

Parish: Snape with Thorp

Ward: Tanfield

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Committee Date: 7 January 2016

Officer dealing: Mrs H M Laws

Target Date: 12 November 2015

15/02116/OUT

**Application for outline planning permission for the construction of a dwelling with some matters reserved (considering access and layout)
at Cedar Garth, Meadow Lane, Snape
for Mr & Mrs Alan Cassells.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the western edge of Snape village within the Snape Conservation Area. To the west of the site is Snape Castle, which is a Scheduled Monument; the inhabited portion of the castle is listed grade 1. Thorp Perrow estate is accessed off a private drive to the eastern boundary. Thorp Perrow and Snape Castle is a Registered Park and Garden and this borders the application site. There are a number of large, mature trees to the western boundary. A number of residential properties are located opposite (south of) the application site.
- 1.2 The application is an outline application considering layout and access for a detached, four-bedroom dwelling to the western boundary of the existing curtilage of Cedar Garth. The proposed garden would measure approximately 800sqm. The new property would be accessed by the existing access point to Cedar Garth, over which lies a cattle grid, with the proposed dwelling located at the centre of the plot.
- 1.3 The Development Limits boundary extends around the residential property of Cedar Garth and to the Meadow Lane road frontage. The Snape Conservation Area boundary runs around the boundary of the whole garden of Cedar Garth.
- 1.4 The following documents have been submitted with the application:
 - Design and Access Statement
 - Heritage Statement (following receipt of Historic England's comments)
 - Arboricultural Implication Assessment
 - Bat and nesting bird scoping survey

2.0 RELEVANT PLANNING HISTORY

- 2.1 81/0349/FUL - Construction of a detached dwellinghouse with domestic double garage; granted 29 January 1981.
- 2.2 07/01100/FUL - Alterations and extensions to existing domestic garage to form a dwelling and creation of a new vehicular access; granted 3 July 2007.
- 2.3 15/00588/OUT - Outline Planning Application for a dwelling (considering access and layout); refused 19 May 2015 for the following reasons:
 1. Having regard to the layout and position of the access, the proposed plot size and subdivision, together with the relationship to heritage assets, edge of village location and significant trees within the Conservation Area, the proposals are considered to be out of keeping with the general pattern of development to the road frontage, the character of the area and would potentially harm the long term health of significant trees. Due to the presence and relationship to significant

trees, the proposals would result in a dark and unwelcoming environment to the detriment of future occupiers and increasing the pressure to remove significant and important trees to the area. The proposed access would result in the loss of the boundary wall which would be to the detriment to the character of the area in a prominent location at the entrance to the settlement. It is considered that the proposals are contrary to Policies CP1 (in particular parts v, ix, x, xi), CP16 and CP17 of the Core Strategy, DP1, DP10, DP28, DP29, DP31, DP32, and DP33 of the Development Policies DPD, and the aims and objectives of the National Planning Policy Framework.

2. The proposals would result in the loss of at least one significant tree and due to the position and layout of the proposed house could result in the loss of further significant trees in the Conservation Area. The applicant has failed to demonstrate that the proposals have adequately assessed the long term health of trees which are important and significant trees in the context of the Conservation Area, the entrance to and setting of the village including that of Snape Castle and Thorp Perrow. The proposals are therefore contrary to Policies CP1 (in particular parts v, ix, and x), CP17 of the Core Strategy and DP1, DP28, DP31 and DP32 of the Development Policies DPD and the aims and objectives of the National Planning Policy Framework.
3. The proposals are surrounded by significant trees and in a location likely to be a habitat for protected birds and bats and other potential species. In the absence of a suitable survey and assessment, the harm and impact of the proposals are considered to be contrary to the requirements of Policies CP1 (part v) and CP16 of the Core Strategy, Policies DP1 and DP31 of the Development Policies DPD and the aims and objectives of the Habitats Directive and National Planning Policy Framework.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no objection
- 4.2 NYCC Highways - conditions recommended. No part of any amended Cattle Grid should lie within the boundary of the Public Highway. All parts of the unit should be located within private ground.

- 4.3 Environmental Health Officer - no objections.
- 4.4 Historic England - the village of Snape, particularly at its western end is a sensitive location with a range of heritage assets and any new development should be carefully considered. The application should be withdrawn in order for the applicant to produce a comprehensive heritage statement, clearly setting out the heritage assets, their significance and the impact of the proposal on that significance. The implication of this is that the applicant should produce a detailed design of the proposed development. It is recommended that the application be withdrawn.
- 4.5 HDC Conservation Officer - This site is adjacent to the Thorpe Perrow Registered Park and Garden, the boundary of which includes the trees which form an avenue as an entrance to the park. The current application does not propose to remove any of these significant trees. The trees also provide a high level of screening of this site.

A scheduled monument site lies to the north west of this site, which again is screened by the avenue of trees.

Cedar Garth was constructed in the 1980s on a previously vacant plot. I would suggest that any harm to the form and character of the village has already been done through siting of Cedar Garth, which is also next door to a listed building.

The heritage statement was submitted at a late stage in the application process and does pay reference to surrounding heritage assets and the visibility of the site. I agree that it would be an advantage to have full details of the proposed design; however I see no reason why the principle of a dwelling on this site cannot be established. However, looking again at the position of the dwelling, this could be improved by aligning it to mirror Cedar Garth.

