Dear Councillor,

NOTICE OF MEETING

Meeting: PLANNING COMMITTEE
Date: Thursday, 17 October 2019
Time: 1.30 pm
Venue: Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Yours sincerely,

J. Ives.

Dr Justin Ives
Chief Executive

To: Councillors
P Bardon (Chairman)
M A Barningham
D B Elders
Mrs B S Fortune
K G Hardisty
B Griffiths

Councillors
J Noone (Vice-Chairman)
B Phillips
A Robinson
M Taylor
D Watkins
D A Webster

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am
# AGENDA

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<th>MINUTES</th>
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<td>1.</td>
<td>To confirm the minutes of the meeting held on 19 September 2019 (P.12 - P.13), attached.</td>
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<td>2.</td>
<td>APOLOGIES FOR ABSENCE.</td>
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<td>3.</td>
<td>PLANNING APPLICATIONS</td>
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<td>Please note that plans are available to view on the Council's website through the Public Access facility.</td>
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<td>4.</td>
<td>MATTERS OF URGENCY</td>
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<td>Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.</td>
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</table>
Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 19th September, 2019 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

Councillor M A Barningham
Mrs B S Fortune
B Griffiths
B Phillips

Councillor A Robinson
D Watkins
D A Webster

Also in Attendance

Councillor D Hugill
Councillor M S Robson

Apologies for absence were received from Councillors D B Elders, K G Hardisty, J Noone and M Taylor

P.12 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 22 August 2019 (P.10-P.11), previously circulated, be signed as a correct record.

P.13 PLANNING APPLICATIONS

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.
Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

**THE DECISION:**

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

1. **18/02748/REM** - Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 2 of outline approval 15/01240/OUT for the construction of 120 dwellings at Wilbert Farm, Sandhill Lane, Aiskew for Barratt Homes

   PERMISSION DEFERRED to allow further consideration of size of dwellings; the number of four bedroomed dwellings; viability; location of public open space; pedestrian access, and overage clause.

   (The applicant’s agent, Kate Girling, spoke in support of the application).

   (Judy Asquith spoke on behalf of Aiskew Parish Council objecting to the application).

   (Dave Brown spoke objecting to the application.)

2. **19/01511/FUL** - Residential Development comprising 14 dwellings (resubmission) at The Allotment Gardens, Masham Road, Bedale for Arncliffe Homes Ltd

   PERMISSION REFUSED with two additional reasons relating to allotments and sustainable travel.

   (The applicant’s agent, Alastair Flatman, spoke in support of the application).

3. **19/01110/FUL** - Construction of new healthcare building providing office and assessment spaces for multi-disciplinary, community based mental health teams at OS Field 6504, Northallerton Business Park, Thurston Road, Northallerton for Tees Esk & Wear Valley NHS Foundation Trust

   PERMISSION GRANTED

4. **19/01306/FUL** - Construction of a detached dwelling at Brindlewood, East Harlsey for Mr Gareth White

   PERMISSION GRANTED

5. **19/01139/FUL** - Construction of detached dormer dwelling with attached garage as per amended plans received by Hambleton District Council 30th July 2019 and 16th August 2019 at Bank Cottage, The Nookin, Husthwaite for Mr John Taylor

   PERMISSION GRANTED
(6) 19/00175/FUL - Demolition of the existing house and outbuildings. Construction of a detached house and garage. Change of use of land to domestic for siting of field shelter/garden store at Millhouse, 56 North End, Hutton Rudby for Mr and Mrs A Slack

PERMISSION GRANTED because the Committee considered the development would not harm heritage assets

The decision was contrary to the recommendation of the Deputy Chief Executive

(The applicant’s agent, Steve Barker, spoke in support of the application).

(Emma Foden spoke on behalf of Hutton Rudby Parish Council objecting to the application.)

(David Kitchen spoke objecting to the application.)

The meeting was adjourned at 3.55pm and reconvened at 4.05pm.

