

**Parish: Sinderby**  
Ward: Tanfield  
**9**

Committee date: 7 March 2019  
Officer dealing: Mr M Pearson  
Target date: 15 March 2019

**18/02733/OUT**

**Application for Outline Planning Permission with details of access (all other matters reserved) for the construction of one dwelling  
At Land north-east of Kingsley Cottage, Sinderby  
For Mrs E Hopkins**

**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 at the north-east end of Sinderby and is situated in the paddock area adjacent Kingsley Cottage located on south side of the road to Pickhill. The paddock area sits immediately to the east of the cottage and is bounded by a variety of hedgerows and timber fencing. The site is located to the south of the junction of the Pickhill and Holme road and generally sits approximately 1m above the level of the highway.
- 1.3 This application seeks the approval of the principle of housing development and access only, but an indicative site layout and street scene drawing have been provided for illustrative purposes. The drawings indicate that a substantial two storey dwelling could be accommodated within the site. The proposed access for the new dwelling would utilise the existing access point to Kingsley Cottage.
- 1.4 Within the paddock area there are 27 trees and a following a request from the LPA a tree survey has been submitted to support the application. This acknowledges that eight trees – a red sentinal crab apple, willow leafed pear, false acacia, mountain ashes, common alder, purple leafed plum and a silver birch would need to be removed to accommodate the proposed dwelling as illustrated on the indicative site layout. The majority of the trees proposed to be removed are listed as Category B, however, a common alder is identified as a Category A tree.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 07/00984/FUL - Creation of a new vehicular access and construction of a gate and gate posts; Refused 30 May 2007.

## **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 CP8 – Type, size and tenure of housing  
Core Policy CP16 – Protecting and enhancing natural and man-made assets  
Core Policy CP17 – Promote high quality design  
Core Policy CP21 – Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP3 – Site Accessibility  
Development Policy DP4 - Access for all  
Development Policy DP10 – Form and character of settlements  
Development Policy DP30 – Protecting the character and appearance of the countryside  
Development Policy DP31 – Protecting natural resources: biodiversity/nature conservation  
Development Policy DP32 – General Design  
Interim Policy Guidance Note – adopted by Council on 7th April 2015  
National Planning Policy Framework 2019

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – No objection.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Public comments – None received.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Yorkshire Water – No observations noted.

#### **5.0 OBSERVATIONS**

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

##### Principle

- 5.2 The Interim Policy Guidance 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.

- 5.3 Sinderby does not have a defined development limit and as a result is a village without status within the settlement hierarchy set out in Core Strategy Policy CP4 that was adopted in 2008. In 2015 the Council adopted the Interim Policy Guidance which updates the hierarchy and included Sinderby as an “Other Settlement” and identified Pickhill as a “Secondary Village”. The IPG also considers the concept of cluster villages where they have a long association and are linked economically and socially through the use of primary school, shops and community facilities and can work together to promote more sustainable living. Pickhill is a secondary village located within 2km of Sinderby that includes a primary school, church and public house. The distance between Sinderby and Pickhill by road is less than 2km, which is considered to be an acceptable distance as noted in the IPG. It is therefore 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 therefore satisfy criterion 1 of the IPG.

#### Character and appearance

- 5.4 IPG criterion 2 requires development to be small in scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for one dwelling. This is considered to be an acceptable scale in relation to the guidance and the size and form of Sinderby and as a result satisfies criterion 2 of the IPG.
- 5.5 Criteria 3 and 4 of the IPG require consideration to be given to the impact of the development on the surrounding natural and built form. In making this assessment it should be noted that the application is in outline form only with all matters other than access reserved. An indicative site layout plan and street scene drawings have been submitted that illustrate how a large two storey dwelling could be accommodated on the site.
- 5.6 Sinderby has a traditional character with a variety of predominantly two storey building types located in a linear manner on both sides of the highway. At the southern end of the village are a variety of short rows of cottages, semi-detached properties and larger detached houses constructed during the eighteenth and nineteenth centuries. The majority of the dwellings sit close to the highway behind small front gardens and are constructed in brick with pitched pantile roofs. At the northern end of Sinderby, the character is more varied as a result of its development during the late twentieth century. This varied character is illustrated by the modern two storey detached properties laid out around The Village Green and the more historic built form of the Village Hall and adjacent two storey cottages. On the south side of the highway, immediately to the west of the application site, are large detached properties that are two storeys in height together with a large detached bungalow. These properties were constructed in the late twentieth century and are set in generous gardens. This part of the village contains a variety of brick and rendered facades with pitched roofs finished in slate or pantiles.
- 5.7 As set out in the illustrative drawings, the proposed dwelling would be orientated in a similar manner to the adjacent properties to the west with the principal facade orientated to face the highway. The proposed house would also be sited to generally follow the building line of the properties to the west and as a result would be set with a substantial garden area in a similar manner to the other properties within the immediate context. The Planning Statement submitted with the application indicates that the proposed dwelling would be constructed in brick with a pitched pantile roof. This would conform to the palette of materials within the village and the precise details would be determined during a reserved matters submission should this outline application be approved.

