

# **PLANNING APPLICATIONS**

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 3 January 2013. The meeting will commence at 1.30pm.**

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 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 Housing 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 Housing 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 Housing 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**

## **3 JANUARY 2013**

<b>Item No</b>	<b>Application Ref/ Officer</b>	<b>Proposal/Site Description</b>
<b>1</b>	11/02543/FUL Mr J Saddington	<b>Construction of 59 dwellings and associated roads, sewers and landscaping as amended by plans received by Hambleton District Council on 28th June 2012. at Land To Rear Of 28 - 34 Bedale Road Aiskew North Yorkshire for Cecil M Yuill Ltd.</b>  RECOMMENDATION: GRANTED
<b>2</b>	12/00716/FUL Mrs B Robinson	<b>Revised application for proposed alterations and extensions to existing dwelling and construction of detached garage as amended 27th and 28th November 2012. at Blue Barn Cottage Blue Barn Lane Hutton Rudby Yarm for Mr E McMordie.</b>  RECOMMENDATION: GRANTED

# 1.

11/02543/FUL

**Construction of 59 dwellings and associated roads, sewers and landscaping as amended by plans received by Hambleton District Council on 28th June 2012 at Land to rear of 28 – 34 Bedale Road, Aiskew for Cecil M Yuill Ltd**

## 1.0 SUMMARY

- 1.1 This application was deferred at Planning Committee on 11<sup>th</sup> October 2012 in order to allow for: additional design improvements; the submission of streetscene drawings and the receipt of outstanding consultation responses, including the District Valuer's report on viability.
- 1.2 In terms of design, Members expressed concern about the proposed 2.5 storey dwellings, the level of car parking, the number of different house-types and the impact on Manor Cottage.
- 1.3 The Applicant has considered Members' request to delete the 2.5 storey dwellings but regards them as landmark buildings at key locations which add variety to the streetscene. The Applicant also deems the 2.5 storey dwellings to be in keeping with the scale and massing of neighbouring properties. As the result, the Applicant would wish to retain this design element.
- 1.4 Additional visitor car parking bays have been added to the layout. The number of car parking spaces has been increased from 101 spaces to 110 spaces. Including garages, the total number of car parking spaces is 149.
- 1.5 The range and number of house types remains unchanged from the October Committee meeting. However, it is important to note that the original layout contained 7 more dwellings. The range and number of house types reflect Yuill Homes' market research and reflects local housing needs for the area offering all types of accommodation ranging from first time buyer compact homes with parking to large detached family homes with double garages. The revised scheme includes 18 affordable homes.
- 1.6 The elevational details and streetscenes have been re-evaluated and designs rationalised to produce streetscenes more in keeping with a village feel. The stone versions of the housetypes have been omitted from the layout, with the emphasis now being on brick and full height render to provide interest and variation in the streetscene. The number of chimneys has been increased whilst other main features are retained e.g. bay windows.
- 1.7 The public footpath running alongside Manor Cottage has been deleted and replaced with a larger area of public open space. A vehicular new access and boundary wall to Manor Cottage have been proposed which accords with the owner/occupiers wishes.
- 1.8 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy BM3. The amendment scheme will deliver an attractive and sustainable development which will add to the built environment of Aiskew.

- 1.9 A “Viability Appraisal” has been submitted with the application which provides evidence of the scheme’s ability to deliver affordable housing and other developer contributions.
- 1.10 The “Viability Appraisal” has been referred to the District Valuer for scrutiny. The District Valuer has concluded that the scheme can support 18 affordable homes (30.51%) in addition to the following developer contributions:-
- Public Open Space, Sport and Recreation - £151,288
  - Scout Hut Project - £56,000
  - Bedale Footpath and Cycle Link - £163,608
  - Education - £190,344
  - Total Value = £561,240 (£9,512.54 per dwelling)
- 1.11 It is recommended that planning permission be granted for the application as amended subject to the signing of a s.106 agreement in respect of affordable housing and the identified developer contributions.

## **2.0 PROPOSAL AND SITE DESCRIPTION**

- 2.1 Full planning permission is sought for the construction of 59 dwellings, associated roads, sewers and landscaping. This will deliver a development of approximately 25.6 dwellings per hectare. 18 dwellings (30.51%) are identified for affordable use, the balance of 44 dwellings for private residential use. The affordable dwellings are distributed throughout the scheme and will be designed to appear tenure blind.
- 2.2 The proposed dwelling will be predominately two-storeys in height with 9no two-and-a-half storey dwellings at key locations. The proposed accommodation will provide a mix of 1, 2, 3 and four-bedroom dwellings. No apartments or bungalows are proposed.
- 2.3 The majority of dwellings will be constructed using warm red multi and buff multi brickwork, although some buildings will feature full height render. Pantiles and natural slate roof coverings will be used throughout. The proposed architectural detailing includes: gable fronted properties; varied window styles ranging from sliding sash to modern casement; splayed and square bay windows to ground floors; chimneys and decorative dentil courses. All dwellings have private amenity space in the form of rear gardens, some housetypes are provided with a front garden.
- 2.4 The “Ripley” and “Westerdale” housetypes have double garages with double width drives. The “Rosedale” and “Maltby” have a single detached garage and in-curtilage car parking for two cars. The “Farnham” and “Ellerby” housetypes have a single integral garage with double width drives. The semi-detached dwellings generally have two parking spaces in the form of a double length drive whilst the terraced units having one parking space each.
- 2.5 Private defensible spaces will be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber screen fences to a combination of brick wall and railings. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 2.6 A linear public open space measuring 1,416 sqm features within the development, which will contain retained mature trees. A toddlers play area of approximately 68 sqm is included within this area of public open space. Dwellings front onto this open space and additional incidental landscaping is provided throughout the site, particularly at the site entrance adjacent to Manor Cottage.
- 2.7 Both primary vehicular and pedestrian accesses are from a new junction formed on the A684. The internal road network is formed with a conventional 5.5m wide road

with a 1.8m wide footway. Further pedestrian connectivity is provided at two locations on Blind Lane which forms the eastern boundary to the site.