(7) 19/01022/OUT - Outline application with all matters reserved for proposed two storey new dwelling at Land Adjacent To The Laurels, Hutton Sessay for Ms Jane Jordan

PERMISSION GRANTED subject to officer’s being satisfied that appropriate parking and access arrangements can be achieved.
(8) 19/01358/REM - Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) following outline approval 18/01175/OUT for the construction of 5no. dwellings at OS Field 4442 Easingwold Road, Huby for Mr Steve Chapman

PERMISSION GRANTED subject to the approval of finished floor levels

(The applicant’s agent, Jonathan Saddington, spoke in support of the application).

(9) 18/02130/FUL - Construction of a single detached dwelling and the change of use of land to form an associated domestic curtilage as amended by plans received by Hambleton District Council on 10 June and 15 July 2019 at Morar House, Kirklington for Mr and Mrs Smelt-Webb

PERMISSION GRANTED subject to additional conditions to protect the boundary hedges and the submission of a scheme to ensure the structural integrity of the retained building

(The applicant’s agent, David Boulton, spoke in support of the application).

(10) 19/01037/REM - Reserved matters application for the approval of details of appearance, landscaping, layout and scale in relation to the development of the primary school on the allocated school site pursuant to application 10/02373/OUT, as amended by 15/00145/MRC, and comprising a single-storey teaching block with associated hard/soft landscaping and playing field; car park and cycle parking; vehicular/pedestrian means of access; and secure line fencing. Discharge of Condition 21 (Archaeological Works) relating to planning approval 10/02373/OUT, as amended by 15/00145/MRC, proposal school amended by revised details of parking, turning received 29 August 2019 and elevation treatments received 28 August 2019 at Land East of Topcliffe Road and South of Gravel Hole Lane, Topcliffe Road, Sowerby for Portakabin Limited

THE COMMITTEE resolved to delegate the determination of the application to officers in consultation with the Chairman of the Planning Committee.

(The applicant’s agent, Tim Waters, spoke in support of the application).

Councillor A Robinson left the meeting after Item 10 and did not return.

(11) 19/01568/FUL - Construction of a single storey side and rear extension at 37 Eastfields, Stokesley for Mr Clive Thornton

PERMISSION GRANTED

The meeting closed at 5.05 pm

___________________________
Chairman of the Committee
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 17 October 2019. The meeting will commence at 1.30pm.

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

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at www.planning.hambleton.gov.uk. Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision.

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 Deputy Chief Executive 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
Deputy Chief Executive
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 sufficiently familiar with the site to enable a decision to be made at the meeting.

6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.
# PLANNING COMMITTEE
Thursday 17 October 2019

