

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

Committee date: 17 October 2019  
Officer dealing: Mrs H Laws  
Target date: 24 October 2019

**19/01483/OUT**

**Outline application with layout and access to be considered (all other matters reserved) for the construction of two dwellings**

**At: Land east of Maythorn Cottage, Sinderby**

**For: Messrs Wadsworth**

**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-eastern end of Sinderby and is situated in the field that lies adjacent to Maythorn Cottage located on the northern side of the road to Pickhill. The field lies immediately to the north east of the cottage and is bounded by a variety of hedgerows, timber fencing and metal railings. The site is located opposite the junction with the road leading to Holme on Swale.
- 1.2 The application is for outline permission to construct residential development on the site. The application has been amended and specifies a development of two detached two storey dwellings. The matters for approval at this stage are layout and access. The remaining matters, i.e. appearance, landscaping and scale would be for a later application if this is approved.
- 1.3 A site layout plan has been submitted, which shows the two dwellings fronting onto the village street with a single access from the street, separating into two individual driveways. An indicative streetscene drawing (not for approval) suggests that one of the dwellings would be at a lower height with eyebrow dormer style windows; the dwelling adjacent to Maythorn Cottage would be higher and two storey.

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

- 2.1 None.

## **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  
Development Policy DP43 – Flooding and floodplains  
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 – I have considered the above development, which is located approximately 150m west of Sinderby Sewage Treatment Works. However this department has no history of complaints from local residents and therefore the Environmental Health Service has no objections.
- 4.5 Yorkshire Water – No observations noted.
- 4.6 Publicity – objections have been received from three households in the vicinity and a neutral comment from a fourth. The comments are summarised as follows:
- Major concerns regarding access. There is already a planning application lodged for a property on the other side of the road and with driveway/vehicle access for two properties being close to a very sharp bend and an awkward junction
  - More noise, construction traffic
  - Concern regarding flood water
  - Old sewage system that requires upgrading
  - Understanding is that houses are unable to be built beyond the village boundary, this application seems to ignore this principle
  - The impact could be problematic in terms of light, noise and proximity to Maythorn cottage

#### **5.0 ANALYSIS**

- 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. There are no heritage assets impacted by the development.

##### Principle

- 5.2 The applicant has not claimed any of the exceptions to support housing development in this location as set out in Core Policy CP4 and as such the proposals are considered to be a Departure from the Development Plan. However, the Council's Interim Policy Guidance, designed to bridge the gap between the requirements of the Local Development Framework and the National Planning Policy Framework, 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 two dwellings, which 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 although layout is a matter that is for consideration at this stage. Sinderby has a traditional character with a variety of predominantly two storey building types located in a linear manner on both sides of the road. 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 road 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 road 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.
- 5.6 A site layout plan has been submitted that illustrates the position of the dwellings on the site. The position and the spacing reflect the general pattern and form of development within this part of the village. The distance the dwellings would be set

back from the road frontage would be in line with the existing properties at East Lodge and Maythorn Cottage.

- 5.7 The indicative street scene drawing suggests dwellings that would be of a scale and design that would reflect existing development within the village and would be appropriate for siting within this prominent site at the entrance to the village without detracting from the existing character and appearance. This detail is however not for consideration at this stage but illustrates that a well designed scheme is achievable.
- 5.8 As set out in the layout plan, the proposed dwellings would have their principal elevation orientated to face the highway. The proposed dwellings would also be sited to generally follow the building line of the properties to the west and as a result would be set within 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 dwellings would be constructed to reflect local character with traditional and sympathetic detailing. The precise details would be determined during a reserved matters submission should this outline application be approved.
- 5.9 Whilst the application site lies beyond the final dwellings on this side of the road leaving the village towards Pickhill, it is considered that the site is not visually prominent within the wider landscape. In terms of any impact of the open countryside it is considered that the proposed dwellings 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 distance views from the north, west and south. In addition, additional landscaping within and along the boundaries of the site would assist the assimilation of the proposed dwelling into its village context.
- 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 of the Local Development Framework.

#### Residential Amenity

- 5.11 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. There is some concern from nearby residents about the effect of the proposed dwellings on privacy.
- 5.12 The proposed dwellings would generally follow the building line of Maythorn Cottage and East Lodge and have been positioned at a distance that would not overwhelm or have an overbearing impact on those properties. No details of window positions have been provided but consideration of potential overlooking would be matters to be dealt with at the reserved matters stage should this outline application be approved.
- 5.13 It is considered that the proposed dwellings would be located sufficiently far from neighbouring residents to the side and opposite for there to be no adverse impact on residential amenity that would be contrary to LDF Policy DP1. It is therefore considered that the development of the site would satisfy Policies CP1 and DP1 of the Local Development Framework.

#### Highway Safety

- 5.14 The Highway Authority has considered the application and raised no objection to the proposed development, subject to a number of conditions,
- 5.15 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 DP4 of the Local Development Framework.

#### Other matters

- 5.16 The provision of two additional dwellings would not have a significant impact on transport, utilities, biodiversity, flooding or social infrastructure. Planning permission has previously been granted under the IPG for an additional 3 dwellings in the village and therefore would be considered cumulatively as small scale development. 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

- 5.17 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 design and external appearance of each building, including a schedule of external materials to be used; and (b) the landscaping of the site.
  3. The detailed plans required by condition 2 above shall indicate two dwellings only.
  4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.
  5. 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.
  6. 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.

7. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.
8. 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.

9. 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.
10. 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.
11. 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 has 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 shall be constructed in accordance with the approved details and/or Standard Detail number E50.
12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43.00m measured along both channel lines of the major road C187 from a point measured 2.40m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. 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 until the details of the provision of a footway between the proposed access and existing footway and a programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.
14. Unless otherwise approved in writing by the Local Planning Authority the development shall not be brought into use until the provision of a footway between the proposed access and existing footway has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 13.
15. 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 drawing (Reference W22-2B) and 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.
16. 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.
17. 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.
18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered W22-2B (Site Plan) received by Hambleton District Council on 16 July 2019 unless otherwise 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. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. 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.
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.
7. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
8. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP1 and DP1.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
10. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
12. In accordance with policy number and in the interests of road safety in accordance with LDF Policies CP2 and DP4.
13. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
14. In the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
15. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
16. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

## Informatives

1. 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.

3. 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 11.