- 5.8 Whilst the application site is elevated above the highway by approximately 1m and sits at the northern entry point to the village it is not considered to be visually prominent within the wider landscape. In terms of any impact of the open countryside it is considered that the proposed dwelling would read as a natural extension to the built form of the village and would be perceived as part of the wider visual envelope of the village in medium views from the north, west and south. In addition, the existing hedge and remaining trees within the site would assist the assimilation of the proposed dwelling into its village context.
- 5.9 Whilst the 8 out of the 27 trees on the application site would need to be removed to accommodate the proposed dwelling, it is considered that this would not have an unacceptable impact on the character of the site. It should be noted that additional planting to mitigate against the loss of the trees can be accommodated on the site.
- 5.10 On the basis of the above it is considered that the proposal meets criteria 2, 3 and 4 of the IPG and satisfies Policies CP16, CP17, DP30, DP32 and DP33.

#### Residential Amenity

- 5.11 An illustrative site plan submitted with the application indicates that a large dwelling could be accommodated on the site. The main consideration in this instance relates to the potential impact on the adjacent property to the west - Kingsley Cottage. The illustrative site plan indicates that the principal facades of the proposed dwelling would be orientated to face the highway and would therefore present a secondary gable to Kingsley Cottage. It is considered that there is a sufficient separation distance between the two properties. However, if the siting of the proposed dwelling needed to be altered to increase the separation distance, the site is considered to be of a sufficient size to deliver a development that would not be detrimental to existing residential occupiers of Kingsley Cottage. These matters can be dealt with at the reserved matters stage should this outline application be approved. It is therefore considered that the development of the site would satisfy Policies CP1 and DP1 of the Local Development Framework.

#### Highway Safety

- 5.12 The local highway authority has considered the application and raised no objection to the application, subject to a number of conditions, following confirmation that the existing access and car parking arrangements for Kingsley Cottage could be maintained. Therefore, the principle of the development of the site is not considered to be harmful in terms of road safety. It is considered that the development can be accommodated within the existing infrastructure in accordance with criterion 5 of the IPG and would satisfy Policies CP2 and DP3 of the Local Development Framework.

#### Other matters

- 5.13 It is understood that the provision of one additional dwelling would not have a significant impact on transport, utilities, biodiversity, flooding or social infrastructure. It is therefore considered that the development can be accommodated within the existing infrastructure in accordance with criterion 5 of the IPG and Policies CP3, CP21, DP6 and DP43 of the Local Development Framework.

#### Planning Balance

- 5.5 The proposed development is outside any defined development limits and the applicant does not claim any exceptions under Policy CP4. As Sinderby and Pickhill are considered to be a cluster village, the Councils Interim Policy Guidance applies. It is considered that the proposal meets the criteria of the IPG. There are no highways, drainage or environmental health objections. It is considered that the proposal would

have no significant impact on residential amenity. In conclusion the application is recommended for approval.

## **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; and (d) the landscaping of the site.
  3. The access arrangement hereby granted shall not be undertaken other than in complete accordance with the general layout drawing HDC/3129/02A received by Hambleton District Council on 16<sup>th</sup> January 2019 unless otherwise agreed in writing by the Local Planning Authority.
  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 accesses; and (b) vehicular parking.
  5. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number HDC / 3129 / 02 Revision A for parking spaces, turning areas and access for Kingsley Cottage shall be kept available for their intended purposes 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
  78. The development hereby approved shall not be commenced, other than the formation of the access until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with

surface water from elsewhere and all without increasing the flood risk to existing premises.

9. The use of the development hereby approved shall not be commenced, other than the formation of the access, until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 9 above.
10. No development shall be commenced, other than the formation of the access, until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

The reasons for the conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In the interest 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 ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
78. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
10. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.

#### Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European

Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre 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.