

Parish: Great Smeaton
Ward: Appleton Wiske & Smeatons
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Committee date: 8 March 2018
Officer dealing: Mr K Ayrton
Target date: 12 March 2018

17/01124/FUL

Alterations to access, renovation of boundary wall, formation of private drive and construction of two dwellings as amended by plans received by Hambleton District Council on 8 January 2018 and 16 February 2018

**At The East House, Great Smeaton
For Mr Andrew Shelley**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located within the settlement of Great Smeaton, which is a Secondary Village. It has a small range of services and facilities. Extending on a broadly east-west alignment, Great Smeaton has a linear form and, in the main, the largely residential buildings front the A167 (Northallerton Road). The eastern edge of the village, where the site is located, does move away from the linear form of development, with development extending north and south along Hornby Road and the A167 respectively.
- 1.2 The application site is located within the heart of the village and Great Smeaton Conservation Area. It is located close to the grounds of the church. Indeed the site and surrounding area has its own distinct character, accommodating a cluster of listed buildings including East House, The Rectory and The Old Vicarage. All sit within generous grounds with mature landscaping.
- 1.3 The East House is a high-status, 18th century dwelling of significant size with 'polite' architectural detailing. It has an attached cottage to the west and a detached coach house to the east which increase its visual presence. It is also separated from the green by a low, fence-topped wall which differentiates it from the predominantly pavement edge, vernacular buildings which form the bulk of the village's historic building stock. The location and design of the house, which has at various times been utilised as a vicarage, are deliberate and removes the house physically and aesthetically from association with the lower status dwellings in the village.
- 1.4 The East House is set at the back of a well sized village green which hosts a number of mature trees and these combine with the narrow front garden and nearby churchyard to create an attractive, soft, green foil for the listed building. This green, leafy setting is reinforced by the mature trees in the grounds of The Rectory and The Old Vicarage to the west and the gardens to the front of dwellings located on Hornby Road.
- 1.5 The house sits in sizeable, mature gardens incorporating an upper and lower lawn, tennis courts and informal areas covered with mature trees. The numerous trees and extensive gardens within the grounds of The East House itself also contribute significantly towards this soft, verdant, undeveloped setting. The gardens have developed over more than one hundred years and different areas have different characters. Their size and evolution are testimony to the wealth and aspirations of

previous owners and as such they contribute towards the historic interest of the dwelling.

- 1.6 The proposal as originally submitted was for the construction of 4 dwellings. Amendments were made during the consideration of the application to address heritage concerns raised. This has resulted in a reduction to two dwellings. One would be located close to the proposed entrance to the site, similar to the siting of a previously approved dwelling (unimplemented). The other dwelling would be sited towards the rear of the site.
- 1.7 The dwellings differ in overall appearance, but have a consistency in their scale, form and detailing. It is proposed to use traditional materials, although the appearance is of a more contemporary style. This has evolved during the consideration of the application, resulting in a simple, less cluttered appearance.
- 1.8 There is an existing access to the site off Hornby Road, which is framed by an attractive boundary wall. It is proposed to widen this entrance to serve the development.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/01199/LBC - Listed Building Consent for alterations and extension of Coach House to form single dwelling. – Approved 28/09/2016

16/01198/FUL - Alterations and extension of Coach House to form single dwelling, formation of new access and construction of detached garage. – Approved 28/09/2016

15/01640/LBC – Listed Building Consent for the construction of boundary wall in connection with new dwelling. – Approved 27/11/2015

15/01639/FUL - Construction of new detached dwelling and boundary wall as amended by plans received by Hambleton District Council on 6th October 2015 – Approved 27/11/2015

15/00060/LBC - Listed Building Consent for single storey extension to rear of dwelling, demolition of garage block and construction of new garages and store – Approved 28/04/2015

15/00059/FUL - Single storey extension to rear of dwelling, demolition of garage block and construction of new garages and store – Approved 13/03/2015

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 CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP13 – Achieving and maintaining the right mix of housing

Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Contaminated Land: No objections
- 4.2 Highways: The required visibility splays for this proposal are 2.4 metres x 43 metres. Visibility splays have been included on the submitted drawing reference PL12 but have not been drawn correctly. Splays can be achieved but it will require the relocation of the fence and cutting back of some vegetation to the southwest of the access.

The existing footway to the southwest of the site should be extended to the site access. Consequently the Local Highway Authority recommends conditions are attached to any permission granted.

- 4.3 Northumbrian Water: No comments
- 4.4 Yorkshire Water: Comments awaited
- 4.5 Heritage Consultant: Satisfied with final design subject to conditions relating to conditions on the hard landscaping, external lighting, treatment of timber, window reveals and material samples will be important.
- 4.6 Public Comments: None received

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of new residential development in this location; (ii) the impact on the heritage assets, which include listed buildings and the Great Smeaton Conservation Area; (iii) impact on residential amenity; and (iv) impact on highway safety.

Principle

- 5.2 The majority of the site is located outside the Development Limits for Great Smeaton. There is only a small strip of land to the front of the site that falls within the Development Limits. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the 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".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Great Smeaton is identified as a Secondary Village. This is in recognition of the number of services and facilities within the village. As such Great Smeaton is considered to be a sustainable location for the purposes of the IPG.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance the 2 dwellings proposed meets the criterion. In forming this view it is recognised that permission has recently been granted for 5 dwellings further along Hornby Road. However, whilst the two sites are close in terms of distance, they are both viewed in different contexts, being physically separated by tree planting.