2.8 The proposed development is located on the south east side of Aiskew, south of the A684 and north of the Wensleydale Railway. The site forms part of the BH3 (South East of Aiskew) Allocation. The eastern boundary is formed by Blind Lane which bisects BH3 Allocation. The western part of BH3 is in agricultural use (pasture). The site adjoins existing residential development to the north west and open countryside (over the railway line) to the south east. Policy BH3 states that these linked sites are allocated for housing development, subject to:-

- ii) development of Site BH3 being delivered in Phase 1 (up to 2016) and Phase 2 (2016-21), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);
- iii) types and tenure of housing developed meeting the latest evidence on local needs;
- iv) suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;
- v) potential access from this site to Site BM2 adjacent being retained as part of the design and layout any development of Sites BH2/BH3;
- vi) contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements to Bedale Bridge and any sewerage disposal infrastructure improvements required to accommodate new development in the area; and
- vii) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

### **3.0 RELEVANT PLANNING HISTORY**

3.1 None relevant.

### **4.0 RELEVANT PLANNING POLICIES**

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

#### **The National Planning Policy Framework – March 2012**

4.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

#### **Core Strategy Development Plan Document – Adopted April 2007**

- CP1 - Sustainable development
- CP2 - Access
- CP3 - Community Assets
- CP4 - Settlement hierarchy
- CP5 - The scale of new housing
- CP5a - The scale of new housing by sub-area
- CP6 - Distribution of housing

CP7 - Phasing of housing  
CP8 - Type, size and tenure of housing  
CP9 - Affordable housing  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 - Promoting high quality design  
CP18 - Prudent use of natural resources  
CP19 - Recreational facilities and amenity open space  
CP20 - Design and reduction of crime  
CP21 - Safe response to natural and other sources

#### Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity  
DP2 - Securing developer contributions  
DP3 - Site accessibility  
DP4 - Access for all  
DP6 - Utilities and infrastructure  
DP8 - Development Limits  
DP13 - Achieving and maintaining the right mix of housing  
DP15 - Promoting and maintaining affordable housing  
DP29 - Archaeology  
DP30 - Protecting the character and appearance of the countryside  
DP31 - Protecting natural resources: biodiversity/nature conservation  
DP32 - General design  
DP33 - Landscaping  
DP34 - Sustainable energy  
DP36 - Waste  
DP37 - Open space, sport and recreation  
DP39 - Recreational links  
DP43 - Flooding and floodplains

#### Allocations Development Plan Document – Adopted December 2010

BH3 – South East of Aiskew

#### Other Relevant Documents

Hambleton Biodiversity Action Plan  
Corporate Plan  
Sustainable Communities Strategy

## **5.0 CONSULTATIONS**

### Parish Council

5.1 Has confirmed no observations.

### NYCC Highways

5.2 No objections subject to conditions covering the following:-

- i) Detailed plans of road and footway layout
- ii) Construction of roads and footways prior to occupation of dwellings
- iii) Discharge of surface water
- iv) Visibility splays
- v) Pedestrian visibility splays
- vi) Approval of details for works in the highway
- vii) Completion of works in the highway (before occupation)
- viii) Details of access, turning and parking

- ix) Prevent mud on highway
- x) Construction traffic
- xi) Doors and windows opening on the highway
- xii) On-site parking, storage and construction traffic parking

#### HDC – Environmental Health Officer

- 5.3 Agrees with the findings of the report, however would like to add the following recommendations for the design of the ground investigation:
- 5.4 The sampling strategy and density should comply with sections 7.7.2.2 and 7.7.2.3 of British Standard 10175:2011. The sampling density recommended in the Lithos report recommends 10 Trial pits for the initial ground investigation which falls short of the density recommended in the new British Standard.
- 5.5 The potential contaminants associated with the former use should also include sampling and testing for Poly-Aromatic Hydrocarbons around the area formerly occupied by the glasshouses and growing areas. It has been known for ash and clinker to be used to construct footpaths at market gardens and allotments in the region.
- 5.6 Also recommends that the standard contaminated land condition is applied.
- 5.7 As a safe guard I would request that the applicant submit an acoustic scheme to be approved in writing by the local planning authority prior to the development commencing. The scheme shall be based on the former PPG24 guidance note to assess whether noise mitigation is necessary to protect residential development along the boundary of the railway line. Details of any necessary noise mitigation shall be detailed in the report and be incorporated into the subsequent development.

