- 5.6 Part of the site lies within Flood Zone 2 and therefore there is a risk of flooding. There are no other sites available within the farmyard that would lie outside this area of risk. Buildings used for agriculture are defined in the National Planning Practice Guidance as “less vulnerable”, which is an appropriate type of development within Flood Zone 2. Considering this and the impracticality of locating the building away from the rest of the farm, it is not considered that “reasonably available” alternative sites exist and the Sequential Test is therefore not considered necessary in this instance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 7011A received by Hambleton District Council on 7 and 10 March 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. 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: Welbury

Ward: Appleton Wiske & Smeatons

10

Committee date: 27 April 2017

Officer dealing: Mr K Ayrton

Target date: 28 April 2017

16/02254/OUT

Outline planning application for a detached dwelling with garage with all matters except access reserved

At Colwell House, Welbury

For Mr & Mrs M T Johnson

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site currently forms part of the residential curtilage of Colwell House. The host property is two-storey, forming the eastern end of a terrace. There are detached properties to the east and on the opposite side of the road.
- 1.2 The curtilage is relatively large for the host property when compared with the other terraced properties. The application site effectively takes the eastern half of the curtilage, with the remainder retained for the host dwelling.
- 1.3 The property is currently accessed directly to the front, with an additional, recently formed access to the west, which wraps around the rear of the terraced properties before meeting the highway (Tofts Lane). The indicative access arrangements show the new dwelling making use of the existing access to the front of the site, albeit shifted slightly to the west; with the host property (Colwell House) using the access to the west.
- 1.4 There is a hedgerow to the front, side and rear of the site. Trees are located within the site, including a large tree to the front.
- 1.5 The application is in outline form with the only matter for approval at this stage being access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application should the outline application be approved.
- 1.6 An illustrative layout plan has been submitted in support of the application, which shows a detached dwelling sited in line with the existing property.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00729/FUL - Construction of a two storey extension to the rear of dwellinghouse and detached garage and new vehicular access/driveway (with changes to the access); Granted 23 May 2015.

Land adjacent to Sunnyside, Welbury

- 2.2 16/00953/OUT - Outline planning application with all matters reserved for construction of detached single storey dwellinghouse; Granted 16 September 2016.
- 2.3 This site is located on the opposite side of the road, close to the current application site. In approving the application, it was accepted that the village of Welbury represented a sustainable village for the purposes of the IPG.

Glebe Farm, Welbury

- 2.4 16/00602/OUT - Outline application for the construction of a single dwelling; Granted 16 September 2016.
- 2.5 This site is located on the southern edge of Welbury. In approving the application, it was accepted that the village of Welbury represented a sustainable village for the purposes of the Interim Policy Guidance.

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 DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – The access that is indicated as serving the proposed dwelling was approved and constructed under planning permission 14/00729/FUL. When the Highway Authority considered this application particular weight was given to the reasons included in the application documents for the residents wanting a new access to Colwell House (which still had substandard visibility) instead of the existing shared access to the Colwell House further to the west.

As a part of this application process concerns have been raised with respect to the visibility available at the new access and to address these concerns the applicant has commissioned a transport consultant to investigate the matter. The transport consultant's report acknowledges that there is a short fall in visibility at the new access but concludes that there is adequate visibility for the proposed dwelling. Consideration must also be given to the nearby accesses on the north side of the road as they too have limited visibility because of the narrowness of the footway and the height of some of the hedges along there. Consequently it is considered that a refusal on highway grounds would be difficult sustain given the above and the Local Highway Authority recommends that conditions are attached to any permission granted.

- 4.3 Public comments – One (neutral) letter making the following comments:
- Policy CP4 only permits new housing in exceptional circumstances. The IPG only permits development where all six criteria are met;

- A full detailed application would be more appropriate to allow proper and full evaluation of the proposal against the IPG;
- The existing ground level is significantly higher than the finished floor level at Colwell House. The finished floor level should be kept as low as possible;
- To protect privacy no windows should be placed on the eastern elevation of the proposal at first floor level; and
- The mature sycamore is a very attractive feature and will be a great pity if it has to be felled.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on highway safety and; (iv) the impact on residential amenity.