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<th>Item No</th>
<th>Application Ref/ Officer/Parish</th>
<th>Proposal/Site Description</th>
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<td>1</td>
<td>18/02748/REM Ms A O’Driscoll Aiskew Page No. 9</td>
<td>Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 2 of outline approval 15/01240/OUT for the construction of 116 dwellings as amended by drawings received by Hambleton District Council on 02 September and 10 September 2019 For: Barratt Homes At: Wilbert Farm, Sandhill Lane, Aiskew RECOMMENDATION: GRANT</td>
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<td>2</td>
<td>19/01347/FUL Mr M. Pearson Alne Page No. 23</td>
<td>Proposed use of tourist accommodation as a dwelling For: Mr &amp; Mrs L Butterworth At: Oakleigh Cottage, Oakleigh, Alne Station RECOMMENDATION: GRANT</td>
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<td>3</td>
<td>19/01348/FUL Mr Rowshon Uddin Carlton Miniott Page No. 31</td>
<td>Construction of a new detached dwelling and extension of the existing domestic curtilage For: Mr B Mellor At: Carlton House, Sandhutton Lane, Carlton Miniott RECOMMENDATION: REFUSE</td>
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<td>4</td>
<td>19/01265/FUL Mr Rowshon Uddin Crayke Page No. 39</td>
<td>Erection of single storey rear extension. Internal and external alterations including repositioning of oil tank For: S Walker At: Crayke Cottage, Church Hill, Crayke RECOMMENDATION: REFUSE</td>
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<td>5</td>
<td>19/01266/LBC Mr Rowshon Uddin Crayke Page No. 43</td>
<td>Listed Building Consent for the construction of a single storey rear extension. Internal and external alterations including repositioning of oil tank For: S Walker At: Crayke Cottage, Church Hill, Crayke RECOMMENDATION: REFUSE</td>
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<tr>
<td>6</td>
<td>19/01745/FUL Mr Sean Rawling East Harlsey Page No. 47</td>
<td>Construction of 2no. residential dwellings For: Mr Adam Robinson At: Land Between Bankside Farm And Hawthorn Cottage, East Harlsey, North Yorkshire RECOMMENDATION: GRANT</td>
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<td>7</td>
<td>19/01448/OUT Mr Sean Rawling Ingleby Arncliffe</td>
<td>Outline application (some matters reserved) for the demolition of existing school and construction of four detached dwellings and access</td>
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<td>For: Mr Simon Quartermaine At: Ingleby Arncliffe Church Of England VC Primary School, Ingleby Arncliffe, North Yorkshire, DL6 3NA</td>
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<td>8</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>19/01027/FUL</td>
<td>Mr. Pearson Newton on Ouse</td>
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<td>Construction of a general purpose agricultural building to provide a workshop, storage and the winter housing of lambs and calves.</td>
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<td>9</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>19/01483/OUT</td>
<td>Mrs H Laws Sinderby</td>
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<td>Page No. 71</td>
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<td>10</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>19/00771/FUL</td>
<td>Mr C Allison South Otterington</td>
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<td>Proposed change of use of stables to holiday accommodation &amp; coffee shop, and new vehicular access.</td>
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<td>11</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>18/00929/OUT</td>
<td>Mr M Danforth Tollerton</td>
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<td>19/00936/FUL</td>
<td>Mr M Danforth Tollerton</td>
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<td>Construction of 2no two storey semi-detached dwellings, associated parking, and formation of a new vehicular access from the public highway.</td>
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<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>19/00193/FUL</td>
<td>Mr M Danforth Tollerton</td>
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<td>Page No. 107</td>
<td>Full planning application for the creation of 5 dwellings (amendments to location plan, site layout, and house types)</td>
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<td><strong>RECOMMENDATION: REFUSE</strong></td>
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<td>19/00379/OUT</td>
<td>Mrs H Laws Sinderby</td>
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<td>Page No. 115</td>
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<td>13</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>19/00755/FUL</td>
<td>Mr C Allison South Otterington</td>
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<td>Page No. 119</td>
<td>Proposed change of use of stables to holiday accommodation &amp; coffee shop, and new vehicular access.</td>
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<td><strong>RECOMMENDATION: REFUSE</strong></td>
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<td>19/00983/OUT</td>
<td>Mr M Danforth Tollerton</td>
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<td>Page No. 123</td>
<td>Construction of four detached dwellings</td>
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<td>15</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<td>19/01038/FUL</td>
<td>Mr C Allison South Otterington</td>
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<td>Construction of a general purpose agricultural building to provide a workshop, storage and the winter housing of lambs and calves.</td>
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<td>19/00882/OUT</td>
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<td>Page No. 131</td>
<td>Outline application with layout and access to be considered (all other matters reserved) for the construction of two dwellings as amended by email and plans received by Hambleton District Council on 10 September 2019</td>
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<td>17</td>
<td><strong>RECOMMENDATION: GRANT</strong></td>
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<tr>
<td>19/00368/FUL</td>
<td>Mr M Danforth Tollerton</td>
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<tr>
<td>Page No. 135</td>
<td>Construction of four detached dwellings</td>
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Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 2 of outline approval 15/01240/OUT for the construction of 116 dwellings
At Wilbert Farm, Sandhill Lane, Aiskew
For Barratt Homes

This application was deferred at September Planning Committee for a number of matters to be addressed.