Due to the high level of screening and the existing siting of Cedar Garth on this site along with the use of the existing access it is unlikely that any harm will be caused to the setting of any of these heritage assets.

- 4.6 Site notice/local residents - no comments received (expiry date for representations 28/10/2015)

5.0 OBSERVATIONS

- 5.1 The principal determining issues identified in the reasons for refusal of the outline planning application in May 2015 are mainly the effect of the development on the trees and any protected species. However, other issues include the principle of development, the impact on the character and appearance of the Conservation Area and neighbouring heritage assets, the relationship to neighbouring residential properties and access.

Principle of development

- 5.2 The application site is outside the boundary of the settlement although as the proposals would be well related to and close to the existing amenities, with development on all sides, the proposals would represent sustainable development as defined by paragraph 55 of the NPPF and Hambleton's Interim Policy Guidance (IPG) which allows for small scale development outside the settlement boundary in locations closely related to existing facilities. Therefore, subject to the consideration of detailed matters, the principle of a dwelling is acceptable in this location.

Impact on the Conservation Area and other heritage assets

- 5.3 The matters for consideration at this stage include the layout of the development. The character of this part of the Conservation Area has previously been altered by the siting of Cedar Garth, which is a two storey dwelling with a large footprint set back from the road frontage and positioned within a large garden plot. It is suggested that the construction of a dwelling at the western end of the garden would reinstate some of the character by reducing the plot to a size comparable to its neighbours. The layout shows the dwelling aligned with an east west axis to mirror Cedar Garth and reflects the relationship of Cedar Garth with its neighbouring property to the east, West Garth.
- 5.4 Historic England suggests that details of the dwelling should be provided in order to assess its impact on the significance of the heritage assets. It is considered that the detail received is adequate to assess the suitability of the principle of a dwelling and that the details provided of the layout clearly illustrate that the dwelling would not have an unacceptable impact on the surrounding Conservation Area or other heritage assets. The application site forms part of the village and the retention of the lime trees provide an effective screen between the development and Snape Castle and Thorp Perrow.
- 5.5 There is a row of protected trees lies along the western boundary of the application site and, as mentioned above, these are to be retained. This provides a clear boundary between the application site/village and the heritage assets of Snape Castle and Thorp Perrow.

Neighbour amenity

- 5.6 Having considered the neighbouring properties, the only property that the application would impact upon directly would be the existing property of Cedar Garth. The proposals are sufficiently separated from and would not impact on the amenity of Cedar Garth or that of any other properties and would be in keeping with LDF Policy DP1.

Impact on trees

- 5.7 A row of 6 mature lime trees lies along the western boundary of the application site. A secondary row of mature leylandii runs parallel within the garden. It is proposed to remove the leylandii, which would enhance the appearance of the lime trees and allow their health to improve by allowing more light onto their eastern side. A tree report has been submitted, which recommends some minor works to the lime trees, including a 15% crown reduction.
- 5.8 It is proposed to remove a sycamore close to the access, which is healthy but is being suppressed by the larger trees.
- 5.9 A Tree Preservation Order has been served on 10 of the trees including 6 lime trees, 3 Himalayan birch trees and an Atlas cedar.
- 5.10 It is considered that the removal of the leylandii would result in an acceptable environment for a proposed dwelling without significant shadowing or an overbearing impact on the new residents.

Protected species

- 5.11 A bat and nesting bird survey has not found any evidence of bats at the site although it is likely that the lime trees could form part of a bat commuting and foraging route between the village and the Thorp Perrow estate. There is a high potential for the

trees to be used by nesting birds. The recommendations within the report regarding further survey work should trees be felled, should be included as a condition should permission be granted.

Access

- 5.12 The existing access would be used to serve the proposed dwelling and retained for use by Cedar Garth. No alterations are proposed. A new driveway would be created from the existing driveway together with a parking area at the proposed dwelling. The Highway Authority has no objections.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale and appearance of each building, including a schedule of external materials to be used; (b) 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. 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.
 5. No development shall take place until the works recommended within the Arboricultural Implication Assessment prepared by Andrew Hampton, dated September 2015, has been implemented.
 6. 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 and the relationship of the proposed development to the existing dwelling to the east. 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.
 7. The recommendations as detailed within the Bat and nesting bird scoping survey produced by John Drewett Ecology, dated 20 May 2015, shall be carried out in full.
 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 to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved by being reconstructed in accordance with the approved details and Standard Detail Number E6 for a distance which extends 6 metres into the site from its junction with the adjacent carriageway; e. Any gates or barriers shall be erected a minimum distance of six metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning 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 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: b. vehicular and pedestrian accesses (including details of any proposed amendments to the Cattle Grid) c. vehicular parking d. vehicular turning arrangements
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3076/03 and HDC/3076/02C received by Hambleton District Council on 17 September and 9 December 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning 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 reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To protect the character and appearance of the existing trees, which are of high amenity value, in accordance with LDF Policies CP16 and DP33.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To minimise the risk of disturbance to bats and nesting birds and their future use of the site in accordance with LDF Policies CP16 and DP31.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
9. In accordance with LDF Policies CP2 and 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.
10. In accordance with LDF Policies CP2 and DP4 and 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.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.