#### NYCC Historic Environment Team (Archaeology)

- 5.8 The proposed development lies within an area of archaeological potential. There are no currently recorded archaeological remains within the application area, however, there are known remains within the vicinity. The settlement of Aiskew is believed to have early medieval origins. Therefore, there is potential for archaeological remains to be present on this site which may shed further light on the origins of the village.
- 5.9 In accordance with the NPPF, advise that a programme of archaeological evaluation is undertaken to assess the archaeological potential of the site and aid understanding of the impact of development.
- 5.10 The site has been assessed as having limited suitability for geophysical survey and proposes that archaeological trial trenching would be a suitable technique. NYCC advises that trial trenching is undertaken in advance of a planning decision being taken.
- 5.11 The evaluation results should include a statement on the archaeological potential of the site/area and a statement of archaeological significance, as well as an assessment of the archaeological impact of the development proposals. An informed and reasonable planning decision can thus be taken as to whether the development should be permitted in its present form. If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains.

#### NYCC Education

- 5.12 Based on the current proposal a contribution of £190,344 is sought.



#### Bedale Conservation Advisory Group

- 5.13 Comments made on the original site layout - these would appear to be very standard suburban housing development. The fact that the land lies within a Conservation Area dictates that a much more careful approach should be taken if the land is to be development with special consideration to open space, views, important buildings, vistas through the site from vantage points and in particular much more careful attention paid to the groups and massing of buildings and to produce a scheme which is reasoned and tailored to the Conservation Area. The fact that suburban developments exist already is in our view not a reason to follow the same pattern of development on this land.

#### Yorkshire Water

- 5.14 YWS has no objection in principle to:
- 1) The proposed sewer diversion
  - 2) The proposed separate systems of drainage on site and off site
  - 3) The proposed amount of domestic foul water to be discharged to the public foul water sewer
  - 4) The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 5 (five) litres/second)
  - 5) The proposed points of discharge of foul and surface water to the respective public sewers.

#### The Environment Agency

- 5.15 No objection subject to a condition relating to surface water drainage.

#### Internal Drainage Board

- 5.16 Whilst the site lies outside the Swale and Ure Drainage District the Board requires consent under Byelaw 3 for the discharge of additional flow or volume of water as a result of development. Therefore if the site drains into the drainage district and if the proposal increases the rate of run-off by additional paved area then this will be attenuated at 1.4l/s/ha which is the prescribed greenfield rate of run-off for the Swale and Ure District. This is in general accordance with PPS25.

#### Police Architectural Liaison Officer

- 5.17 Recommendation 1 - That the play area be withdrawn from this site as it is unsuitable with the density of housing on this estate, and just leave it as a public open space.
- 5.18 Recommendation 2 - That the play area be fenced off and have a lockable gate.
- 5.19 Recommendation 3 - Signs should be erected to state: 1) What age groups the play area is intended for. 2) What times the play areas can be used between.

#### Network Rail

- 5.20 No objection in principle subject to conditions covering: drainage; use of crane and plant; earthworks; security; fencing; noise; lighting; trees and shrubs and access to the railway.

## **Publicity**

- 5.21 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 19<sup>th</sup> July 2012. Two letters of objection have been received which have been summarised as follows:
- a) Impact on already overburdened services provided by dentists, schools and GP surgery.
  - b) Sewerage problems.
  - c) Traffic congestion on A684.
  - d) Impact on local wildlife.
  - e) There is enough affordable housing locally.
  - f) Question housing need.
  - g) Anti-social behaviour will increase.
  - h) The development should be served by more than one access.

## **6.0 OBSERVATIONS**

- 6.1 The main issues to consider in the determination of this application are matters relating to: -

- a) Location & Mix of New Housing
- b) Design & Density
- c) Protecting Amenity
- d) Sustainable Construction
- e) Highway Safety & Car Parking
- f) Drainage & Flood Risk
- g) Ecology
- h) Cultural Heritage
- i) Public Open Space
- j) Affordable Housing & Viability

### **Location & Mix of New Housing**

- 6.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 6.3 The site forms part of the BH3 (South East of Aiskew) which is allocated for housing development in Phase 1 (up to 2016) and Phase 2 (2016-2021) subject to the provisions detailed within paragraph 1.8 of this report.
- 6.4 Furthermore, Policy DP9 of the Development Policies DPD states that *“Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies”*. The re-defined Proposals Map within the Allocations DPD shows the application site to be within the Development Limits in order to reflect its recent allocation.
- 6.5 In terms of housing mix, the “Housing Needs Study 2004” updated by the “Housing Market Demand Study 2008” indicate that there is demand for all types of housing in the Bedale Sub Area. Expectations continue to be that the development will deliver a number of three, four and five bedroom homes. Demand for one bedroom units has also been identified.
- 6.6 The application makes provision for a mix of 1, 2, 3 and 4 bedroom dwellings in semi-detached and detached form. Consequently, the proposed development addressed the housing need for a range of family homes along with the specific local demand for one bed units.

- 6.7 In light of the above considerations, the principle of the proposed development is considered to be acceptable.

