

# PLANNING APPLICATIONS

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Golden Lion Hotel, High Street, Northallerton on Thursday 30 April 2015. The meeting will commence at 1.30pm.**

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Director of Environmental and Planning Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Director of Environmental and Planning Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt  
Director of Environmental and Planning Services

# SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

**PLANNING COMMITTEE**  
**Thursday 30th April 2015**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	15/00125/FUL Mr A Thompson Bedale  Page no. 8	Proposed two storey extension to form utility room/family and bedroom  For: Mr R Figg At: 7 The Court, Bedale  <b>RECOMMENDATION: REFUSE</b>
<b>2</b>	14/01472/FUL Mr A Cunningham Dalton  Page no. 10	Construction of 2 dwellings as amended by plans received by Hambleton District Council on 6 February 2015 For: Mr S Bradbury At: Greenbank Farm, Dalton  <b>RECOMMENDATION: GRANT</b>
<b>3</b>	15/00422/FUL Mrs H Laws Easingwold  Page no. 19	Construction of a dwelling and associated landscaping works  For: Ms L Jarvis At: Land east of Fourways, Raskelf Road, Easingwold  <b>RECOMMENDATION: GRANT</b>
<b>4</b>	15/00271/TPO Mrs B Robinson Great Ayton  Page no. 26	Fell tree covered by Tree Preservation Order No 1992/02  For: Mrs C Holdsworth At: 69 High Street, Great Ayton  <b>RECOMMENDATION: GRANT</b>
<b>5</b>	15/00221/OUT Mrs S Leeming Scruton  Page no. 29	Outline application for a single storey dwelling  For: Mr David Ward At: Land to the North of Springfield, Station Road, Scruton  <b>RECOMMENDATION: GRANT</b>
<b>6</b>	15/00408/OUT Mr A Cunningham Sessay  Page no. 36	Outline application for residential development  For: Mr Mike Wilkinson At: Land north of The Paddocks, Main Street, Sessay  <b>RECOMMENDATION: GRANT</b>
<b>7</b>	15/00182/FUL Mrs C Davies Sutton-on-the-Forest  Page no. 44	Change of use of Public House to dwelling  For: P Hourigan At: Blackwell Ox, Huby Road, Sutton-on-the-Forest  <b>RECOMMENDATION: GRANT</b>

**Parish: Bedale**  
Ward: Bedale  
**1**

Committee Date : 30 April 2015  
Officer dealing : Mr Andrew Thompson  
Target Date: 18 March 2015

**15/00125/FUL**

**Proposed two storey extension to form utility room/family and bedroom  
at 7 The Court, Bedale, North Yorkshire, DL8 2EG  
for Mr R Figg**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 This application is for the construction of extensions to a semi-detached dwelling in The Court, Bedale. This is a courtyard/square type development between Harbour Rise and South End. The site has a good sized but irregular shaped rear curtilage and the application seeks to consolidate the existing garage/outbuildings to create a ground floor family room with a large additional bedroom/en-suite to the first floor. The application also proposes a ground floor sun-room and extended bedroom above, to the rear elevation of the property.

1.2 The extensions are to be carried out in matching materials, pale brown facing brickwork and concrete tiles with white upvc windows.

1.3 The site is bounded to the rear by open space associated with Tom Hall's Court, a sheltered housing scheme administered by Broadacres, and Alexandra Court a three storey flatted development.

1.4 The existing garage/storage building is attached to a neighbouring outbuilding which will remain and will not be adversely affected. No comments have been received from the adjacent neighbour. There is at present a dilapidated single storey timber extension to the rear which has the same footprint as the proposed permanent extension to the side / rear elevation.

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

2.1 There have been no applications at the site since the construction of the dwelling.

## **3.0 NATIONAL AND LOCAL POLICY**

3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Bedale Town Council: No observations.

4.2 The application was advertised by site notice at the front of the site and the eight closest neighbours were consulted. No representations have been received.

## **5.0 OBSERVATIONS**

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials

proposed (Policies CP17 and DP32) together with the impact, if any, on adjacent residential amenity (Policy DP1).

5.2 The application essentially comprises two, two storey extensions to the property. The form and massing of the proposed two storey side extension competes, heavily with the existing development form, to the detriment of the overall character and appearance of the property.

5.3 Due, in part to the irregular boundary the roof form of the proposed scheme is contrived in design and results in an extensive and obtrusive amorphous area of wall to the side elevation. The applicant has endeavoured to break this elevation up as suggested by the case officer, through the inclusion of dummy windows. Unfortunately this has not sufficiently mitigated the harmful impact of this element of the development.

5.4 Whilst the proposed side extension sits largely on the existing footprint of the single storey extension / outbuildings, the proposed two storey form detracts from the simple symmetry of this building. Normally, simplified built forms, set-backs from existing elevations and set downs from roof forms are used to create a subservient form, which whilst not symmetrical would preserve the overall form and character of the host building. The applicant has altered the roof form of the proposal in an attempt to improve the form and design detailing of the scheme. However, this does not sufficiently ameliorate the overall impact of the two storey, gabled form proposed.

5.5 The application also proposes a flat roofed, two storey element to the rear elevation. Whilst not dominant in the built form, the two storey, flat roofed extension proposed will detract from the overall character and appearance of the building.

5.6 The distance from the side windows to the rear projecting extension are within 9m of the boundary with the neighbouring property. As such the first floor window will have an impact on the privacy of the occupiers of the neighbouring property. In the revised scheme, the applicant has removed this window, replacing it with gable windows instead. As such the proposed development will have no impact in terms of privacy.

5.7 The proposed development, by virtue of the height of the eaves to the side boundary will have small, measurable impact on the amenity of the neighbouring garden. However, much of this impact is taken up by the position of the neighbouring outbuilding. As such the level of impact in these terms is considered to be negligible. However, the height of the structure, with little relief in the brickwork is considered to result in an oppressive development form, detrimental to the amenity of the garden ground.

## **6.0 RECOMMENDATION:**

6.1 That the application is **REFUSED** for the following reason:

1. The proposed development will have a detrimental impact on the character and appearance of the host building and on the character of the wider area by virtue of the height, massing and contrived form of the proposed extension. The form of the side extension is contrived and visually awkward resulting in an oppressively high blank wall to the side boundary of the property. The two storey flat roofed extension is not in-keeping with the form and detailing of the host building. The proposed development is considered to fail to accord with the requirements of Policies CP17 and DP32 of the Local Development Framework.

