

**Parish: Well**  
Ward: Tanfield  
**12**

Committee date: 25 April 2019  
Officer dealing: Mrs H Laws  
Target date: 28 August 2019

**19/00113/FUL**

**Construction of five dwellings and associated garages as amended by plans received by Hambleton District Council on 30 May 2019**

**At: Danby Cottage, Nosterfield**

**For: Mr Philip Trehitt**

**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 western edge of Nosterfield on the southern side of the B6267, close to the Thornborough Henges scheduled monument complex. The site is rectangular in shape and approximately 0.45 hectares in size. The site currently forms part of the land used in association with Danby Cottage.
- 1.2 The main part of the village is located to the south of the B6267 with the main part of the village street running in a north south direction; the buildings in the northern part of the village front onto a triangular green. The built form of the village is reflective of its historic form. The only real anomaly to this is the more modern council housing located at the eastern edge of the village, fronting onto the southern side of the B6267.
- 1.3 The proposal is for the construction of 5 two storey dwellings. Originally the application was submitted for the construction of five detached dwellings with garages served by a single driveway positioned centrally through the site. The amended scheme proposes a similar style of dwellings but forming a U-shaped courtyard arrangement and the dwellings would be attached to one-another by garages.
- 1.4 The scheme includes 2 four bedroom; 2 three bedroom and 1 two bedroom dwelling. The dwellings would be finished in stone with clay pantiles or natural slate, and timber windows and doors.
- 1.5 Access to the site would be from the B6267 using an existing vehicle entrance. A private drive would serve the dwellings extending around the sides and front of the proposed dwellings, gaining access to individual parking areas and garages, including Danby Cottage and an existing stable block at the south eastern corner of the application site.
- 1.6 A footpath link is proposed in the north eastern corner of the application site adjacent to Danby Cottage.

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

- 2.1 74/0287/OUT - Outline application for residential development. Permission refused 25 July 1974.

### **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 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 DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policy DP13 – Achieving and maintaining the right mix of housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 – Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – The proposed footpath from the development into Nosterfield, leads directly onto a very busy road, there has not been adequate provision for walking along there with prams, this is a very busy road through Nosterfield. The Parish Council feels there needs to be a barrier of some description and some form of warning signs, for the pedestrians.
- 4.2 NYCC Highway Authority – No objections subject to conditions.
- 4.3 Historic England – (objected to the original submission) Archaeological evaluation has now been undertaken on the application site and a report submitted to the Principal Archaeologist at North Yorkshire County Council and to Historic England. Although located at the northern end of the Thornborough Henge complex, and within the Thornborough promontory, the evaluation of 3no trial trenches did not detect any archaeological deposits or features. We accept that this work addresses the requirements of para 189 of the NPPF. The Amended application now proposes that the development should follow the suggested courtyard plan, using appropriate locally characteristic materials. In this respect the development proposal better reflects the aim and objectives of para 185 of the NPPF. Historic England is content to state that we have no objection on heritage grounds to this development proposal.
- 4.4 NYCC Heritage Services - The developer has provided the results of an archaeological trial trench evaluation. Three trial trenches were excavated to the depth of the natural glacial deposits. No finds or features of archaeological interest were noted. Although the trial trenches were archaeologically sterile they only represent a small proportion of the overall footprint of the proposal and I would recommend that the development takes place under archaeological supervision in order that any significant finds are properly recorded. A condition is recommended requiring a scheme of archaeological mitigation.
- 4.5 Yorkshire Water – no objection to the separate systems of drainage and the proposed amount of foul water to be discharged to the public foul sewer network
- 4.6 HDC Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that

there will be no negative impact. Therefore the Environmental Health Service has no objections.

- 4.7 Public comments – no comments received (expiry date for representations 22/7/2019).

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the impact on heritage assets; (ii) the principle of development; (iii) the impact on the character and appearance of the surrounding area; the design of the development; (iv) community engagement; (v) the impact on the amenity of neighbouring occupiers and; (vi) highway safety.

### Heritage assets

- 5.2 Heritage assets, as stated within paragraph 184 of the NPPF, are an irreplaceable resource that should be conserved in a manner appropriate to their significance. The site lies in close proximity to the Thornborough Henge complex, which is considered as being of national significance and is a Scheduled Monument.
- 5.3 The NPPF at paragraph 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building (or site). Paragraph 193 of the NPPF states that great weight should be given to the asset's conservation.
- 5.4 An evaluation of trial trenches has been undertaken in order to assess the archaeological potential of the site due to its proximity to the Henges complex; nothing of archaeological interest was found and the County Council's Heritage Officer is satisfied with this survey work. It is however recommended that a condition is imposed on any permission granted in order to secure archaeological monitoring as the trials only represent a small proportion of the overall footprint of the application site.
- 5.5 On assessment of the application therefore it is considered that the proposal would cause no harm to existing heritage assets.