### **Design & Density**

- 6.8 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 6.9 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.10 Officers were initially critical of the proposed design and expressed concern about: the character of the proposed house-types; the close proximity of some plots to established dwellings; the lack of on-site public open space and the impact
- 6.11 Following a character analysis of Aiskew, the Applicant has made significant improvements to the proposed house types and the site layout. The house-types have been substantially improved using the more traditional elements of Aiskew’s built environment as inspiration for the elevational treatment, the palette of materials has been amended to reflect local vernacular including stone and rendered buildings, the central area of Public Open Space has been increased in size to 1,416 sqm features within the development, which will contain a row of retained mature trees and a toddlers play area. Those dwellings adjacent to the northern boundary have been moved further away from existing dwellings in order to comply with the Council’s indicative separation distances. These amendments have resulted in the scheme being reduced from 66 dwellings to 59 dwellings.
- 6.12 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 6.13 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, it is important to have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 6.14 The application site covers around 2.3ha of the total 5.8ha of allocation BH3. The net developable area is approximately 2.04ha, taking into account open space and highway access. As a result, the proposed development will deliver 59 units at 28.9 dwellings per hectare. Whilst this figure is lower than the 32dph policy expectations, achieving high quality design on a site that forms the gateway to BM3 must be the overriding objective. There will be scope on the remainder of BM3 to create a higher density development and push housing numbers up towards the anticipated total of around 203 dwellings.
- 6.15 At Planning Committee on 11<sup>th</sup> October 2012, Members expressed concern about the proposed 2.5 storey dwellings, the level of car parking, the number of different house-types and the impact on Manor Cottage.

- 6.16 The Applicant has considered Members' request to delete the 2.5 storey dwellings but regards them as landmark buildings at key locations which add variety to the streetscene. The Applicant also deems the 2.5 storey dwellings to be in keeping with the scale and massing of neighbouring properties. As the result, the Applicant would wish to retain this design element.
- 6.17 Additional visitor car parking bays have been added to the layout. The number of car parking spaces has been increased from 101 spaces to 110 spaces. Including garages, the total number of car parking spaces is 149.
- 6.18 The range and number of house types remains unchanged from the October Committee meeting. However, it is important to note that the original layout contained 7 more dwellings. The range and number of house types reflect Yuill Homes' market research and reflects local housing needs for the area offering all types of accommodation ranging from first time buyer compact homes with parking to large detached family homes with double garages. The revised scheme includes 18 affordable homes.
- 6.19 The elevational details and streetscenes have been re-evaluated and designs rationalised to produce streetscenes more in keeping with a village feel. The stone versions of the housetypes have been omitted from the layout, with the emphasis now being on brick and full height render to provide interest and variation in the streetscene. The number of chimneys has been increased whilst other main features are retained e.g. bay windows.
- 6.20 In light of the proposed amendments, the broad principles of the site layout and the proposed house types are considered to be acceptable. Consequently, the proposed development is considered to be in accordance with PPS1 and Policy DP32 of the Hambleton Local Development Framework.

### **Protecting Amenity**

- 6.21 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 6.22 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 6.23 The original layout failed to comply with the Council's indicative separation distances. However, as identified within paragraph 5.11 of this report, those dwellings adjacent to the northern boundary have been moved further away from existing dwellings in order to comply with the Council's indicative separation distances. Elsewhere, the relationship between the proposed and existing dwellings is considered to be acceptable.
- 6.25 Manor Cottage stands adjacent to the main site access and will be significantly affected by the proposed development. 34 Bedale Road stands on the opposite side (eastern boundary) of the proposed access, but the owner/occupiers have a financial interest in the development. The owner/occupier of Manor Cottage has expressed

concern about a potential loss of amenity from the development, in particular: disturbance from pedestrian movement alongside of Manor Cottage (which has windows serving habitable rooms within its side elevation), loss of privacy to rear garden space and safe vehicular and pedestrian access to the property.

- 6.26 The proposed layout has been amended in an effort to address these concerns. The public footpath running alongside Manor Cottage has been deleted and replaced with a larger area of public open space. A vehicular new access and boundary wall to the Manor Cottage are proposed. In addition, the Applicant has agreed to reposition the main door to Manor Cottage from the side elevation to the rear elevation at a cost of £4K. The owner/occupiers of Manor Cottage have confirmed that this package of mitigation measures will mitigate their concerns.

### **Sustainable Construction**

- 6.27 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 6.28 In response to the requirements of DP34, in response to the requirements of DP34, an Energy Statement has been submitted which confirms that the 10% energy saving will be delivered via a combination of improvements to the fabric of the buildings above Building Regulations and the installation of photovoltaics. However, no firm proposals have been presented to the Council.
- 6.29 Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the approved housetypes and/or on-site renewable energy generation.

### **Highway Safety & Car Parking**

- 6.30 The site will be accessed off Bedale Road which provides access to the wider highway network. The proposed visibility splays accord with the guidance of "Manual for Streets" and therefore no objection has been raised by the Local Highway Authority.
- 6.31 In response to Members' concerns, 9 more visitor car parking bays have been added to the layout. The number of car parking spaces has been increased from 101 spaces to 110 spaces (excluding garages) which equates to approximately 1.86 spaces per dwelling. Additionally, a total of 39 garages are proposed. This level of car parking provision is considered to be acceptable.

### **Drainage & Flood Risk**

- 6.32 A Flood Risk Assessment and Foul & Surface Water Drainage Strategy (FRA) produced by iD Civils Design Ltd has been submitted with the application. The FRA confirms that the site is within Flood Zone 1 and is therefore at the lowest risk of flooding.
- 6.33 The development of the site will require a new drainage system designed to suit the final approved layout, and in compliance with current Building Regulations and Sewers for Adoption. The system will be adopted by Yorkshire Water under a section 104 agreement.
- 6.34 It is recommended that conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.