Principle

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, in 2015, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and provides for a more flexible consideration of new development within and at the edge of settlements. The IPG details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy. Welbury is included in the updated hierarchy as an Other Settlement.

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

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

6. Development must conform with all other relevant LDF policies.

- 5.5 The approach of the Interim Guidance is that a settlement must be deemed sustainable in its own right or through clustering with another settlement or settlements, in terms of existing services and facilities. The village has facilities including a church, village hall, and public house, but does not reach the level of services that would equate to a Service or Secondary Village and in those terms is not deemed sustainable in its own right.
- 5.6 It is necessary therefore to consider whether Welbury forms a sustainable cluster with any other settlements. Appleton Wiske lies to the north of Welbury and has a school, village hall, church chapel and post office and is included within the updated hierarchy of the IPG as a Secondary Village. The IPG suggests that a cluster is unlikely to form a sustainable community if there are significant distances (greater than approximately 2km) or other barriers between the settlements. In this case the distance between the settlements is approximately 2.3 km from the south edge of Appleton Wiske (which is relatively clearly defined) to the west edge of Welbury. There is a smaller outlying group of houses just beyond the village edge which are not taken into account. On this basis, Welbury is considered capable of forming a sustainable cluster with Appleton Wiske.

Character

- 5.7 The proposal is for the development of a single dwelling and thus the development is considered to be small in scale. Owing to the distance to the nearest villages it would not lead to coalescence of settlements and there is no evidence to suggest that existing infrastructure does not have the capacity to support an additional dwelling.
- 5.8 In terms of the character of the village, the village clearly has a linear form. Whilst in outline form, the submitted illustrative site plan demonstrates how it is possible to achieve development on site that reflects this characteristic. It is recognised that the development would have some impact on the appearance of the village by in-filling the existing gap. However, this impact would not be significant, with opportunities to mitigate, including the retention/addition of landscaping, along with scope to develop the site in a sympathetic manner that retains space around the building.
- 5.9 Details of design and siting would be considered at reserved matters stage. However, the illustrative siting provided shows that there is scope for a dwelling to be provided without detriment to the character of the village.
- 5.10 It is recognised that planning permission has been given for two other properties under the IPG, one of which is located close to the application site. However, the nature of these sites, which are both infill and for single dwellings, means the cumulative impact of the proposals would not be harmful.
- 5.11 The illustrative plan shows a large tree in the proposed front garden area to be removed. This is a relatively good quality specimen, which makes a positive contribution to the appearance and amenity of the area. The applicant has indicated that they are willing to retain the tree, which is only marginally impacted by the proposed layout and could be retained within the scheme. It is recommended that should permission be granted a condition is imposed to retain this tree and provide suitable protection to it.

Highway safety

- 5.12 It is proposed to use the existing access to the front of the site to serve the new dwelling, albeit the plans show it being moved to the western edge of the frontage. The local highway authority initially raised concern with the proposed access

arrangements due to substandard visibility. Consequently the applicant commissioned a transport consultant to investigate the matter. This concluded that whilst there is a shortfall in the visibility that can be achieved, this is similar to existing access arrangements in the vicinity because of the narrowness of the footpath and height of hedgerows. This leads the local highway authority to conclude that a refusal would be difficult to sustain on highway grounds.

Residential amenity

- 5.13 The site and its relationship with the existing dwellings to either side would allow for it to accommodate a dwelling that is a sufficient distance from neighbouring dwellings, subject to a suitable design, such as to protect the amenity of neighbouring occupiers.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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 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: vehicle access, parking and turning arrangements.
 5. No part of the development shall be brought into use until the approved vehicle access, parking manoeuvring and turning areas approved under condition number 4: 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.
 6. The development shall not be commenced until a site specific arboricultural method statement has been submitted to and approved by the Local Planning Authority. The statement will include details of how the large tree in the proposed front garden

(identified on the existing site plan) will be retained and protected as part of the proposed development.