1.0 The application was deferred at the September Planning Committee owing to a number of concerns about the proposed development. The first part of the following report provides an up-date on the matters of concern. The remainder of the report remains as previously reported to Members in September.

1.1 The matters of concern related by Members comprised:

- Concern about the housing mix in terms of the high percentage of 4 bed units proposed.
- Failure of the larger properties to meet the Nationally Described Standards for the larger units.
- Proposed percentage of Affordable Housing and potential for an overage clause with regard to the abnormal costs of development.
- Location of children’s play area which was considered to be better located more centrally within the site rather than being pushed into the boundary with existing neighbours.
- Concern that all of the Access issues on other parts of Sandhill Lane are not addressed and the footpath to the A684 to the west of the site should be fully hard surfaced.
- Question over peak hour flows using Sandhill Lane.

Housing Mix

1.2 Members raised a concern regarding the proposed housing mix and the proportion of larger 4 bedroomed properties. Table 8 of the Council’s Size, Type and Tenure of New Homes SPD sets out the target requirements as set out below:

- One Bedroom - 10%
- Two Bedroom - 35%
- Three Bedroom - 25%
- Four Bedroom - 10-15%
- Two Bedroom Bungalow -10%

1.3 The requirements set out in the SPD are targets and not absolutes. The applicant has responded, stating that:

“these targets apply at a district wide level and do not take into account local circumstances. Regard must be given to site specific circumstances, and the LPA..."
should be open to a degree of negotiation based on the commercial viability of the site.”

1.4 Having said this, the applicant has amended the housing mix and the ‘Chester’ 4 bed house type has been removed and substituted for the ‘Kingsley’ three bed house type. This change has reduced the number of 4 bedroom properties from 48 (41.4% of the old layout) to 40, which now accounts for 34.5% of the new site layout as set out in the table below.

Table 1 Housing mix old layout vs new layout

<table>
<thead>
<tr>
<th>Old Layout (Rev AB)</th>
<th>New Layout (Rev AC)</th>
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<tbody>
<tr>
<td>2 Bed</td>
<td>37 (31.9%)</td>
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<tr>
<td></td>
<td>37 (31.9%)</td>
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<tr>
<td>3 Bed</td>
<td>31 (26.7%)</td>
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<tr>
<td></td>
<td>39 (33.6%)</td>
</tr>
<tr>
<td>4 Bed</td>
<td>48 (41.4%)</td>
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<td>40 (34.5%)</td>
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</tbody>
</table>

1.5 Officers agree that the viability of the scheme is finely balanced and any further revisions to the scheme could result in a significant impact on the viability of the scheme which has already been rigorously tested by the Council’s advisers. It is also noted that the identified local need is for two and three bed units and the proposals meet the identified need of circa 60% in these terms.

Nationally Described Space Standards (NDSS)

1.6 Concern was raised at committee in relation to the larger 4 bedroomed house types not meeting the NDSS. The table below shows each house type and the intended number of bedroom spaces per house type. The applicant previously noted that 4 bedroomepd properties are not intended to be occupied to full capacity i.e 4 bedrooms at 8 persons. From the applicant’s experience this capacity is unrealistic and places an additional and unnecessary burden on the developer and viability of the scheme.

1.7 As noted above, the ‘Chester’ house type has been removed and it has been replaced with the ‘Kingsley’ which is a 3 bedroomed 5 person house type. The ‘Kingsley’ meets (and exceeds) the NDSS requirements. As such, all of the properties now exceed the nationally described space standards.