## **Ecology**

- 6.35 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 6.36 An Extended Phase 1 Habitat Survey produced by Argus Ecology has been submitted with the application. This Survey makes the following recommendations:-
- To minimise the negative impact on breeding birds, scrub clearance or tree pruning/felling should not be undertaken during the bird breeding season (March – August) unless prior checks have been carried out by a suitably qualified ecologist.
  - Additional bat surveys were recommended and have been carried out in 2010 and 2011 to establish whether any of the trees within the site are currently being used by roosting bats. This survey work is found no use of the trees by bats although important flyways were identified.
  - There are opportunities for possible nature conservation enhancement at this site and it is recommended that landscaped areas are designed to maximise the benefits to bio-diversity. Simple ecological principles could be applied to maximise biodiversity on the site including the retention of mature trees where possible, infilling or gapping up existing hedgerows if they are remaining, incorporating hedgerows into the landscaping design rather than using fences, using native tree and shrub species for planting schemes or undertaking small-scale habitat creation schemes such as pond creation, which in addition to increasing biodiversity adds amenity and aesthetic value to the development.
  - An arboricultural survey or ideally an arboricultural impact assessment could be carried out by a suitably qualified arboriculturalist to determine the condition of the trees on site and to provide information on the impacts of the proposed development on the existing trees.
- 6.37 In light of the findings and recommendations of the Extended Phase 1 Habitat Survey, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan and Tree Protection Plan.

## **Cultural Heritage**

- 6.38 Paragraph 128 of the NPPF states that "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected....The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the impact of the proposal on their significance...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 6.39 An Historic Environment Desk-Based Assessment was undertaken in April 2012 by Northern Archaeological Associates Ltd. The Assessment identified a total of 18 heritage assets within 500m of the application site, together with two additional sites immediately beyond the study area to the north. There are no Scheduled Monuments, Registered Battlefields, or Historic Parks and Gardens within 500m of the proposed works. There is one Conservation Area (Bedale) in the vicinity of the scheme, and seven Listed Buildings lie within the study area.

- 6.41 The proposed work would not directly impact upon any designated, and there would be no predicated visual impact upon the nearby Conservation Area and Listed Buildings due to intervening built structure and vegetation.
- 6.42 DP29 of the Development Policies DPD supports the preservation or enhancement of archaeological remains and their settings, taking account of the significance of the remains.
- 6.43 The Assessment concludes that there is some potential for encountering previously unrecorded archaeological remains, in particular, relating to the post-medieval Manor House, which may be the location of an earlier hall.
- 6.44 Given the potential for encountering archaeological remains, and the unsuitability of much of the site for geophysical survey, Northern Archaeological Associates Ltd recommend that a programme of archaeological trial trenching is undertaken in both the former nursery and the area of disused grassland and tennis court. This would evaluate the potential for the survival of archaeological remains or deposits in the area of the proposed development.
- 6.45 NYCC's Historic Environment Team has advised that a programme of archaeological evaluation is undertaken to assess the archaeological potential of the site and aid understanding of the impact of development. This evaluation should include trial trenching and be undertaken in advance of planning permission.
- 6.46 Given that the site is allocated for housing development within Phase 1, it would be unreasonable and disproportion to require the Applicant to undertake the investigation in advance of planning permission being granted. Accordingly, it is anticipated that any planning permission for development on the site will incorporate a planning condition relating to archaeology and that this will require a programme of appropriate archaeological evaluation and mitigation ahead of construction to be agreed with the Local Planning Authority.

### **Public Open Space**

- 6.47 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 6.48 The proposed development incorporates a central area of public open space extending to 1,416 sqm. This space will be used for informal recreation and children's play. A scheme for the installation play equipment, landscaping, bins and benches will be secured the open space works scheme contained within the s.106 agreement.
- 6.49 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within the Bedale Hinterland. A contribution of £207,288.60 is required in accordance with this policy. The Council's Leisure Services Officer has requested that £56,000 of this sum be spent on improving the local Scout Group's existing facilities. The Applicant is agreeable to this request. As a consequence, the off-site public open space contribution would be reduced by £56,000 to £151,288.

### **Affordable Housing & Viability**

- 6.50 Policy CP9 specifies that housing development of 15 dwellings or more within Aiskew and Bedale should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the

economics of provision. This policy stance is reinforced by allocation BH3 which sets also sets a target of 40% affordable dwellings, subject to viability.

- 6.51 A "Viability Appraisal" has been submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions. The Viability Appraisal concludes that the scheme can deliver 10% affordable housing in addition to all other developer contributions or 20% affordable housing with no other contributions.
- 6.52 The "Viability Appraisal" has been referred to the District Valuer for scrutiny. The District Valuer has concluded that the scheme can support 18 affordable homes (30.51%) in addition to the other developer contributions identified within this report.
- 6.53 The Applicant has agreed to amend their application to meet the DV's recommendations.
- 6.54 The tenure and type of affordable housing has been agreed between the Applicant and the Council's Housing Services Manager.

## **7.0 CONCLUSION**

- 7.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended subject to the signing of a s.106 agreement in respect of affordable housing and developer contributions towards: public open space, sport and recreation; the Bedale footpath & cycleway link and education.
- 7.2 The principle of development has been established as the site is allocated for residential development within the adopted Allocations Development Plan Document as Policy BH3. The amended scheme will deliver an attractive and sustainable development which will add to the built environment of Aiskew and deliver much needed affordable homes.
- 7.3 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority is able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **8.0 RECOMMENDATION**

**GRANTED** subject to the following conditions:-

### **1. Commencement**

The development hereby permitted shall be begun within five years of the date of this permission.