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 in the interests of highway safety
4. 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.
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. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

Informatives

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

1 x 240 litre black wheeled bin for general waste
1 x 240 litre 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: West Tanfield

Ward: Tanfield

11

Committee date: 27 April 2017

Officer dealing: Mrs H Laws

Target date: 5 May 2017

16/01573/FUL

Retrospective change of use of dwelling and domestic curtilage for weddings/private functions. Retrospective works include construction of a Riverside Pavilion and use of land for the siting of two temporary marquees and car parking for up to 100 cars

At Tanfield House, West Tanfield

For Mr Neil Bourne-Arton

This application is referred to Planning Committee at the request of Councillor Webster

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies at the eastern end of the village of West Tanfield on the southern side of the main village street. The site comprises a dwelling that lies immediately adjacent to the edge of the footway. This is the rear elevation of the dwelling; the principal elevation fronts onto the garden, which is screened from the main village street by a stone wall, varying in height from approximately 1.75m to 3m. The dwelling and its garden face onto the River Ure, which bounds the south of the site. The access to the property lies to the west of the dwelling and the driveway bisects a grassed paddock area, all of which lies within the application site boundary.
- 1.2 The application site lies within the West Tanfield Conservation Area.
- 1.3 Permission is sought to undertake events at the site including weddings and other private functions. This involves the use of the dwelling and the domestic curtilage associated with it and the land adjacent to the curtilage, through which the site is accessed. The proposal includes parking for up to 100 cars on a paddock area to either side of the access driveway although it is not anticipated that more than 30 or 40 spaces would normally be required.
- 1.4 The application includes the construction of an open sided timber octagonal gazebo within the garden. The structure has a height of 3.8m and a slate roof.
- 1.5 It is also proposed to erect two marquees within the garden and/or on the car parking area for use in connection with events.
- 1.6 The proposal is for wedding parties of between 20 and 80 but would have capacity for up to 120 guests. The ceremony would be held either in the house or in the pavilion. Smaller receptions could be accommodated entirely within the house but marquee(s) would be erected for larger events.
- 1.7 The application is retrospective as events have already taken place.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 – Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP4 – Access for all
 Development Policies DP8 – Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP18 - Rural employment
 Development Policies DP28 - Conservation
 Development Policies DP32 - General design
 Development Policies DP43 – Flooding and floodplains
 Development Policies DP44 – Very noisy activities
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – If the application is granted the Parish Council requests a curfew time be imposed, due to the close proximity of the neighbouring properties. The Parish Council is also concerned with regard to the volume of traffic this application could generate, 100 cars, at all times of the day and night in the heart of a residential area.
- 4.2 Highway Authority – No objection; recommends a condition requiring the creation and retention of parking facilities.
- 4.3 Environment Agency – No objection; however small parts of the site lie within Flood Zones 2 and 3 but are at a low level of risk. Recommends that the applicant develops an emergency evacuation plan, so that appropriate emergency planning procedures are in place if flooding occurs during a function.
- 4.4 Environmental Health Officer – Advises that the applicant's noise assessment is appropriate to indicate the effect of entertainment at the venue. However, noise levels during events will not be significantly below the existing background levels and it is highly likely that some noise from the events will be heard by neighbouring occupiers. It is therefore necessary to ensure that not only are the mitigation measures put in place but also additional controls to limit the impact on neighbour amenity.

The assessment details a number of mitigation measures which should be put in place and conditions should require that these measures, including acoustic shields, are implemented and maintained. As the mitigation measures described will not remove the impact on neighbouring occupiers it is also necessary to control the number and timing of events.

It should be noted that conditions cannot be worded to effectively control noise from the activities of individuals attending events and the impact of these will depend very much on how the venue and events are managed.

A total of six conditions are recommended in the event that permission is granted.

