

Parish: Snape with Thorp
Ward: Tanfield
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Committee date: 12 October 2017
Officer dealing: Mrs H Laws
Target date: 20 October 2017

17/00696/FUL

**Construction of a detached dwelling
At Cedar Garth, Snape
For Mr & Mrs Simms**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located 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. The application site currently forms part of the garden of an existing dwelling known as Cedar Garth. A number of residential properties are located opposite (south of) the application site.
- 1.2 Outline planning permission was granted in January 2016 for the construction of a two storey detached four bedroom dwelling towards the western boundary of the existing curtilage of Cedar Garth. The approved dwelling would be accessed by the existing access point to Cedar Garth, with the approved dwelling located at the centre of the plot. Layout and access were matters approved at outline stage.
- 1.3 The current application is for full planning permission for the construction of a contemporary style of dwelling sited in a similar position within the same plot. Amended plans have been submitted in respect of the design to address specific site issues and local character. The proposed dwelling would have four bedrooms with the accommodation spread over three floors, the lower floor being set within the rising land and accommodating a workshop and sewing room.
- 1.4 The materials used include cedar cladding set above a stone plinth with a grey sheet metal roof.
- 1.5 A row of six mature lime trees lies along the western boundary of the application site, which, together with four other trees (three Himalayan birch trees and an Atlas cedar) are the subject of TPO 16/00001/TPO. The submitted scheme includes a proposal to remove an existing lime tree (T6) that is in poor health and replace it with another lime tree.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 81/0349/FUL - Detached dwellinghouse with domestic double garage; Granted 29 January 1981.
- 2.2 07/01100/FUL - Alterations and extensions to 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

- 2.4 15/02116/OUT - Application for outline planning permission for a dwelling with some matters reserved (considering access and layout); Granted 8 January 2016.

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 objections but makes the following observations:
- Whilst Snape has a random mix of houses, this proposed property is certainly different to any within the village; and
 - The Parish Council would expect the site to continue to have the soft camouflage of trees and bushes around it.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Historic England – the application is for the construction of a detached dwelling within the grounds of the modern dwelling Cedar Garth. The application site is within the Snape Conservation Area and is to the east of the nationally important site of Snape Castle, which is both grade I listed and includes Scheduled archaeological remains. Historic England have previously commented (on a previous application) and recommended that the outline application should be withdrawn and a full planning application submitted with an accompanying heritage statement to assess the significance of heritage assets and the potential impact of the proposal on their significance. This revised application is accompanied by a heritage statement but does not take into consideration the potential for below ground archaeology associated with Iron-Age, Roman and medieval settlement within the vicinity. Historic England has concerns on heritage grounds.
- 4.4 Ministry of Defence – No safeguarding objection.
- 4.5 Public comments - No comments received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the likely impact of the proposed dwelling on the character and appearance of the village and heritage assets; (iii) an assessment of the design of the proposal; (iv) neighbour amenity; (v) the effect on the existing trees; (vi) highway safety; and (vii) developer contributions.

The 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. In addition there is an existing, extant outline permission for the construction of a dwelling on this site and therefore, the principle of a dwelling is considered acceptable in this location.

Impact on the Conservation Area and other heritage assets

- 5.3 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 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. The site lies close to the listed Snape Castle and the development would therefore have the potential to affect its setting.
- 5.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Snape Conservation Area.
- 5.6 As concluded during the consideration of the outline planning application in January 2016, due to the high level of screening at the site and the existing siting of Cedar Garth, along with the use of the existing access, it is not anticipated that any harm would be caused to the setting of any of these heritage assets and as such the development would be in accordance with LDF Policies and the advice within the NPPF.
- 5.7 Historic England is concerned about the below ground effect on potential non-designated archaeology associated with the nearby scheduled monuments. Outline planning permission was granted for a dwelling last year following consideration of a Heritage Statement at that time and therefore the principle of a dwelling has been established. It is recommended that a condition be imposed on any further planning permission now granted to require a written scheme of investigation to facilitate an exploration of the archaeology of the site prior to the commencement of any development.