**Parish: Dalton**  
Ward: Topcliffe

Committee Date: 30 April 2015  
Officer dealing: Mr A J Cunningham

**2**

Target Date: 4 September 2014

**14/01472/FUL**

**Construction of 2 dwellings as amended by plans received by Hambleton District Council on 6 February 2015 at Greenbank Farm, Dalton for Mr Steve Bradbury**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The proposed dwellings would be positioned to the east of the existing dwelling at Greenbank Farm, Dalton. The site is within Flood Zones 2 and 3. The development limit boundary dissects plot 2. A tree the subject of TPO 1987/7 is positioned to the south-eastern boundary of the curtilage of plot 1 adjacent 1 Oak View.
- 1.2 Dwellings 1 and 2 would each provide for a living room, family room, kitchen, hall, w/c and study at ground floor level and 3 bedrooms, 1 en-suite bedroom and a bathroom at first floor level. The dwellings would each have maximum dimensions of 12.2m x 10m, with a total height of approximately 7m.
- 1.3 A detached garage is proposed within the domestic curtilage of both properties. The garages would each measure approximately 6m x 6m, with a total height of approximately 4m.
- 1.4 Materials for dwelling 2 would comprise slate roof tiles and brickwork and render walls. Dwelling 1 would be formed of brickwork and render with a pantile roof.
- 1.5 Access to the proposed dwellings would be via the existing vehicular access to the existing dwelling at Greenbank Farm.
- 1.6 This application has been amended by plans received on 6 February 2015 which have provided an emergency exit route from the rear of the proposed domestic curtilages to the land to the rear of the adjacent village hall.
- 1.7 Further amendments have been requested from the applicant's agent on 16 April 2015 regarding the orientation and level of the dwelling at Plot 1 and the lowering of the land levels to the south of plot 1 to compensate for the construction work proposed to be within Flood Zones 2 and 3. The applicant has also been made aware that a planning obligation would be necessary to formally agree the means of escape from the land that would involve securing the right to pass through land in the ownership of others and to gain access to the highway via land to the rear of the village hall.

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

- 2.1 04/02180/TPO - Application to carry out works to a tree the subject of a Tree Preservation Order No. 1987/7; Granted 2004.
- 2.2 13/02121/FUL - Rear extension and installation of new windows to the side and rear; Granted 2013.

### **3.0 NATIONAL AND LOCAL POLICY**

#### **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 CP9 - Affordable housing  
Core Strategy Policy CP9A - Affordable housing exceptions  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policy DP1 - Protecting amenity  
Development Policy DP2 - Securing developer contributions  
Development Policy DP3 - Site accessibility  
Development Policy DP4 - Access for all  
Development Policy DP6 - Utilities and infrastructure  
Development Policy DP10 - Form and character of settlements  
Development Policy DP15 - Promoting and maintaining affordable housing  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP37 - Open space, sport and recreation  
Development Policy DP43 - Flooding and floodplains  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Parish Council - Object to the proposal on the following grounds: "Scale, mass, density and visual impact on surrounding properties. There has been one estate of 31 properties recently completed and another one of 36 properties being built in the village and we are most concerned about the quantity of properties relative to the amenities and services in Dalton. The Parish Council would like to have a Planning Site Visit and for the application to go to a Planning Committee Meeting for a decision".

4.2 NYCC Highways - Conditions recommended regarding (i) discharge of surface water; (ii) construction requirements for private access/verge crossings; (iii) parking for dwellings; (iv) precautions to prevent mud on the highway; and (v) on-site parking, storage and construction traffic during development.

4.3 Environmental Health - 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.

4.4 Internal Drainage Board -

- First response: Part of the site lies within the Swale and Ure Drainage District. The FRA does not cover the question of possible loss of floodplain storage and consequent increase in flood risk elsewhere. Also the risk of flooding in Old Beck is exacerbated by the presence of a weed-screen 200m downstream at OSNGR SE 42982 76380. The FRA ought to consider the impact of screen blockage on flood risk and design water levels. An objection has been raised whilst these concerns are addressed.

- Second response: The concerns about flooding by blockage of the Old Beck Weed screen and loss of flood plain storage have now been resolved and clarified by Mr D Richold.

#### 4.5 Environment Agency -

- First response: The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment by AAH Planning Consultants, dated December 2013, Ref: AAH/0111/13FRA submitted with this application are implemented and secured by way of a planning condition on any planning permission.

- Second response: Identical to first response except for the following: Please ensure that the flood risk sequential test has been passed and undertaken in an open and transparent way. Evidence to support the sequential test should be added to the public record planning file.

- Third response: The Environment Agency only advises on the process of the Sequential Test and does not comment on comparative assessment of land, its availability or suitability for a particular form of development. Similarly we would not comment on the sustainability justifications of development as these are beyond the scope of the Environment Agency role. It is for the local planning authority to determine whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

#### 4.6 Senior Drainage Engineer -

- First response: Provided background to flood risk strategy in England, and the approach of the NPPF, and how this development fits into these. Highlights that the proposal would need to pass the sequential and exception tests to be considered acceptable from a flood risk perspective.

- Second response: Notes that the applicant has provided a detailed analysis of the exception and sequential tests and the EA have considered the levels of development. Notes that: The only outstanding matter is the presence of the access to the development being in Flood zone 3 and will, based on historic flooding, be underwater in flood conditions.

4.7 Yorkshire Water; expired 18.08.2014 - No responses received as at 23.03.15.

4.8 Neighbours notified and site notice posted; expired 20.08.2014 - No responses received as at 23.03.15.

### 5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of the proposed dwellings in this location; (ii) flood risk; (iii) any impact on the visual amenity of the surrounding area; (iv) any impact on neighbour amenity; (v) any impact on highway safety; and (vi) the appropriate contributions to affordable housing and off-site infrastructure.

#### Principle of Development

5.2 Plot 1 is within the development limits of Dalton which is a sustainable settlement as defined by policy CP4 of the Hambleton Local Development Framework. Half of plot 2 is within development limits, however it is considered to be no less sustainable in terms of its positioning with relation to the facilities of Dalton and would therefore broadly comply with policies CP1 and CP2.

5.3 As Plot 2 is not wholly within Development Limits, its development does not accord with Policies CP4 and DP9, which seek to restrict development to within Development Limits unless exceptional circumstances apply. The applicant does not

claim any of the exceptional circumstances identified in Policy CP4 and, as such, this element of the proposal would not accord with the development plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of “the exceptional quality or innovative nature of the design of the dwelling”. None of these exceptions are claimed by the applicant.

- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.5 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.”
- 5.6 Dalton is defined as a Secondary Village and is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". Considering that this is only relevant to half of one of the two plots it is considered overall that the development is supported in principle by a combination of local and national policies.

#### Flood Risk

- 5.7 The applicant has provided extensive analysis of the risks to the development posed by flooding in a Flood Risk Assessment which recommends measures which could be secured by a planning condition to minimise the risk to occupiers of both dwellings. The applicant has also provided a sequential test for the site which has

identified that there are no alternative sites in the locality other than the application site.