**Reason:** To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

### **2. Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: 2010 ADD 20 01; 2010 ADD 20 02; 2010 ADI 20 02; BED 20 01; BED 20 02; 2010 CRO 20 01; 2010 CRO 20 02; 2010 D10 08 12; 2010 D10 08 24; 2010 D10 08 27; 2010 D10 08



26; 2010 D10 08 28; 2010 ELL 20 01; 2010 ELL 20 02; FAR 20 01; FAR 20 02; 2010 FAR 20 22; LYT 20 02; LYT 20 32; 2010 MBY 20 02; RIP 20 01; RIP 20 02; RIP 20 22; R5 20 01; WES 20 01; WES 20 02; WH1 20 01; WH1 20 02 and WH1 20 32 received by Hambleton District Council on 17<sup>th</sup> November 2011 and Location Plan received by Hambleton District Council on 29<sup>th</sup> November 2011 and 2010 1BS2P 20 1 received by Hambleton District Council on 7<sup>th</sup> June 2012 and "Details of Entrance to Site Adjacent to Manor Cottage" received by Hambleton District Council on 2<sup>th</sup> November 2012 and 2010 RIP 09 01 and 3281-C-D9-01 Rev.X received by Hambleton District Council on 27<sup>th</sup> November 2012 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** 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 and DP32.

### 3. **Materials**

The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

**Reason:** 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 and DP32.

### 4. **Boundary Treatments**

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

**Reason:** 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.

### 5. **Boundary Treatment Construction**

No dwelling shall 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.

**Reason:** 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.

### 6. **Permitted Development Rights Removed – Boundary Treatment**

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 fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

**Reason:** In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

## 7. Landscaping Scheme

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.

**Reason:** In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

## 8. Secured By Design

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

**Reason:** In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998

## 9. Sustainable Construction

Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

**Reason:** In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.

## 10. Levels

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.

**Reason:** 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.

**11. Separate Drainage Systems**

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

**Reason:** In the interest of satisfactory and sustainable drainage.

**12. Surface Water Drainage**

The development hereby approved shall not be commenced until details of surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

**Reason:** In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

**13. No Piped Discharge of Surface Water**

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 before development commences.

**Reason:** To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

**14. Foul Drainage Scheme**

The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

**Reason:** In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

**15. Archaeology**

No development shall take place within the application area until the Applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the Planning Authority. The programme of archaeological work shall include trial trenching.

**Reason:** The site is of archaeological interest.

**16. Habitat Management & Enhancement Plan**

Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

**Reason:** To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

**17. Tree Protection Plan**

The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.

**Reason:** In the interests of the visual amenities of the locality.

**18. Railway Undertaker's Assets**

Prior to the commencement of development, a scheme to protect the railway undertaker's assets from vibration, excavations, earthworks, the collapse or failure of plant and equipment and surface water discharge both during and after the construction of each phase shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved scheme shall be implemented and maintained thereafter, unless varied by alternative details submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe operation of the railway.

**19. Land Contamination Condition**

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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.

**Reason:** In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.

**20. Noise Impact Assessment**

Prior to the development commencing, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall contain details of any mitigation measures required which shall be implemented in full prior to the occupation of the relevant dwelling.

**Reason:** To safeguard the amenity of the future residents from noise generated by the nearby Wensleydale Railway Line in accordance with Policy DP1 of the Hambleton Local Development Framework.

**21. Detailed Plans of Road and Footway Layout**

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 drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary
  - (b) dimensions of any carriageway, cycleway, footway, and verges
  - (c) visibility splays
  - (d) the proposed buildings and site layout, including levels
  - (e) accesses and driveways
  - (f) drainage and sewerage system
  - (g) lining and signing
  - (h) traffic calming measures
  - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
  - (a) the existing ground level
  - (b) the proposed road channel and centre line levels
  - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
  - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - (c) kerb and edging construction details
  - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority.

**Reason:** To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

**22. Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)**

No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

**Reason:** To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

**23. Discharge of Surface Water**

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.

**Reason:** In the interests of highway safety.

**24. Visibility Splays**

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 45 metres measured along both channel lines of the major road A684 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.

**Reason:** In the interests of road safety.

**25. Pedestrian Visibility Splays**

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 visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, there visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.

**Reason:** In the interests of pedestrian safety.

**26. Approval of Details for Works in the Highway**

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 buildings 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.

- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:
  - a. Provision of tactile paving
  - b. To remove existing bus lay-by and provide a new bus stop including measures to re-use the existing shelter

**Reason:** in the interests of the safety and convenience of highway users.

**27. Completion of works in the highway (before occupation)**

Unless otherwise approved in writing by the Local Planning 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 25: To remove existing bus lay-by on A684 opposite the new junction and provide a new bus stop including measures to re-use the existing Shelter.

**Reason:** in the interests of the safety and convenience of highway users.

**28. Details of Access, Turning and Parking**

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 buildings 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) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements
- (iii) loading and unloading arrangements

**Reason:** 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

**29. Parking for Dwellings**

No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the detailed drawing yet to be approved. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

**Reason:** To provide for appropriate vehicle parking in the interests of highway safety and the general amenity of the area.