- 4.5 Public comments - a total of 22 letters of support have been received from local residents, which are summarised as follows:

- The business supports other local businesses; guests book local accommodation;
- No serious issues with noise from the events;
- Small start-up issues have been addressed and measures put in place to prevent re-occurrences;
- The vast majority of local pubs would I think tend towards holding several 'events' (BBQs etc.) throughout the year and I'd imagine these would on average generate more noise and disruption than we've so far seen events;
- We are very fortunate in Tanfield to have thriving pubs and a really good shop and surely additional 'people' businesses add to the vibrancy of the place;
- Disruption has been negligible and guests have been friendly and well behaved;
- Living in an area where happy occasions such as weddings are around us can be beneficial to the quality of life; this will be an asset to the village and surrounding area;
- Refreshing to see a new and successful business; it is appropriate to the village;
- Local business, tourism and employment benefits from the development;
- There will be a maximum of 12 events per annum involving music and these will end by 11.00pm, a reasonable curfew, so the benefits to the community as a whole outweighs any slight disturbance;
- If people are concerned about the noise why is the village hall allowed to have weddings and parties, there are noises at times;
- The management of the venue have been particularly diligent in informing everyone locally whenever there is a celebration planned so that any potential disturbance can be minimised; if a problem occurred they would resolve it; and
- The development supports a 'green' agenda' of low impact sustainable business growth;

An objection, on behalf of a local resident, is summarised as follows:

- This is a significant and very large scale, commercial venture which involves parking for up to 100 cars in a rural location. Ambient noise levels are low so it is an especially sensitive location to noise generating activities;
- On two occasions we have had cause to contact the authority's Environmental Health Department due to the excessive noise and disturbance from amplified music played excessively loud, amplified speeches played excessively loud, cars coming and going late at night and party revellers coming and going late at night;
- The application is contrary to policies that seek to ensure that no harm to residential amenity arises, through development proposals; a fundamental aim of the planning system;
- the behaviour of wedding and event attendees is beyond the control of planning legislation and accordingly the application should be refused;
- The location of Tanfield House and the marquee site and riverside pavilion locations within Flood Zones 2 and 3. A Flood Risk Assessment should be requested as the proposal which involves a significant number of people attending weddings and other events in an area of acknowledged flood risk;
- The proposal will result in a significant increase in both car borne traffic (guests arriving and departing plus catering staff) as well as a number of larger service vehicles to support the catering operation (delivery vans/HGVs and waste disposal vehicles etc.). The layout of the site as proposed is wholly inadequate to support this increase in vehicular movements and consequent demand in parking;

- During the wetter months, parking (and walking) on existing wet grass areas will be unacceptable to guests and they are likely to park elsewhere on-street, creating potential road safety problems;
- The access is one vehicle width; it is considered wholly unacceptable for the proposed significant increase in traffic accessing the site as it is not two-way;
- A new layout showing swept path analysis is required to demonstrate that larger service vehicles can be satisfactorily accommodated;
- The Institution of Environmental Management and Assessments (IEMA) (1994) 'Guidelines for the Environmental Assessment of Road Traffic' sets out advice on the environmental impact of road traffic. It is clear that given the site's location, on the fringe of West Tanfield and with other residential properties directly fronting the roads leading to the site, that the sensitivity of the roads should be classed as high;
- Road safety concerns with regard to the access and traffic flows; and
- The site is poorly served by sustainable forms of transport.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of the proposed use; (ii) the impact of the proposed structures on the character and appearance of the surrounding Conservation Area; (iii) the effect of the proposed use on residential amenity; (iv) flood risk: and (v) highway safety.

Principle

- 5.2 The site lies partly within the Development Limits of West Tanfield; the dwelling, and garden area immediately surrounding the dwelling, are within Development Limits; the access and paddock area at the western side of the application site lie outside Development Limits.
- 5.3 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, in order to create jobs and prosperity and supports leisure development that benefits businesses in rural areas, communities and visitors.
- 5.4 LDF Policies are also supportive of new business and employment development. Policies CP15 and DP18 identify the importance of developing rural businesses and supporting the social and economic needs of rural communities.
- 5.5 Only a part of the site lies outside Development Limits; this would provide the parking area for the proposed use and would also accommodate marquee(s); none of these being permanent.
- 5.6 West Tanfield is classified as a Service Village in the 2014 Settlement Hierarchy and is considered to be a sustainable location; therefore the principle of the development is considered acceptable.