- 5.8 It is also important to take into account the site characteristics, particularly the ground levels involved. The Environment Agency accepts that the site is in reality at a low risk of flooding and has not raised an objection. However the site is mapped as an area of high risk which would leave the applicant two options; to challenge the formal flood map, or, to follow the approach of the submission and appraisal of the sequential and exception test.
- 5.9 The applicant has also provided an appraisal of the exception test. According to paragraph 102 of the National Planning Policy Framework (NPPF) two criteria must be satisfied: (a) the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and (b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.10 Criterion (b) is considered satisfied and it is noted that the agent for the applicant has provided on 6 February 2015 an alternative site layout which has provided for an escape route to the rear of the adjacent village hall which is positioned within Flood Zone 1. This has dealt with the issue that in flood conditions the vehicular and pedestrian access to the front (south) of the site would be unusable.
- 5.11 Criterion (a) of the test is also a material consideration in the determination of this application. Paragraph 102 of the NPPF states that “if, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test *can be applied if appropriate* (my emphasis). This site represents a sustainable location within the settlement and is consistent with other adopted local policies and the general principles of the NPPF. Taking the three strands of sustainability as is defined in paragraph 7 of the NPPF into account the proposal would comprise minor positive economic activity during construction and future occupation, a neutral environmental role and a positive social role in providing housing which is accessible to local services and businesses and which helps to create a vibrant and healthy community. Consequently the development provides wider sustainability benefits to the community and this outweighs the level of flood risk which is posed taking into account the site characteristics and mitigation measures outlined. For these reasons it is considered that the application has satisfied the appropriate element of the test.
- 5.12 The synopsis of paragraph 5.11 needs to be considered in conjunction with the Flood Risk Assessment, the comments of the Council's Senior Drainage Engineer and emergency evacuation route to the rear of the village hall which could be formalised by way of a planning obligation. In conclusion it is considered that through the assessment undertaken and the application of the appropriate areas of the NPPF, the scheme demonstrates compliance with policy DP43 of the Hambleton Local Development Framework (LDF).
- 5.13 Considering the location of the proposed dwellings, and the conclusions drawn in relation to flood risk, it is considered that the proposed development is acceptable in principle.

#### Visual Amenity

- 5.14 The applicant has engaged in extensive pre-application discussions to ensure that the housing density and design are appropriate to the visual amenity of the street

scene. The proposed dwellings are appropriately positioned on the elevated site would maintain the character and appearance of the street scene and the visual amenity of the local area.

#### Neighbour Amenity

- 5.15 The position of the proposed dwellings to each other, to the existing dwelling at Greenbank Farm, and to immediately adjacent residential properties is noted. The overall design of the dwellings and their relationship to nearby properties is such that there would not be an adverse impact on neighbour amenity.

#### Highway Safety

- 5.16 The existing access would serve both proposed dwellings. The existing access is partially constructed and subject to the recommended conditions of the local highway authority, the proposal would not have an adverse impact on highway safety.

#### Affordable Housing, POS Contribution and Community Infrastructure Levy (CIL)

- 5.17 The Ministerial Statement of 28 November 2014 has removed the option for Local Planning Authorities to impose tariff-style planning obligations or require affordable housing for developments of this size. Therefore a contribution towards off-site affordable housing cannot be sought. As of 7 April 2015 this scheme is liable for payment towards CIL and that will allow funding of local recreational infrastructure. The applicant has completed the CIL Information Form 0 and if permission is granted, a CIL Liability Notice will be issued to confirm the sum to paid.

#### Community Consultation

- 5.18 The Parish Council comments are noted. The scheme is not considered over-development of the site nor is it considered to be of a scale which would place a harmful burden on local facilities and infrastructure. As noted above, the proposal is liable for CIL contributions and these will support local infrastructure, including a 15% proportion to be used as determined by the Parish Council.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 14 July 2014 and 6 February 2015 unless otherwise approved in writing by the Local Planning Authority.
  3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. The use of the building shall not be commenced until the external surfaces have been finished in accordance with a colour scheme to be approved in writing by

the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

5. The development hereby approved shall be constructed with finished floor levels are set no lower than 23m above Ordnance Datum (AOD) respectively as detailed within the Flood Risk Assessment received by Hambleton District Council on 14 July 2014.
6. No built development shall take place below the 23m AOD contour line.
7. No ground levels on site should be raised above those existing, and all excess spoil shall be removed from the site.
8. The development shall not be commenced 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.
9. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.
10. The site shall be developed with separate systems of drainage for foul and surface water.
11. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
12. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 11 above.
13. 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 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.
14. No dwelling shall be occupied 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: (ii)(b) The existing access shall be improved by widening to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6 VAR; (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the

carriageway of the existing highway and shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

15. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing "Proposed Site Plan". Once created these parking 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
18. Prior to the first occupation of the dwellings hereby approved the mitigation measures detailed within the Flood Risk Assessment received by Hambleton District Council on 14 July 2014 shall be implemented and thereafter retained.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. 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.
5. To ensure that the proposed dwellings are not at risk of flooding in accordance with policy DP43 of the Hambleton Local Development Framework.
6. To ensure there is no displacement of possible future flood flows onto others in accordance with policy DP43 of the Hambleton Local Development Framework.

7. To ensure that there is no loss of storage of flood waters, and to ensure that possible future flood flows are not pushed onto others in accordance with policy DP43 of the Hambleton Local Development Framework.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP33.
9. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
10. In the interest of satisfactory drainage and to avoid pollution of the water environment.
11. In the interest of satisfactory drainage and to avoid pollution of the water environment.
12. In the interest of satisfactory drainage and to avoid pollution of the water environment.
13. In the interests of highway safety.
14. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
15. 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.
16. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
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.
18. To ensure that the proposed dwellings are not at risk of flooding in accordance with policy DP43 of the Hambleton Local Development Framework.

**Pairsh: Easingwold**

Ward: Easingwold

**3**

Committee Date: 30 April 2015

Officer dealing: Mrs H M Laws

Target Date: 28 April 2015

**15/00422/FUL**

**Construction of a dwelling and associated landscaping works  
at Land East of Fourways, Raskelf Road, Easingwold  
for Ms L Jarvis**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Members have now had the opportunity to visit the application site, which lies on the south western corner of the crossroads at the junction of Long Street and Raskelf Road. The site lies within the Easingwold Conservation Area.
- 1.2 The site covers an area of 750sqm and is separated from the crossroads by a wide grass verge; a footway crosses the grass parallel and immediately adjacent to the northern boundary of the application site, which is formed by a hedge. To the west lies an existing dwelling on Raskelf Road, to the east neighbouring dwellings on Long Street and to the south dwellings on The Nurseries separated by a footpath link connecting Stonefield Lane with The Nurseries.
- 1.3 It is proposed to construct a two storey detached three bedroom dwelling on the plot to face towards the crossroads. The dwelling would be double fronted with a central door with an oak framed open porch. The dwelling would be finished in brickwork with a clay pantile roof and timber framed windows. Features would include a brick dental course, stone kneelers and coping and flat brick arches and stone sills to the windows. A brick chimney with a red clay chimney pot is proposed at each end of the ridge.
- 1.4 The site is currently overgrown with mostly hedgerow boundaries and several trees within the site. The proposal includes a tree survey, which confirms the presence of 25 within the site, most of which are in a poor condition. It is proposed to remove 20 trees and retain 5, which include two ash and three downy birch, which have been assessed as being of moderate and low quality by the submitted assessment. None of the trees on the site have been assessed as being of high quality.
- 1.5 Proposed new landscaping includes the planting of 3 no. silver birch and purple plum trees and 2 holly trees. The existing hedgerow along the front (northern) boundary would be retained; a new hedgerow is proposed along the remaining boundaries.
- 1.6 The proposed access to the site is from Stonefield Lane, in the south eastern corner of the plot. A parking and turning area is proposed.
- 1.7 The application is presented to Planning Committee at the request of one of the Ward Members.