**30. Precautions to Prevent Mud on the Highway**

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.

**Reason:** To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

**31. Construction Traffic**

During construction works there shall be no Medium Goods Vehicles up to 7.5 tonnes and Heavy Goods vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or Bank Holiday nor at any time, except between the hours of 9:00 & 15:30 on Mondays to Fridays and 8:30 to 12:30 on Saturdays.

**Reason:** In order to protect the amenity of local residents in accordance with Policy DP1 of the Hambleton Local Development Framework.

**32. Doors & Windows Opening over the Highway**

All doors and windows on elevations of the buildings adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

**Reason:** In the interests of highway safety.

**33. On-site Parking, on-site Storage and construction traffic during Development**

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.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

**Reason:** 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: Rudby**

Ward: Rudby

Committee Date : 3 January 2013

Officer dealing : Mrs B Robinson

Target Date: 28 May 2012

## **2.**

**12/00716/FUL**

**Revised application for proposed alterations and extensions to existing dwelling and construction of detached garage as amended 27th and 28th November 2012.  
at Blue Barn Cottage Blue Barn Lane Hutton Rudby Yarm  
for Mr E McMordie.**

### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application was considered at the Committee meeting on the 6th December 2012 at which time it was deferred to enable a site visit to be made by members prior to further consideration of the proposal.

1.2 The site includes a detached bungalow on a corner plot at the junction of with Middleton Road with Blue Barn Lane. Blue Barn Lane rises to the west, away from Middleton Road. The existing bungalow has hipped roofs and is mainly rendered, with feature stone surrounds to doorway and windows. There is an integral garage and a car port on the west side. The existing bungalow is set back approximately 30 metres west from Middleton Road, and approximately 11 metres north from Blue Barn Lane. The boundary to Middleton Road is hedged, and there is a fence to Blue Barn Lane. There are established trees in the front garden, and on the north boundary.

1.3 The adjacent house on Blue Barn Lane (no 4) is two storey. It has subsidiary windows on the gable end facing the application site. The adjacent house on Middleton Road (The Gables) is a bungalow. The neighbouring houses are set back approximately 10-11 metres from their respective roads. The west side of Middleton Road is characterised by mainly single storey houses, on relatively large plots, and elevated from the roadway. On the east side of Middleton road (opposite the application site) nearby properties are mainly substantial two storey houses on large plots. The styling of properties varies greatly.

1.4 The present proposal is to raise the existing house to two storey, retaining the same floor level, and provide a single storey projection on the south side, towards Blue Barn Lane. Also proposed is a new access from Middleton Road, on the north east corner of the plot, adjacent to The Gables, and a detached garage, forward of Blue Barn Cottage and to the rear of The Gables. As amended the garage has a dual pitched roof and is 4.1 metres high to the ridge.

1.5 The proposed house has a wide gable elevation to the east (Middleton Road), with slight oversail to the roof. There two storey addition on the west side, to the same outward extent of the existing garage. There is single storey addition to the south with a dual pitched roof. On the main roof there are dormers on the north roof slope of the main house. The house is rendered, with stone quoining effect to plinths and corners.

1.6 As amended the southwards single storey projection towards Blue Barn Lane is reduced and extends 5.7 metres from the south elevation and is 4.8 metres from Blue Barn Lane boundary.

1.7 At the request of the Ward Member, the applicant was invited to make further reductions to the single storey extension, and to consider hipping the roof of the main house to reduce its bulk. In response the applicant points out that the scheme has received considerable reduction and amendment since first submitted (under ref 11/02536/FUL), including removing a two storey element projecting towards Blue Barn Lane, lowering the roof pitch to reduce its height, and removing a dormer, and does not wish to compromise the

attic space by hipping the main roof. The applicant has however made an amendment to hip back the roof of the single storey addition, to help reduce its impact in the streetscene.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 11/02536/FUL Proposed alterations and extensions to existing dwelling and construction of detached garage. Withdrawn. 18.01.2012.

This scheme was similar in principle, but included a two storey gabled addition on the south (Blue Barn Lane) elevation, and a further single storey projection on this side extending to within 2.2 metres of the boundary. It also had a further dormer on the north elevation, forward of the chimney.

## 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design

## 4.0 CONSULTATIONS

4.1 Parish Council - Refuse. Over development of the site, and the height of the new development is not in keeping with the area.

4.2 Neighbours and site notice. Observations have been received on the following topics:

Height and scale too large,  
Not in keeping with surroundings,  
Overbearing,  
Extension forward of building line in Blue Barn Lane  
Highway access close to a blind corner.  
Drive will exit into area which floods (dispute over drain).  
Not in keeping with the Village Design Statement.  
Better definition of south boundary required - hedge suggested.

4.3 Highways - conditions requested.

## 5.0 OBSERVATIONS

5.1 The main issues are design and whether the proposals would have any harmful effects on the amenities of neighbours or the surroundings.

