

**Parish: Newton on Ouse**  
**Ward: Easingwold**  
**10**

Committee date: 28 June 2018  
Officer dealing: Mrs C Strudwick  
Target date: 5 July 2018

**18/00788/MRC**

**Variation of conditions attached to planning permission 16/02127/FUL - construction of three dwellings and associated works (revision to planning application 16/01540/FUL)**

**At Land to the south of Bravener Court, Newton on Ouse  
For A.T. Lee Properties Ltd**

**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 a field to the east of Back Lane, Newton on Ouse to the south of Bravener Court and opposite the junction with Sills Lane. The site is fronted by a highway verge 3m to 8m in width with a hedgerow fronting the site and a number of protected 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 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 Council's Settlement Hierarchy. However Linton on Ouse and Newton on Ouse are quoted as an example of cluster villages within the Council's adopted Interim Planning Guidance (IPG).
- 1.3 Full planning permission was granted in April 2017 for three dwellings. This application seeks consent for amendments to plots 2 and 3, these changes are as follows:

### Plot 2

- A decrease in gross external floor area from previously approved 147sqm to 130sqm;
- A decrease in the ridge height from 8.2m to 7.9m;
- An increase in the eaves height from 5m to 5.25m;
- The ground floor garden room has moved from projecting off the rear elevation at the south east end to the north east end, nearest plot 3;
- The garage has moved from the northern elevation to the southern side elevation; and
- The garage has been amended to add a first floor, to allow for larger bedrooms and bathrooms.

### Plot 3

- An increase in gross external floor area from previously approved 132sqm to 155sqm;
- An increase in the ridge height from 5.9m to 6m;
- A decrease in the eaves height from 3.4m to 3.2m;
- The configuration is amended to accommodate a ground floor bedroom, retaining the three additional bedrooms to the first floor;
- Dormer windows are removed; and
- Introduction of a Juliette balcony on the eastern elevation.

- 1.4 The scheme shows a 4sqm net decrease in floor area. Finished materials proposed are Wienerberger double pantile rustic south faced roof tile, and facing brick Wienerberger Hathaway brindle.
- 1.5 Since the submission of this application amended plans have been submitted, lowering the ridge height of plot 2 as described above, altering the fenestration detail, retaining timber frames but the style more traditional two-over-two light. The window headers have been amended to brick header.

1.6 No amendment is proposed to the access off Back Lane.

## **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.

2.4 16/02127/FUL - Construction of three dwellings and associated works (revision to planning application 16/01540/FUL); Granted 28 April 2017

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 – Access for all  
Development Policies DP8 - Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP28 - Conservation  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP43 - Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012

## **4.0 CONSULTATIONS**

4.1 Parish Council – No comments received.

- 4.2 Highway Authority – No objection; recommends conditions.
- 4.3 Yorkshire Water – The drainage scheme is acceptable.
- 4.4 Public comments – Five objections have been received in the following grounds:
- Amendment to the existing planning permission should not be allowed if it increases the number of rooms in the buildings, and the potential for additional vehicles;
  - The height of the buildings should not be increased; and
  - The site is already over developed.

## **5.0 OBSERVATIONS**

- 5.1 The principle of the development of three dwellings on this site has been established and found acceptable in the approval of the previous planning application 16/02127/FUL and there have been no material changes in planning policy since. The key determining issues for this planning application are therefore the impact of the proposed amendments in terms of (i) the mix of housing types; (ii) character of the area; (iii) residential amenity; (iv) the access arrangements; (v) trees; and (vi) ecology.

### Mix of housing types

- 5.2 The dormer bungalow on plot 3 would alter from three bedrooms to four bedrooms, with the extra bedroom on the ground floor. The provision of a bedroom on ground floor would make the dwelling more accessible for those with limited mobility. Whilst it is accepted that there is greater local housing need for three bedroom homes than four, the need is also for a mix of dwellings, which includes bungalows.
- 5.3 The addition of the ground floor bedroom results in a dormer bungalow and therefore is supported and in accordance with policy DP13 “achieving and maintain the right mix of housing”, and the Size, Type and Tenure of New Homes Supplementary Planning Document, adopted September 2015.