**2.0 PLANNING & ENFORCEMENT HISTORY**

- 2.1 2/84/041/0364 - Outline application for the construction of 2 detached dwellings and domestic garages. Permission granted 30 July 1984.

**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 Policy DP1 - Protecting amenity  
Development Policy DP28 - Conservation  
Development Policy DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policy DP32 - General design  
Development Policy DP43 - Flooding and floodplains  
Easingwold Conservation Area Appraisal, adopted 21 December 2010  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

4.1 Town Council - wish to see refused for the following reasons:

- Wish to see a dormer bungalow as there is overdevelopment of the site;
- Impact on privacy of the neighbours as the bedrooms overlook adjacent property; and
- The development will be detrimental to the street scene and will affect the approach to Easingwold.

The Council requested a Committee site inspection.

4.2 NYCC Highways - conditions recommended.

4.3 Ministry of Defence - no safeguarding objections.

4.4 HDC Environmental Health Officer - a condition is recommended regarding the potential for contaminated land

4.5 Site notice/advert/local residents - the following objections have been received from the occupiers of 3 neighbouring properties:

1. Privacy has been afforded by the small area of woodland for many years, which provides a pleasant backdrop;
2. The dwelling would overlook the rear of existing property;
3. The land and trees are home to a variety of wildlife including bats;
4. The northern end of Easingwold would be 'hardened' should some of the trees be replaced by yet another building;
5. If essential a single storey bungalow should be considered;
6. There are a number of lovely trees in that wood particularly a large Ash tree which should be preserved;
7. If this planning consent goes through for the 3 bedroomed house. I will suffer from none stop noise over the summer period on both sides of my bungalow;
8. It is inevitable that another piece of 'wild' Easingwold should disappear; and
9. Have we a guarantee that the garden will look as shown on the plan?

#### **5.0 OBSERVATIONS**

5.1 The issues to be considered include (i) the principle of constructing a dwelling on this plot of land; (ii) the siting and design of the proposed dwelling and its impact on the character and appearance of the Easingwold Conservation Area; (iii) the loss of the

trees; (iv) the impact on the amenity of neighbouring residents; (v) highway matters; and (vi) developer contributions.

#### The principle of development

- 5.2 The proposal is for the construction of a dwelling within the Development Limits of Easingwold, which is defined as a Service Centre in the Core Strategy. The site is within walking distance of the centre of the town and facilities such as schools, shops and pubs and with easy access to public transport; therefore it is considered to be within a sustainable location. It is therefore considered that the proposal is acceptable in principle. The principle of an additional dwelling in this location is also supported by the National Planning Policy Framework, which aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities.
- 5.3 Not all sites in such locations are suitable for development and consideration must be given to the layout and design and the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the Conservation Area, the amenity of neighbouring residents and highway safety.

#### Siting, design and its impact on the Conservation Area

- 5.4 The Easingwold Conservation Area Appraisal describes Long Street as one of the most important streets in the town as it is the principal means of access into the town. The application site lies in a particularly prominent position on that route, at a crossroads. The proposed development is a double-fronted two-storey property with features that include stone coping and an oak framed central porch. This results in a substantial property that reflects its position at the entrance to the town in a similar way to the Police Station on the opposite corner at the junction with Church Hill. The dwelling would become a focal point at this busy junction and is considered to be in accordance with LDF Policy CP17 providing a high quality design. Alternative suggestions include the siting of a bungalow in this location but it is felt that such a development would be a weaker and less bold form of development that would not respect the prominent status of its location, or reflect the scale and form of housing that is representative of the Conservation Area.
- 5.5 Whilst it is appreciated that local residents have become used to the site being undeveloped in recent years, there are buildings on the other three quadrants (The Police Station, The Garth and St John's Mount) and there is no reason in principle why this quadrant of the junction should not also accommodate appropriately designed built development.

#### Loss of trees

- 5.6 The majority of the existing trees within the site are in poor condition, overgrown with ivy, and not of visual merit. Much of the vegetation is self-seeded and the site is now overgrown and untidy. Few of the trees would be worthy of retention although the site contributes to the street scene by greening the approach into the town. It is proposed to keep 5 of the trees that are worthy of retention and it would be possible to secure their long-term retention by making a Tree Preservation Order. The scheme retains the trees that would frame the dwelling and provide an element of screening between the proposed dwelling and the existing neighbouring dwelling on Raskelf Road. Further works are recommended to remove the ivy from these trees to make a proper assessment of their health. The proposed replacement trees of silver birch, plum and holly are different to those that are to be removed but of a more appropriate scale for siting within a domestic garden, whilst still providing a landscaped setting for the Conservation Area.

- 5.7 A submitted bat survey confirms that there is no evidence of bats within the site and the trees are not capable in their current state of supporting roosts. The removal of the trees would not therefore require a licence from Natural England. Recommendations regarding habitat enhancement are made to improve foraging opportunities for bats in the locality. There are likely to be birds' nests in the trees; birds are afforded a level of protection under the Wildlife and Countryside Act 1981 (as amended). There is no evidence of barn owls or suitable habitats for barn owls within the application site.

#### Neighbour amenity

- 5.8 The application site lies at a slightly higher ground level than the neighbouring dwellings to the west and the south. There would be no windows in the side elevations of the proposed dwelling but due to the angle of the dwelling in relation to its neighbours at Raskelf Road and 11 and 13 The Nurseries there would be the opportunity for overlooking from the first floor windows of the rear elevation into the rear gardens of the existing dwellings. The distances between the rear wall of the proposed dwelling and the existing dwellings are at least 21m and 14m in respect of principal and side elevations, which are acceptable to minimise impact on amenity.
- 5.9 The details show that a dwelling can be achieved on site without harming the amenity of adjacent residents by siting the dwelling to achieve satisfactory separation distances and by positioning windows to avoid unnecessary overlooking. The proposal is therefore in accordance with LDF Policy DP1.

#### Highway safety

- 5.10 The Highway Authority has no objections to the proposed access, which is from Stonefield Lane, accessed from Long Street. Vehicle speeds are generally low close to the junction and, for one additional dwelling, would not give rise to highway safety issues.