### Design

5.2 The design of the main parts of the house is a two storey house on the footprint of the existing bungalow and garage, and is substantial in size. The front elevation to Middleton Road has a vertical break, emphasised by quoining and the elevation to Blue Barn Lane is broken up by the single storey projection and the feature chimney, and these features help reduce its apparent bulk. The over-sailing roof will further help animate the elevations, and windows tucked close to eaves on the south side will minimise its apparent height. Feature chimneys are carried through from the existing design. The proposed dormers on the north roof are set half way back on the roof and when viewed from ground level their impact will be modified by the angle of view and perspective. The design utilises the existing pattern of windows including feature lintels etc, and in the local setting considered appropriate. The proposed garage is a simple dual pitch design appropriate to the house.

### Streetscene

5.3 On Blue Barn Lane, the house will be viewed alongside the existing house, no 4, which has a long elevation facing the street. The two storey south elevation of the proposed house will not therefore be unsympathetic in the streetscene or dominant over the neighbouring

house, particularly as the houses are separated by approximately 11 metres. A 'street scene' elevation, based on levels, has been submitted illustrating the relationship. The proposed single storey addition is set back by 4.8 metres from the roadside boundary and due to its single storey nature, will not be visually intrusive. A boundary and landscaping condition to require a hedge along this frontage will further soften this addition.

5.4 From Middleton Road, the house benefits from a very deep set-back from the road, which will ensure that the two storey gable is not overbearing. As proposed the intention is to retain existing trees which will provide an effective landscape setting. The adjacent house on Middleton Road is a bungalow. It is located very much closer to the road and due to the separation between the two properties, the effect is not be incongruous. On the opposite side of Middleton Road, there are several large-fronted detached houses of similar stature to that proposed and overall therefore the effect on the street scene of a larger dwelling on the site will be in keeping with the existing character of the area.

#### Amenity of neighbours

5.5 There is a separation of 11 metres between the side elevations of the proposed house and 4 Blue Barn Lane. The proposed house will be in full view of side windows of 4 Blue Barn Lane. As the main outlook from 4 Blue Barn Lane is south and north respectively the increase to two storey of Blue Barn Cottage will not have such a harmful impact on amenities of occupiers of 4 Blue Barn Lane as to justify refusal on this basis. The forward projection to Blue Barn Cottage is single storey and due to the separation between the properties it does not project beyond the line of 45 degrees from the neighbouring window and is not considered to be unacceptably harmful to residential amenities. It does however set forward from the neighbouring property and, reflecting the concerns of neighbours, the applicant was requested to consider a greater reduction of the extension. As noted at paragraph 1.7, a change has been made to hip the roof.

5.6 The house as proposed will continue to be offset from the direct outlook of 'The Gables', Middleton Road. There is a distance of over 21 metres between the extended Blue Barn Cottage and The Gables, and the distance along with an acute angle of view is sufficient to overcome any potential loss of amenity. With regard to the proposed garage, due to its moderate height it will not be unacceptably imposing on the outlook of neighbouring occupiers at The Gables. It is located to the south of The Gables and at a point where the sun will be at its maximum height, limiting shading and loss of amenity in the neighbouring garden.

#### Highway safety

5.7 The proposed new access is acceptable in road safety terms to NYCC Highways. The access requires the removal of a short piece of hedgerow but the hedged west boundary of the site will continue to provide a natural character to the roadside streetscene, in keeping with village edge location.

#### Neighbour observations

5.8 With regard to the views of neighbours, the main concerns can be summarised as the height and prominence of the proposal, harm arising from projection towards Blue Barn Lane, and that it is out of character with surrounding dwellings. As discussed above, whilst the proposed two storey house will be significantly larger than the existing bungalow, it is in a mixed area including substantial two storey houses and due to its set back position from the Middleton Road in particular it will not be overly prominent or out of keeping. The proposed house has a projection forward of no 4 Blue Barn Lane, but this part is single storey only and will not be significantly harmful to amenities of occupiers there or unduly 'enclosing' on the street scene.

5.9 On other points raised by neighbours, the comment regarding The Hutton Rudby Design Statement relates to a reference in the Village Design Statement to a large house on a high point in Blue Barn Lane, which is out of scale with bungalows opposite. This case however is a substantial house adjacent to a two storey dwelling at the lower part of Blue Barn Lane, and opposite other large two storey houses on Middleton Road. The suggested hedge on

the south boundary would reinforce a natural appearance in the surroundings, and could form part of a landscape plan. An appropriate condition can ensure that surface water does not discharge on to the highway from the new driveway and thereby avoid exacerbating any existing highway flooding issues.

## SUMMARY

The proposal as amended is appropriate in design and materials to its surroundings and will not have an unacceptable effect on the amenities of neighbouring occupiers and is therefore able to comply with the above policies.

### 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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) numbered 2008-25-002 rev C, 003 rev B, 004 rev B, 005 rev B, received by Hambleton District Council on 03 July 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. 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.
4. 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:
  - (i) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6.
  - (ii) The final surfacing of any private access 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 approved in writing by the Local Planning Authority.
5. No part of the development shall be brought into use until the existing access on to Blue Barn Lane has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.
6. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. 2008-25-002 rev C for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
7. 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.

8. Other than for the access hereby approved, no part of the existing boundary hedge along the east boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

9. 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.

10. 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.

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 Policy(ies) .
3. In accordance with policy number CP1 and in the interests of highway safety.
4. In accordance with policy number CP1 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.
5. In accordance with policy number CP1 and in the interests of highway safety.
6. In accordance with policy number and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
7. In accordance with policy number CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

8. The hedge is of important local amenity value and protection of the hedge is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
9. 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 CP16.
10. 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.