Design

- 5.8 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.9 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.10 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.11 A detailed Design & Access Statement has been submitted, which explains the origins of the proposed design and its influence by gatehouses that would traditionally be found at the entrance to large estates.
- 5.12 The Statement describes the character of the surrounding area as less regimented than the majority of the village, which has dwellings positioned much closer to the highway and in a linear formation. The character of the application site is described as being domestic, as it forms part of an existing garden, but with a significant amount of mature landscaping and with rising landform, which screens much of the site from public view.
- 5.13 The site and proposed design is seen as an opportunity to provide an innovative, contemporary dwelling that addresses the special characteristics of the site, being in close proximity to the edge of the village and to existing heritage assets. The proposed siting and design also takes into consideration the rising land levels and existing landscape features which are to be retained (many of the trees being the subject of a Preservation Order).
- 5.14 The applicant's reasons for choosing the proposal from the available design options were to introduce a dwelling into the streetscene that would reflect the distinctive characteristics of the site with the use of an innovative and contemporary style. The prominence of the three storey element to the front elevation has been addressed by the use of a rising ramped access, the rising landform and the existing and proposed landscaping, providing screening for the resultant massing of this small section of the dwelling that would be visible from the front of the house. The proposed three storey element would therefore be discreet and would not be apparent from the street nor from the wider Conservation area.
- 5.15 It is important that the materials used are of a high quality and appropriate to the village of Snape. It is proposed to use cedar cladding for the majority of the external elevations; it is proposed to use untreated cedar, which is lighter in colour initially but quickly weathers to a grey colour. It is the grey colour that would then be retained on the building resulting in a darker and more natural appearance adjacent to the trees. The use of a small amount of stone would link the building to the village where stone is a common material.

Impact on the amenity of neighbouring occupiers

- 5.16 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The only property that the application would impact upon directly would be the existing property of Cedar Garth. The proposed dwelling is

sufficiently separated from and would not impact on the amenities of Cedar Garth or the residents of any other properties and would accord with the requirements of LDF Policy DP1.

Effect on the existing trees

- 5.17 An arboricultural assessment has been submitted with the application, which concludes that none of the trees are required to be removed to allow the proposed development to be implemented. However, the tree assessment has identified that one of the protected lime trees (T6) is declining and likely to die and should be removed within the next year or so. A replacement tree is recommended to be planted in its place.
- 5.18 It is also proposed to remove an existing cherry tree that lies close to the access and is not the subject of a tree preservation order. The reason for removing it is due to its proximity to the road and the likelihood that branches may fail due to cracks visible on the stem. The tree is clearly visible within the Conservation Area and is of some visual merit but its removal for safety reasons outweighs any harm to the appearance of the surrounding locality.

Highway Safety

- 5.19 The proposed access for the dwelling was a matter considered when outline planning permission was granted in 2016. This has not altered with the submission of the current scheme. The Highway Authority has no objections and recommends the imposition of conditions. The proposed development is not considered to have any harmful impact in terms of road safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No materials shall be used in the construction of the external surfaces of the development other than in accordance with the details of materials illustrated on drawing number HDC/3103/10.
 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 (L2.434.1 Rev.1) received by Hambleton District Council on 11 September 2017 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. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.

6. No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) The programme and methodology of site investigation and recording; (b) Community involvement and/or outreach proposals; (c) The programme for post investigation assessment; (d) Provision to be made for analysis of the site investigation and recording; (e) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (f) Provision to be made for archive deposition of the analysis and records of the site investigation; and (g) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference HDC/3103/04C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. 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.
9. 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; and (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.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3103/04C; 05F; 07; 10; and L2.434.1 Rev.1 received by Hambleton District Council on 23 March and 11 and 26 September 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. To safeguard the visual amenity of the locality by ensuring the retention of existing trees and planting of new landscaping in accordance with LDF Policies CP16 and DP28.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with LDF Policies CP16 and DP28.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
7. 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.
8. 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.
9. 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.
10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.