#### Developer contributions

- 5.11 The proposed internal floor space is approximately 150 sq. m, and the development is therefore liable for a Community Infrastructure Levy (CIL) payment of approximately £8,250. The precise sum would be set out in a CIL Liability Notice if permission is granted and Easingwold Town Council would receive 15% of the total to fund locally determined infrastructure priorities.

## **6.0 RECOMMENDATION**

- 6.1 That planning permission is **GRANTED** subject to any outstanding consultations and the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be 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 part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the dwelling whichever is the sooner, unless the landscaping scheme shown on the landscaping plan (D117L103 2 A) received by Hambleton District Council on 3 March 2015 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. Prior to development 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. 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.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement or other alteration shall be carried out to the dwelling nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. 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.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6; and e. Any gates or barriers shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. 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; b. vehicular parking; c. vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.

11. 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; and
  - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 PPS25 and 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 DP28.
5. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies CP21, DP1 and DP43.
6. The Local Planning Authority would wish to retain control over the extension or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP16, DP1 and DP28.
7. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
8. 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.
9. 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.
10. 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.

11. 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.

Parish: Great Ayton

Ward: Great Ayton

4

Committee Date : 30 April 2015

Officer dealing : Mrs B Robinson

Target Date: 9 April 2015

15/00271/TPO

**Fell tree covered by Tree Preservation Order No 1992/02.  
at 69 High Street Great Ayton North Yorkshire TS9 6NF  
for Mrs C Holdsworth.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site includes a mature cedar tree, reported as 22 metres high, positioned on the front boundary of the property, at the back edge of the pavement. The front boundary has a low stone wall with hoop railings. There is a house approximately 3 metres from the front boundary of the site and the tree. The tree is the subject of a Tree Preservation Order no 1992/02. The house is a stone built property and is Listed Grade II.
- 1.2 The proposal is to fell the tree. The reason given is that the tree is causing damage to the structure of the front boundary wall and railings, the pavement, and the stone work of the house. An arboricultural report and a structural report have been included with the application.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 14/01628/TPO - Proposed work to tree subject to Tree Preservation Order No 1992/02; Withdrawn 18.09.2014

## **3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP33 - Landscaping  
National Planning Policy Framework  
National Planning Practice Guidance

## **4.0 CONSULTATIONS**

- 4.1 Parish Council - The Parish Council requested that Hambleton District Council seek professional advice in relation the requirement to remove this tree. This tree is an integral part of the street scene and the removal of it would have a huge impact on the area and would be very sadly missed.
- 4.2 Site notice and neighbours - last expiry 10 March 2013 - No observations received.
- 4.3 Conservation Officer - I visited this property recently (with Mark Harbottle) to inspect the damage being caused by the tree. Whilst this tree is particularly valuable within the street-scene the evidence provided and the visible damage at the property would in my opinion justify the removal of the tree and the harm to the Conservation Area. Given the close proximity of the property to the roadside I do not feel a replacement tree in this location would be appropriate.

## **5.0 OBSERVATIONS**

- 5.1 The primary issue to consider is whether the removal of the tree is justified. The tree is a very significant feature in the village and is highly visible to all users of High Street, reflected in its protection by the Order. Its loss should therefore only be accepted in exceptional circumstances.
- 5.2 The justification offered for removing the tree is physical damage to the wall, pavement and house, which is listed, Grade II. A structural survey by a chartered structural and civil engineer is very clear that a substantial crack in the stone wall on the front elevation has been caused by roots growing through the wall. The structural survey reports that internally there are significant distortions of walls and floors and cracks in the solid floor of a passageway, which have been observed by Council officers. It is reported that trial holes to expose foundations have been limited due to the mass of the roots of the tree extending along the line of the wall and preventing full excavation. Soil analysis is reported to show that drying has led to settlement of external and internal walls and to a substantial void beneath the solid floor slab.
- 5.3 The report concludes that the tree has been responsible for substantial structural damage to the building. Flexing in high winds has caused distortion and loosening of joints which has necessitated substantial repointing. The tree has encroached on the external boundary wall and necessitated repeated repairs and the footpath disturbance has caused trip hazards.
- 5.4 The report submitted states that due to the extensive root growth it would not be possible to strengthen the existing foundation with traditional underpinning methods as this would result in the severing of anchor roots and potentially destabilising the tree. Alternative specialist measures would also not be possible.
- 5.5 The views of an independent arboricultural advisor, A Whitehead Associates were sought. The response of Mr Whitehead questions whether the submitted structural report demonstrates the reasons for shrinkage under floors and notes that no monitoring of cracks has been undertaken. The response doubts that tree sway is responsible for cracking, as claimed.
- 5.6 However, Mr Whitehead goes on to note that a large quantity of substantial roots (up to 220mm or 9" in diameter) have penetrated walls and are pressing against timbers and are causing physical damage and therefore that the structure of the house needs to be reviewed to isolate the house from the tree roots, or the tree needs to be felled. Cutting off roots at the face of the wall would make the tree highly likely to blow over into the road. It is suggested that the cost of the alternative, i.e. repairs to the house retaining the tree would be substantial, e.g. £60,000 and would require extensive intervention and disturbance within the house. Mr Whitehead recommends that the felling the tree be allowed. Alternative planting of a yew tree is suggested.
- 5.7 The tree is a very significant and well known feature in the Conservation Area surroundings. However, an independent report has confirmed that physical harm is being caused to the adjacent premises, in this case a Listed Building. The guidance of the NPPF is that when considering development in relation to a heritage asset, great weight should be given to the conservation of the heritage asset, as heritage assets are irreplaceable. Therefore while the tree is a valuable natural asset, a replacement is possible, and the priority at this stage is to protect the Listed Building from harm by the tree.

## **6.0 RECOMMENDATION**

6.1 That consent for felling is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The works to the tree shall be carried out in accordance with British Standard 3998 (Tree Work).
3. Not later than the end of the planting season after the tree has been felled, a replacement tree shall be planted nearby. The precise species, size and location shall be approved in writing by the Local Planning Authority. Should the replacement tree be removed, die, be severely damaged or become seriously diseased, it shall be replaced by a tree of similar size and species to that originally required to be planted or such other details as shall be approved in writing at that time 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. In the interest of ensuring the continuing good health of the tree(s) which makes a significant contribution to the amenities of the area, in accordance with Local Development Framework CP17 and DP33.
3. To maintain the amenities of the area, in accordance with Local Development Framework Policy CP16, DP28, CP17, DP33.

**Parish: Scruton**  
Ward: Leeming Bar

Committee Date: 30 April 2015  
Officer dealing: Sally Leeming

**5**

Target Date: 30 March 2015

**15/00221/OUT**

**Outline application for a single storey dwelling.  
at Land to the North of Springfield, Station Road, Scruton  
for Mr David Ward**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks outline consent for the construction of one single storey dwelling on a site described as Land to North of Springfield, on Station Road, Scruton. All matters are reserved.
- 1.2 The site is presently in agricultural use as a grazing paddock. It is grassed land with hedgerows to the roadside boundary and to the boundary with Springfield. Fencing forms the other 2 boundaries. There are fields to the rear and to the north of the site there is a parking area which serves the Coore Arms opposite. Springfield is a single storey property.