Table 2: Assessment of NDSS House Type

| T51 Special | 79.92 | 2B 4P | 79 | + 0.92m |
| Bedale      | 61.8  | 2B 3P | 61 | + 0.80m |
| Kirkbridge  | 84.8  | 3B 4P | 84 | + 0.80m |
| Ennderdale  | 85.4  | 3B 4P | 84 | + 1.40m |
| Andover     | 93.3  | 3B 5P | 93 | + 0.30m |
| Kingsley    | 98.8  | 3B 5P | 84 | + 12.0m |
| Windermere  | 111.8 | 4B 5P | 97 | + 14.8m |
| Alderney    | 113.8 | 4B 6P | 106| + 7.80m |
| Halton      | 115.5 | 4B 7P | 115| + 0.50m |
| Radleigh    | 120.4 | 4B 7P | 115| + 5.40m |

Affordable Housing

1.8 The matter of affordable housing has been dealt with in great detail, with the assistance of the Council’s adviser’s Align Property Services. Officers are satisfied that the result of the abnormal costs of development of the site, mainly relating to site
remediation and drainage, results in a scheme which is not capable of providing a policy compliant 40% affordable housing. The degree of developer profit and the blended profit rate has been agreed. As such the 17 affordable properties (14.66% of the 116 dwellings proposed) is considered to be realistic and acceptable.

1.9 In order to provide assurance of this to Members it is recommended that an Overage Clause be provided within the Section 106 agreement which would allow for an open book assessment of the development, following the remediation phase, to ensure that the maximum percentage of affordable housing possible is achieved through the development of this site. Following deferral of the application the applicant has agreed to accept an overage clause as part of the Deed of Variation to the agreed S106 agreement in-line with the following broad principles;

1. The Overage is restricted to Abnormal Development Costs only (the assessment therefore excludes Revenue and Standard Build Costs)
2. An assessment to take place once the development is complete and all Abnormal Development Costs have been expended
3. An off-site sum will be paid in the event that the Actual Abnormal Development Costs exceed the Estimated Abnormal Development Costs
4. The Estimated Abnormal Development Costs will mirror those that formed part of the EVA submitted with the Reserved Matters

Children’s Play Equipment

1.10 Through the course of the application, the main area of Public Open Space has focused on the area to the south west of the site. This was designed to facilitate both the play area and dry basin. The primary concern being the impact of noise on the existing residents of Ings View and Bedale Road, and also the position of the play area away from the affordable housing units.

1.11 The applicants have reviewed the site again with a view to repositioning the play equipment on the central area of open space. The play equipment can be located on this central area. The distance between the POS and the nearest properties is 15m. No rear gardens or private amenity space back onto this central POS and the play equipment. Furthermore, additional landscaping and planting will be provided to screen the POS from the surrounding houses for additional privacy, and for the amenity of the new residents.

Access Issues

1.12 Members raised concerns around the access, Highways position, and the increase in the number of dwellings, over and above the 105 consented at outline stage. A supplementary Transport Statement dealing with the uplift in numbers was submitted and reviewed by NYCC. The supplementary TA submitted with this application confirmed that the uplift in vehicle movements would not have a significant, material impact over and above the outline scheme.

1.13 NYCC Highways have been further consulted on this matter and have commented that;

“the flows generated by the development are likely to be 31 in the am peak and 33 in pm peak (hour) and the highway authority is satisfied that the existing highway network has spare capacity and will manage the increase in vehicles on the local network. This is due to the introduction of the bypass last year which has reduced vehicles on the Bedale Road and hence improved the capacity of the roundabout. Without the bypass the LHA may have objected to the development.”
1.14 Members requested that the pedestrian access along the existing footpath to the west of the site, and which is proposed to connect to the A684, should be fully hard surfaced. The upgrade of this footpath was secured by condition 18 of the outline consent. The wording of this condition was agreed by the planning committee in 2016. The condition states that the footpath “shall be levelled, graded and the final surface shall be finished in an unbound material helping to improve access for pedestrians but in keeping with the surrounding.”