Character and appearance

- 5.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character and appearance of the West Tanfield Conservation Area.
- 5.8 The gazebo, which is domestic in appearance, has already been constructed and is not visible from outside the site. The structure is of a scale and form and located such that it is not considered to harm the character and appearance of the site or the surrounding Conservation Area. The erection of temporary marquees, if in place for

a short period of time, would have a limited visual impact. A condition could be imposed requiring the marquees to be in place for only a specified number of days before and after an event in order to limit the level of this impact.

- 5.9 On assessment of the application it is considered that the development would cause limited harm to the heritage asset; a degree of harm that could be outweighed by economic benefits.

Residential amenity

- 5.10 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, vibration and daylight.
- 5.11 The site is located on the edge of the village and by its nature the area is relatively tranquil and the background noise levels are low. This effectively increases the potential for impact from noise as a result of the proposed use, in particular on the amenity of the domestic gardens to the north of the village street. The nearest dwellings lie across the road from Tanfield House, to the north of the application site, within earshot of any activities undertaken at the site. One of the dwellings lies approximately 12m from the boundary of the application site.
- 5.12 Even though the majority of the residents are in support of the proposal they note that noise can be heard and has at times been quite loud.
- 5.13 A noise assessment has been undertaken on behalf of the applicant that concludes that without mitigation the noise levels for external events, would be higher than the background noise levels but by introducing noise control measures, the noise level can be reduced and the likelihood of an adverse impact from noise would be significantly reduced.
- 5.14 The view of the Council's Environmental Health Officer is that if the proposed mitigation measures are implemented and maintained the background noise levels would be matched but this would not remove the impact on local residents as the noise levels during an event would not be significantly lower. Two equal noise sources add 3dB to the overall noise level. So if the event noise matches the background it would increase the background level by 3dB which is a noticeable level of increase. For the event noise to have no impact at all on the background dB level it would have to be 10dB below.
- 5.15 So, even with mitigation there would be an impact. The mitigation itself must be implemented exactly as required, for example, the acoustic shields must be positioned with no gaps between. It is not considered to be possible for this to be enforced by the Planning Authority unless an officer of the Council were to attend every event as the mitigation measures are not a permanent fixture and would need to be checked each time they were erected.
- 5.16 In addition, the impact of noise from the activities of individuals attending an event would depend on the management of the event and, again, it would not be possible for this to be enforced, notwithstanding what some residents have said about the operator's positive attitude, because permission normally goes with the land. It is not disputed that the applicant would do his absolute best to make sure the mitigation measures were in place but the permission goes with the land and unless the measures could be enforced it might fall to the management of someone less conscientious. Uncontrolled the events are likely to have an unacceptable impact.
- 5.17 Paragraph 203 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to consider whether otherwise unacceptable development could

be made acceptable through the use of conditions. Without conditions the development would be unacceptable as the noise disturbance resulting from the development would harm residential amenity contrary to LDF Policy DP1. Six conditions have been recommended by the Environmental Health Officer but, in accordance with paragraph 206 of the NPPF conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. It is considered that the conditions recommended do not comply with these tests and therefore cannot be imposed. For this reason, the development is considered unacceptable in terms of its likely impact on residential amenity.

Highway safety

- 5.18 The Highway Authority initially expressed some concern that, on wet days, mud from the parking areas might be drawn onto the highway or that drivers would choose to park outside the site on the carriageway rather than on wet grass, to the detriment of the free flow of traffic. Following the submission of details that illustrate the positioning of grass reinforcement systems to direct drivers to those parts of the site that would be frequently used, the Highway Authority has confirmed no objection, subject to a condition that the reinforcement system is installed.

Flooding

- 5.19 The site lies within an area of flood risk but due to the nature of the proposed development there is no objection from the Environment Agency. Should planning permission be granted, a condition could be imposed requiring the formulation of an evacuation plan to be put in place should a flood event occur.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason:
1. The proximity of the proposed development to existing residential dwellings within the village would give rise to noise and disturbance that cannot be mitigated by the imposition of conditions and which would adversely affect the amenity of nearby residents contrary to LDF Policies CP1 and DP1.

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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