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

- 2.1 There is no relevant history for this site.
- 2.2 However, planning permission has been granted to extend the Coore Arms car park into the same field, to the immediate north west of this application site (reference 14/01729/FUL, granted 22 October 2014).

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP1 - Protecting amenity  
Interim Policy Guidance: Settlement Hierarchy and Housing Development in the Rural Areas - adopted by Council on 7th April 2015  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Scruton Parish Council wish to see this application approved - but conditional on one single storey dwelling.
- 4.2 Environmental Health Officer - "Whilst this application is for outline approval I would suggest that, if a full application is submitted in due course, the internal layout of the dwelling ensures that noise sensitive rooms i.e. bedrooms are sited away from the Coore Arms car park."
- 4.3 NYCC Highways - Conditions recommended.

- 4.4 Ministry of Defence - no safeguarding objections to this proposal.
- 4.5 Swale and Ure Drainage Board - no objections but comment that "Provided surface water is not directed to Scruton Stell or anywhere else within the drainage district then the Board has no adverse comment. This is to prevent any increase in flood risk as a result of the development".
- 4.6 Neighbours/site notice expired 29 February; no responses.

## 5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of allowing the dwelling proposed in this location, outside Development Limits, together with an assessment of the likely impact upon the character and appearance of the village, highway safety and neighbour amenity.
- 5.2 The site falls outside the Development Limits for the village of Scruton as defined within policy CP4 of the Core Strategy where Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 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 Scruton is defined as a Secondary Village and is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". In terms of the built form of Scruton it is noted that this development would result in a dwelling with roadside frontage immediately adjacent to 3 other similar such dwellings. The opposite side of the road is more significantly built up and the village as a whole is considered to be primarily roadside development with some further building beyond.

5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwelling would be within a field that forms an important open space within the village and which contributes to its rural character. The following detailed advice within the IPG is considered to be relevant:

“Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this.”

“Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside.”

5.7 It is considered that the extension of frontage development across this field would change the form and character of the settlement and the open and rural character of the countryside as seen from within the village. However, as noted in paragraph 2.2, planning permission has been granted for an extension of the Coore Arms car park to the immediate north west of the application site and this would itself encroach into the field and have some impact on the perceived open and rural character of the countryside. In view of this, it is considered that the limited development of one dwelling to close the gap between existing housing to the south and the car park would not, of itself, bring about a significant change in the character of the village or the countryside. A significant break and views of the countryside would be retained to the north of the car park.

5.8 As such it is considered that the development proposed will appropriately respect the general built form of the village. It is also considered that the development is capable of being accommodated within the existing infrastructure (both social and utilities). In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.

5.9 It is noted that there are no objections in terms of highway safety although conditions have been recommended. As this is for outline consent only the full impact upon the amenities of the neighbours in terms of any overlooking, overshadowing or loss of privacy cannot be fully assessed. However as this is for a single storey dwelling only and there is an existing hedgerow along the boundary between this site and Springfield which would be recommended to be retained through a condition it is considered that there should be no significant loss of privacy to the occupants of

Springfield. The proposal for a single storey dwelling will ensure that (subject to the submission of detailed plans) it satisfactorily respects the neighbouring properties in general.

5.10 It is important to note the comments of the Environmental Health Officer in respect of the protection of the amenities of the occupants of the proposed dwelling itself due to the relationship of the site to the adjacent car parking area. It is suggested that the internal layout of the dwelling is such that the more noise sensitive rooms (i.e. bedrooms) are sited away from the car park that serves the Coore Arms. Again this is something to be more fully assessed at reserved matters stage although due to the width of the site it is considered that it would also be possible to site the dwelling so that it is not immediately adjacent to the car park. It is therefore concluded that the amenities of the occupants of the proposed dwelling can be adequately protected.

5.6 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling is now liable for payment of CIL at a rate of £55 per sq. m. The Agent has been advised of this and further details required in order to be able to issue a decision have yet to be submitted. Approval is recommended for this application subject to this.

## 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 layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; and (c) the landscaping of the site.
3. The detailed plans required by condition 2 above shall indicate a single storey dwelling only.
4. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. No part of the existing boundary hedge along the South and East boundaries of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
6. 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.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The details of the access shall have been approved in writing by the Local Planning Authority.
  - (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
  - (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - (iv) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.
  - (v) The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8. 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 43m measured along both channel lines of the major road Station Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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:
  - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority:
    - a. Relocation of the overhead electric cables;
  - (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.
10. 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 following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority:
  - a. Relocation of the overhead electric cables
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 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: (i) vehicular and pedestrian accesses; (ii) vehicular parking; (iii) vehicular turning arrangements; and (iv) manoeuvring arrangements.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas (i) have been constructed in accordance with Standard Detail Number E6; and (ii) 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.
13. 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.
14. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. 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.
5. The hedge is of important amenity value.
6. In accordance with Policy DP4 and in the interests of highway safety.

7. In accordance with Policy DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with Policy DP4 and in the interests of road safety
9. In accordance with Policy DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. In accordance with Policy DP4 and in the interests of the safety and convenience of highway users.
11. In accordance with Policy DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with the policy DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. In accordance with Policy DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In accordance with Policy 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.

Parish: Sessay

Ward: Topcliffe

6

Committee Date: 30 April 2015

Officer dealing: Mr A J Cunningham

Target Date: 24 April 2015

15/00408/OUT

**Outline application for residential development  
at Land North Of The Paddocks, Main Street, Sessay  
for Mr Mike Wilkinson**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks outline consent for the construction of five dwelling houses at land north of The Paddocks, which is positioned to the east of Main Street. The site is to the northern periphery of Sessay village. All matters are reserved with the exception of access.
- 1.2 The site is presently used for arable purposes and is bound to the west by a mature hedgerow and to the south by a post and rail fence and hedgerow. The agricultural field extends to the north. The site ascends from the highway towards the west. An existing field access is positioned to the north-west corner of the site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 There is no relevant planning and enforcement history.