### Impact on the character of the area

- 5.4 The previously approved scheme, following revisions, was considered to be in keeping with the character of the area. This application proposes changes such as the removal of the dormer windows on plot 3, which is welcomed, and it is considered that the design changes would enhance the appearance of this dwelling from Back Lane.
- 5.5 Plot 3 would be slightly higher, at 6m, and bigger, increased by 13sqm. It is considered that these increases would not unacceptably impact on the character of the area.
- 5.6 It should be recognised that significant efforts went into the previous scheme (16/02127/FUL) to achieve a layout, massing and design which respected the existing village form, however, it is considered that the changes which are proposed to plots 2 and 3 would improve upon that scheme.
- 5.7 The northern projecting two storey garage wing on Plot 1, where there are no amendments sought, is adjacent to the relocated garage on plot 2. The ridge on the garage element of plot 1 is 6.3m, the proposed ridge on the garage element of plot 2 is 7.2m, leading up the main ridge height of 7.9m.

- 5.8 The previous layout out showed the ridge height of plot 2 2.1m taller than the ridge height of plot 1's garage. The re-location of plot 2's garage allows the changes in ridge heights to be more gradually stepped, which would reduce the impact of the changes in height when viewed from Back Lane.
- 5.9 The proposed changes would not increase the width of development on each of the plots. The amendments, particularly on plot 2, which introduce a more traditional design with the inclusion of timber sash style windows, brick headers and timber porch are considered to improve the appearance of the scheme, in accordance with policies CP17 and DP32.

#### The impact on residential amenity

- 5.10 The potential for impact on existing neighbouring amenity arises primarily from plot 3. The separation distances from the northern elevation of plot 3 to the nearest dwellings at 18 and 20 Bravener Court are 24m and 21.4m respectively. Given the separation distances, single storey height and use of roof lights it is considered that there would be little impact on residential amenity from the completed development and that the scheme is in accordance with DP1.
- 5.11 It is considered that the proposed changes to plots 2 and 3 would not give rise to issues of loss of privacy, security, daylight and would not result in unacceptable levels of noise, disturbance, pollution or odours; and the scheme is in accordance with DP1.

#### Access arrangements

- 5.12 There is no proposed change to the approved access arrangements and so is considered acceptable, in line with permission 16/02127/FUL.

#### Impact on trees and hedgerow

- 5.13 In reaction to the planning application 16/01540/FUL (refused) a tree preservation order was served (16/00009/TPO2) on a total of seven wild cherry trees, a zelkova (a deciduous tree native to Japan), a red oak and two sycamores and the hawthorn hedge. There is no proposed change to the landscaping on site, and so is considered acceptable in line with permission 16/02127/FUL.

#### Ecology

- 5.14 As part of the original application 16/02127/FUL an ecological report was submitted, which noted that the 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).
- 5.15 This scheme does not propose any changes to the mitigation measures conditioned as part of 16/02127/FUL. Whilst on site it was noted that the temporary amphibian fencing (TAF) has been installed around the site to act as a barrier to movements of GCN. This is to exclude the GCN from the development site. A licence is required from Natural England to install the TAF and subsequent appropriate actions. Class licences are held by the ecologist, rather than the applicant. It has been confirmed that the ecologist, Dr Jim Fairclough of MAB Environment and Ecology, holds a class licence and has registered the site with Natural England.

- 5.16 A mitigation strategy prepared by MAB Environment and Ecology recommended that temporary exclusion GCN fencing is erected on site, and two hibernacula are created to the south west of the development site (shown on drawing 01 Rev E), alongside the hedgerow. This is considered to be appropriate mitigation to enable the development to go-ahead and is set out in condition 6 below as a requirement of the development.

## **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 before or on 28 April 2020.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 386 -05-B, 386-06-A, and 386-04, 386-09 (drainage and levels) received by Hambleton District Council on 12th April, 21st and 31st May 2018.
  3. The development hereby approved is to be finished in Weinerberger double pantile rustic roof tile, and facing brick Weinerberger Hathaway brindle, unless otherwise approved in writing from the Local Planning Authority.
  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. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  6. The mitigation measures detailed in the GCN Mitigation and Compensation Habitat Plan, produced by MAB Environment and Ecology Ltd and received by Hambleton District Council 12<sup>th</sup> June 2018 shall be implemented prior to development on site and during construction where recommended. Thereafter the mitigation measures shall be retained in accordance with the approved scheme.
  7. Prior to the first occupation of the dwelling each dwelling will be provided with a swift brick and a bat brick, their locations in accordance with the details of plan 2018-230, and the bricks retained thereafter.
  8. 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 (386-04) 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 386-04. 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.
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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 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](http://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.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.