Character, appearance and heritage

- 5.7 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. Due to the location of the site, which is viewed in the context of the built up area of the village as opposed to the countryside, it is not considered that the development would have a detrimental impact on the open character and appearance of the surrounding countryside.
- 5.8 It is the impact on the built form and historic environment that is considered to be of particular relevance in determining this application. There are clear links between the two. The identified heritage assets are the Grade II listed buildings, which include the host dwelling (East House) and the Great Smeaton Conservation Area.
- 5.9 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.

- 5.10 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 Great Smeaton Conservation Area.
- 5.11 On assessment of the application as originally submitted for four dwellings, it was considered that it would lead to substantial harm to heritage assets. Most notably the development would introduce an amount of development that failed to respond positively to the unique character of the listed building and its tranquil setting; and the Conservation Area, which is typified by substantial, disperse dwellings set in large plots. However, it was felt that there was some scope for a more considered and reduced amount of development.
- 5.12 There was also concern with the appearance of the proposed dwellings, with the design failing to consider the simple lines of the local vernacular and a cluttered appearance to the external treatment.
- 5.13 The agent has responded positively to the concerns raised. Through a series of discussions and amendments to the plans, the scheme as currently proposed is for two dwellings, with a simplified design. The siting and form of the development sits more comfortably in its setting against the more imposing East House and has a greater appreciation of the character and appearance of the Conservation Area, retaining the dispersed layout and sense of being within generous grounds with mature landscaping.
- 5.14 The amended scheme allows the conclusion to be formed that the development would not be harmful to the designated heritage assets. In forming this conclusion, it will be important to ensure the details remain of a sufficiently high quality in the construction. Therefore it is considered reasonable to attach conditions in relation to hard/soft landscaping, external lighting, treatment of timber, window reveals (e.g. deep reveals will avoid a flat appearance to the facade) and materials. In such a sensitive location, handmade bricks and tiles will assist in softening the visual impact whilst being sympathetic to the listed building.
- 5.15 The landscaping scheme should focus on the use of simple materials (e.g. avoiding the use of tarmac) and planting that responds to the rural setting.
- 5.16 The impact on the wider area will be limited due to the mature landscaping on the boundaries of the site. This will avoid any harm to the open countryside to the north of the site.

Residential Amenity

- 5.17 The dispersed nature of the existing development has allowed for the development to be arranged in a manner that achieves an acceptable level of amenity for current and future occupiers. Therefore the scheme accords with the requirements of policy DP1.

Highways

- 5.18 The local highway authority has raised no objection on the basis that the suitable visibility can be provided. A number of conditions are recommended and are detailed

below. Subject to these conditions the application is considered acceptable in highway terms.

- 5.19 The agent was asked to provide further information regarding works that may be required to provide the visibility splays in order to understand the impact on the vegetation and boundary treatments and any potential harm.
- 5.20 It has been confirmed the visibility splays can be created without loss of any trees. The agent has stated the splay to the north is clear of all boundaries, trees and vegetation being wholly within the highway. The splay to the south clips the existing parkland rail fencing (which is within the applicants' ownership and application site) and which is only 950mm high (lower than the 1.05m above which is required by NYCC Highway to be clear view). There are no trees affected by the provision of the visibility splays.
- 5.21 Taking the above into account it is considered the provision of the required visibility splay is achievable without any undue impact on the visual appearance of the area.

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s):

PL01 and PL11 received by Hambleton District Council 19.05.2017.

PL02 REV E, PL03 REV C, PL09 REV C and PL13 REV A received by Hambleton District Council 08.01.2018.

PL04 REV C, PL14 REV D received by Hambleton District Council 16.02.2018 unless otherwise agreed in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. 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.
5. 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 4 above.
6. 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.

7. The development shall not be commenced until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, means of enclosure, hard standing, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority and in accordance with the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
8. Prior to the development commencing, details of the cross section of the window frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.
9. 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.
10. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
11. 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.
12. 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 crossing of the highway verge shall be constructed in accordance with the approved details (reference PL04 Rev C) and Standard Detail number E6Var.
 - b. Any gates or barriers shall not be able to swing over the existing highway.

c. 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.

13. 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 2.4m; 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.
14. 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 required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority:
 - The provision of a footway from the site access to join to the existing footway on Hornby Road to the southwest of the site.
 - A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
15. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 14:
 - The provision of a footway from the site access to join to the existing footway on Hornby Road to the southwest of the site.
16. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference PL04 Rev.C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
17. 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.
18. 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 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.
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. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP17, DP32 and DP33.
7. To enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard scheme is provided in the interests of visual amenity of the area in accordance with Development Plan Policies.
8. To ensure that the appearance of the windows are appropriate to the character and appearance of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
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 order that the Local Planning Authority can consider the impact of the proposed lighting scheme and ensure the visual impact and the setting of heritage assets is appropriate.
11. In accordance with policy 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

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16. 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.
17. In accordance with Policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
18. In accordance with Policy 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.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. An explanation of the terms used in the above highway conditions is available from the Highway Authority.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
4. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.