**3.0 NATIONAL AND LOCAL POLICY**

- 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 CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP37 - Open space, sport and recreation  
Development Policy DP43 - Flooding and floodplains  
National Planning Policy Framework  
Interim Policy Guidance: Settlement Hierarchy and Housing Development in the Rural Areas - adopted by Council on 7th April 2015

**4.0 CONSULTATIONS**

- 4.1 Sessay and Hutton Sessay PC has identified the following issues:

1. The main sewer in Sessay becomes inundated with surface water during periods of heavy rainfall, beyond the capacity of the YW sewerage pumping station, causing c.20+ properties at the northern end of the village to experience toilets to back-up, and localised flooding. The Environment Agency has previously been made aware of this situation.
  2. A public footpath in front of the proposed properties would be a valuable asset to the community and is necessary to improve road/pedestrian safety on this bend.
  3. Conservation/protection of the existing, long-established, hedgerow would be required, given its length; or alternatively, the hedge re-sited in front of the proposed properties in order to preserve wildlife habitat.
- 4.2 Highway Authority - Conditions recommended regarding: discharge of surface water, private access/verge crossings: construction requirements, visibility splays, details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on site storage and construction traffic during development. Also comment: The creation of the above visibility splay will necessitate the setting back of or reduction in height of the existing hedge on the site's frontage.
- 4.3 Yorkshire Water - Recommend conditions relating to the safeguarding of the water main which crosses the site, and regarding details relating to the drainage of surface water from the site.
- 4.4 Senior Drainage Engineer - Response awaited.
- 4.5 Environmental Health - no objections or recommendations to make.
- 4.6 Ministry of Defence - no objections.
- 4.7 Environmental Health Scientific Officer - The applicant has not submitted any information to assess the potential for land contamination affecting the development. The applicant is required to demonstrate that the land is suitable for use and I would recommend the submission of, at the very least, a preliminary assessment of risks (desk study) prior to determination. Recommends contaminated land condition if consent is granted.
- 4.8 Neighbours notified and site notice posted; expired 08.04.2015 - 14 responses received in summary concerning:
- localised land drainage issues
  - water supply
  - adequacy of foul drainage system
  - outside of development limits
  - harm character of landscape
  - loss of greenfield site
  - harm highway safety
  - loss of privacy through overlooking
  - sustainability; lack of village amenities increasing need to travel
  - impact on setting of Listed Building
  - impact on local views
- 4.9 Environment Agency – Response awaited.

## 5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location, outside Development Limits, together with an assessment

of the likely impact of the proposed five dwellings on the character and appearance of the village, (ii) drainage, (iii) highway safety, (iv) neighbour amenity and (v) developer contributions.

#### Principle of development and impact on character and appearance

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

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

The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 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 Sessay is defined as a Secondary Village and is therefore classed as a sustainable settlement and within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". This goes on to state that "Proposals which are small in scale and which provide a natural infill or extension to an existing settlement will be considered favourably where they also conform with other relevant LDF Policies". Sessay is

characterised by linear development and the addition and extent of this residential development to the northern periphery of the settlement needs to reflect the established character. There are also 104 residential properties within the core settlement of Sessay and therefore the size of this residential development needs to be considered against this number when its scale is being scrutinised.

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be within a field that forms an important open space within the village and which contributes to its rural character. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.7 This small scale development would extend the linear character of the village which has progressed further to the north, particularly to the south of the site, in recent years. The proposal would still be within an area adjoining the historical built form which has characterised Sessay. The scheme would allow the maintenance of an area of green space around the village periphery whilst representing logical growth of the settlement. As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. Public comments have suggested there could be harm to the setting of nearby Listed Buildings, the nearest being Path head on the opposite side of Main Street. In principle, the introduction of new development would not, of itself, be harmful to the setting of this building and the issue would be open to further examination if a reserved matters application is made.

#### Drainage and water supply

- 5.8 Representations have been received from local residents regarding the inadequacy of the foul drainage system. However, the response of Yorkshire Water had not raised an objection to the proposal. The case officer has contacted Yorkshire Water to ensure that their formal response took account of the difficulties experienced locally and a further response is awaited. Subject to this it is considered that the development could be accommodated within the existing infrastructure. In principle therefore this proposal satisfactorily complies with paragraph 55 of the NPPF and is consistent with the approach set out in the IPG.
- 5.9 The adequacy of water supply has been questioned locally but the advice from Yorkshire water confirms that supply would be adequate for the development proposed.

#### Highways

- 5.10 No objections have been raised by the Highway Authority regarding the use of the existing field access as the principle access to the site. In view of this it is not considered that the proposed development would adversely impact highway safety.

#### Neighbour amenity

- 5.11 As this scheme is only for outline consent the full impact upon the amenities of the neighbours in terms of any overlooking, overshadowing or loss of privacy would be for later assessment in the context of a reserved matters submission. However, it is considered that the indicative layout of the site and the density of development proposed, and the separation distances to adjacent residential property, would not lead to an erosion of residential amenity.

#### Developer contributions

- 5.12 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015. The Agent has been advised of this and further details required in order to calculate the sum payable and issue a decision have yet to be submitted. Approval is recommended for this application subject to this.

### **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 siting, design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.
  3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
  4. No part of the existing boundary hedge along the western boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5m other than to achieve the visibility splays required by condition 10 or other than in accordance with details that have been submitted to and approved by the Local Planning Authority.
  5. No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the water main, which crosses the site unless otherwise agreed in writing by the Local Planning Authority.
  6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development.
  7. Prior to commencement of development 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, shall be submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted to 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.

8. 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.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6VAR; e. Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular and pedestrian accesses; b. vehicular parking; c. vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. 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.

13. 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.
14. The development shall not be commenced 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.
15. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
16. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 15 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
17. The site shall be developed with separate systems of drainage for foul and surface water.

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 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 that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To safeguard the visual amenity of the street scene in accordance with policy DP1 of the Hambleton Local Development Framework.
5. In order to allow sufficient access for maintenance and repair work at all times.
6. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

7. To safeguard the amenities of future occupiers of the residential property.
8. In the interests of highway safety
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
10. In the interests of road safety.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
15. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
16. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
17. In the interest of satisfactory drainage and to avoid pollution of the water environment.

**Parish: Sutton-on-the-Forest**

Ward: Huby and Sutton

**7**

Committee Date:

30 April 2015

Officer dealing:

Mrs Clare Davies

Target Date:

30 April 2015

**15/00182/FUL**

**Change of use of Public House to dwelling  
at Blackwell Ox, Huby Road, Sutton-on-the-Forest  
for Mr Chris Hourigan**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site relates to Blackwell Ox Public House, situated to the north-east of Sutton-on-the-Forest. The property is accessed directly from Huby Road. The Public House is a two storey, double fronted period property with rear extensions containing 7 letting rooms. The property is finished in a mix of brick and render with slate and clay pantile roofing. It has a seating area to the rear and a surface car park to the west side of the building. Boundary treatments include a low brick wall, hedging and trees. The applicants state that the Public House has been closed since July 2014.
- 1.2 Permission is sought to change the use of the Public House to a single residential dwelling with 7 bedrooms. No external alterations are proposed to the building. The access point and surface car park are proposed to remain as existing. Boundary treatment is also proposed to remain as existing but would include a new section of 2m high close boarded timber fencing to the rear and additional tree planting.
- 1.3 The site is located in the Sutton-on-the-Forest Conservation Area and within the Defined Development Limits of the village. The site is located in Flood Zone 1.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 85/1348/ADV - Display of an internally illuminated sign and 2no. externally illuminated signs; granted 1985.
- 2.2 04/00355/FUL -alterations and extensions to form new restaurant, public bar and supporting facilities; granted 2004.
- 2.3 04/02434/ADV -Advertisement consent to display one non-illuminated signs and externally illuminated projecting sign; granted 2005.