### Principle

- 5.6 Nosterfield is beyond any Development Limits identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances identified in that policy and as such the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
  2. Development must be small in scale, reflecting the existing built form and character of the village.
  3. Development must not have a detrimental impact on the natural, built and historic environment.
  4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Nosterfield is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 West Tanfield, which is a Service Village, is the largest settlement in close proximity at approximately 1.5km. Well (a Secondary Village) is located approximately 1.8km away. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Nosterfield can be viewed as an example of a sustainable cluster. Criterion 1 of the IPG would be satisfied and the principle of development is therefore acceptable.

#### Character and Appearance

- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Development Framework.
- 5.8 The site is previously developed land and forms part of the village in terms of its character and appearance rather than the adjacent open countryside and adjoins the main built form of the village.
- 5.9 The site is however on the edge of the village and, although not open countryside, is agricultural in context. The proposed amended layout from the initially proposed two rows of houses to a courtyard/farmyard arrangement reflects the transition from village to countryside.
- 5.10 In this instance, it is considered that the site is not an isolated form of development and is viewed in the context of the wider built form of the village.

#### Design

- 5.11 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new

developments are appropriate in terms of scale and location in the context of settlement form and character.”

- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.13 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.14 The design of the dwellings is reflective of a group of traditional agricultural buildings with varying heights and sizes and would be appropriate within its context. The use of stone and either pantiles or slate would reinforce this characteristic. It is considered that the development would result in a high standard of design that would accord with LDF Policy CP17.

#### Community engagement

- 5.15 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 128 of the NPPF.
- 5.13 Paragraph 128 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 5.14 In September 2018 a leaflet outlining the scheme was posted to 110 properties within and close to the village. The applicant received 10 responses, most of which were in support. The responses received were similar to those received by the Council and noted in Section 4.6 above. The scheme has been developed with these comments in mind.

#### Residential Amenity

- 5.15 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.16 The closest neighbour would be the existing two storey Danby Cottage that lies in the north eastern corner of the application site and is in the ownership of the applicant. There would be a significant distance between the front elevation of that dwelling and the closest point of the proposed dwellings and as such the development would have a minimal impact on amenity. The next closest neighbours would be to the east at Tarnside Barn but again a large distance is proposed between the elevations of buildings with the provision of garden and parking space between thereby limiting the opportunities for overlooking or overshadowing.
- 5.17 The amended scheme proposes the new dwellings to be in close proximity to each other but adequate distance would be available between the principal elevations with gardens separating the plots.

- 5.18 It is considered that the proposed development would not be contrary to LDF Policy DP1.

#### Highway safety

- 5.19 The Parish Council has concerns regarding the provision of the pedestrian access directly onto the road without the provision of a footway or safety barrier but there is insufficient width in the road at this point to allow a footway or a barrier on the roadside. If the pedestrian access is not provided the alternative would be for pedestrians to walk a great distance along the roadside by using the vehicular access and the highway verge, which is particularly narrow along this stretch of the road.
- 5.20 The Local Highway Authority has raised no objections to the proposed development and it is considered that the development results in no significant harmful impact on road safety.
- 5.21 An amended plan is awaited regarding the parking for the dwelling at Plot 2 and updated details will be provided to Members at the meeting.

#### Planning Balance

- 5.22 The proposal would create additional dwellings in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. Overall the scheme is found on balance to be acceptable.

### **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. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
  4. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. No part of the existing boundary hedge along the northern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
6. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
7. No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
8. No development shall be undertaken other than in accordance with the Preliminary Appraisal Report (Desk Top Study) unless otherwise approved in writing by the Local Planning Authority.
9. No development shall be undertaken other than in accordance with the Drainage Impact Statement and Surface Water Strategy Dated January 2019 unless otherwise approved in writing by the Local Planning Authority.
10. The garages hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwellings.
11. 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.

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

13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 18/533/SP101; SP102; PL101; PL02; PL103; PL104; PL105; PL106; PL107; and PL108 received by Hambleton District Council on 17 January and 30 May 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In order to soften the visual appearance of the development in the streetscene in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. This condition is imposed in accordance with Section 16 of the NPPF as the site is of archaeological interest.
8. To ensure safe development of the site and to protect human health and the environment in accordance with LDF Policies.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
10. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles

generated by occupiers of the dwellings and visitors to them, in the interest of safety and the general amenity the development.

11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

#### Informatives

1. 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.