**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 CP17 - Promoting high quality design  
Development Policy DP1 - Protecting amenity  
Development Policy DP5 – Community facilities  
Development Policy DP28 - Conservation  
Development Policy DP32 - General design  
National Planning Policy Framework – published March 2012

**4.0 CONSULTATIONS**

- 4.1 Sutton-on-the-Forest Parish Council – First response: the application is supported with a heavy heart. The original boundary to the Public House has been subject to a dispute and should be resolved as it marks the boundary of the Conservation Area.
- 4.2 Sutton-on-the-Forest Parish Council - Second response: full financial information has not been made public and the information does not demonstrate that the Public House cannot be made viable. The Public House has been refurbished; offers letting rooms and provided good quality food. A good quality catering offer is essential for such a business to survive and if the operator had skills the pub should be viable. A forensic investigation of the financial information should be carried out.
- 4.3 NYCC Highways - No objections, a condition regarding parking and turning arrangements should be applied.
- 4.4 Yorkshire Water - No response.
- 4.5 CAMRA - No response.
- 4.6 Environmental Health - No objections.
- 4.7 Economic Development – No comments to make.
- 4.8 Planning Policy– No response.
- 4.9 Neighbours – 7 letters of objection have been received and they are summarised as follows:
- Poor quality plans;
  - The submitted details with respect to the boundary are incorrect;
  - A boundary fence should be erected instead of a hedge;
  - There are trees within the site contrary to information provided;
  - Loss of an important community facility;
  - Loss of letting rooms and car parking provided by the Public House;
  - Loss of tourist revenue;
  - The alternative providers outlined in the supporting statement are not valid competitors;
  - The financial case is not sound;
  - The property has not been marketed at a realistic price;
  - The property is not run down and was extensively renovated 10 years ago;
  - With good management and catering the Public House would be viable;
  - Existing trees and hedging should be retained as they provide important screening to residents and to the Conservation Area;
  - Loss of privacy; and
  - Objection on boundary to be withdrawn if developer retains trees and erects a 2m high fence to the rear boundary.

## **5.0 OBSERVATIONS**

- 5.1 The issues to be considered in the determination of this application are matters relating to:
- The principle of the loss of the Public House
  - Impact upon the character and appearance of the Conservation Area
  - Residential amenity
  - Highway safety
  - Provision of contributions

## Principle of the Loss of the Public House

- 5.2 In terms of national guidance, The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are 3 dimensions to this: economic, social, and environmental. At paragraph 28 the NPPF states that planning policies should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, Public Houses and places of worship. Paragraph 70 the NPPF states that planning decisions should guard against unnecessary loss of valued facilities and services, particularly where this would reduce a community's ability to meet its day-to-day needs.
- 5.3 The Blackwell Ox formerly operated with seven letting rooms, but it has been closed since 2014. It is recognised as a community facility and Policy DP5 of the Local Development Framework applies.
- 5.4 Policy DP5 of the LDF states that proposals that will lead to the loss of community facilities will only be permitted if:
- (i) There is a demonstrable lack of community need for the facility; and the site is not needed for alternative community use; or
  - (ii) Retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier or;
  - (iii) An alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.
- 5.5 In terms of viability the Public House has been marketed for a period of over 9 months at a price of £450,000. Objections have been raised to state that this is not a realistic price. However the price compares favourably to other marketed Public Houses in the district, for example, a Public House at Osmotherley with four letting rooms is marketed for at £699,000 and a public house in Tholthorpe with 2 en-suite letting rooms is marketed at £495,000.
- 5.6 Financial information has been provided by the applicant for the years 2009 to 2013 which they state shows that the Public House has been consistently making a loss, they have also stated that the Public House is now with the receivers. Financial information supplied; objectors have questioned that from the detail provided that the Public House could have been deliberately run down and pointing out that if the management had the appropriate expertise to include the provision of a good quality catering offer, the Public House should be financially viable. Taking the above into account it is not considered that the case is categorically proven in financial terms for the loss of the Public House and exception ii) of Policy DP5 has not therefore been met.
- 5.7 It is noted that the village has the Rose and Crown on Main Street with a restaurant and bar which would meet local needs in terms of a licenced bar and food offer and there are a number of accommodation facilities in the locality (albeit out-with the village itself) for example the New Inn Motel at Huby and the Best Western Hotel at Burn. Taking this into account it is considered that both criteria iii) of Policy DP5 would be met and the expectations of the NPPF.
- 5.8 The building is located within the Development Limits of the village and is considered to be a sustainable location for a residential dwelling. As such the building would be suitable for residential conversion in terms of principle, subject to the consideration detailed matters and other plan policies as below.

### Impact upon the character and appearance of the Conservation Area:

- 5.9 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.10 No external changes are proposed to the building and the trees on site would be retained. Boundary treatment and landscaping would be conditioned to ensure that the appearance of the Conservation Area would be preserved. The proposed development would therefore preserve the character and appearance of the Conservation Area and the expectations of the Act and Policy DP28 would be met.

### Residential amenity

- 5.11 There would be no external alterations to the building and it is located far enough away from existing residential properties for there to be no adverse impacts on residential amenity in respect of overlooking or loss of privacy. The access would not cause significant disturbance to residents nearby and the activity levels generated by a domestic use would be significantly less than for the Public House. The dwelling house would have sufficient amenity space and parking for future occupants and sufficient areas for refuse and recycling storage.
- 5.12 Neighbours from Grey Close have requested that the hedge boundary on their land to the rear of the building be replaced by a 2m high timber fence to protect privacy and reduce maintenance. The applicant has agreed to this and a condition in respect of boundary treatments should be applied. Taking the above into account there would be no adverse impacts upon residential amenity arising from the proposal and the requirements of Policy DP1 are met.

### Highway safety

- 5.13 It is recognised that the change of use to a single dwelling house would create less vehicle movements than the operation of the Public House. The access is shown to remain at the same point on Huby Road and four parking spaces provided within the existing car park, although drawings show 11. The Highway Authority has no objections regarding the scheme and proposes that a condition is applied in respect of parking and turning. Subject to this the scheme would not adversely impact upon highway safety.

### Provision of contributions.

- 5.14 The development is liable for Community Infrastructure Levy (CIL) contributions for new market residential floor space following the Council's adoption of a CIL Charging Schedule on 7 April 2015. There is no need to secure any alternative contributions under S106 of the Town and Country Planning Act 1990.

## **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings proposed layout ground floor, proposed layout first floor, unless otherwise agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
4. The dwelling shall not be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, 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 drawings showing the full details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - a. vehicular parking
  - b. vehicular turning arrangementsNo part of the development shall be brought into use until the approved vehicle parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and DP28.
4. 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 Hambleton Local Development Framework Policies CP17, DP28 and DP32.

5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. 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 Hambleton Local Development Framework Policies CP17, DP28 and DP32.