1.15 This matter has been further discussed with the Highway Authority who has reiterated their earlier position stating that owing to the character of the space and the close proximity of trees a bound surface would not be appropriate as it would be likely to break up due to tree roots.

1.16 Members expressed concerns about the access along Sandhill Lane and again further consultation with the Highways Authority has taken place in this regard. Again, this matter was considered at the time of the earlier outline approval. The Highway Authority remain of the view that Sandhill Lane as it approaches the mini roundabout is of sufficient width to allow access to the development on Sand Hill Lane at present and see no reason why it needs to be widened due to this new development.

Further Representations

1.17 Since the last Planning Committee meeting a further letter of representation was received from a member of the public. The letter is in objection to the development raising the following issues:
   - Highway Safety
   - Increase in number of dwellings
   - Issue of infestation of rats on site
   - Loss of farm land

2.0 SITE, CONTEXT AND PROPOSAL

2.1 The site lies on the eastern side of Sandhill Lane, at the northern edge of Aiskew. The site was last used for agricultural purposes as an intensive poultry farm but is now in a poor state of repair. The site also includes two dwellings towards the southern part of the site, which are currently unoccupied. The site extends to approximately 3.74 hectares in area.

2.2 Access to the site is from Sandhill Lane via the mini roundabout on the main A684 through Aiskew. A public right of way lies along the south western boundary of the application site providing footpath access from Sandhill Lane to Bedale Road (A684).

2.3 This is a reserved matters application considering all matters following outline approval under application number 15/01240/OUT. The outline approval was for 105 dwellings with 25% affordable dwellings provided on site. This application originally proposed 120 dwellings with 12.5% affordable dwellings provided on site. Subsequent negotiations during the life of the application led to variations in the number and type of dwellings proposed. The proposal now is for 116 dwellings with 17 units being provided as affordable dwellings (14.65%).

2.4 As identified in Section 2.0 below, the majority of the site is allocated for housing development within the Local Development Framework.

2.5 Improvements have been achieved as follows:
   - Improvements to the space standards of the smaller properties
   - Removal of back to back housing elements
• Improvements to the location and form of public open space
• Improvements to the sustainable drainage proposals

3.0 PLANNING & ENFORCEMENT HISTORY

3.1 01/00224/FUL - Layout of land and construction of 22 dwellings and domestic garages and construction of 2 buildings to comprise office accommodation - Refused.

3.2 15/01240/OUT - Outline application for up to 105 dwellings with all matters reserved – Granted

4.0 RELEVANT PLANNING POLICIES

4.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and the reduction of crime
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Affordable Housing - Supplementary Planning Guidance - June 2008
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP33 - Landscaping
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
Allocations Document Policy BH5 - Wilberts Farm, Sandhill Lane, Aiskew - adopted 21 December 2010
National Planning Policy Framework

5.0 CONSULTATIONS

5.1 Parish Council – The concerns from councillors were as follows:

• Traffic in and out of Sandhill lane with additional 200+ cars
• Increase in dwellings from original plan
• Does this include the other site of a possible 80 dwellings
• Only 12.5% affordable dwellings
• Back Lane usage
• Road upgrading
• Flooding issues
• Tree demolition with only saplings replacing established trees
• Impact on already struggling Health Centre
• Infrastructure
• Development proposals are too big
• The current application has increased from 105 to 120 houses, this is too many (Officer note, the total number of units is now 116).
• There are concerns about the infrastructure within Aiskew and whether it can cope with any more houses
• Have GP practices and schools in neighbouring parishes been consulted about this significant increase in population. (understand that the GP practice has not been consulted)
• There is significant concern regarding the NYCC Highways traffic assessment within the planning application documentation and whether the criteria used to assess the potential impact of at least a further 180 vehicles has been applied to Sandhill Lane and more importantly the mini roundabout on the old A684 from Sandhill Lane. It is hard to believe this will not have a “detrimental impact” as described in the NYCC report, on traffic and highway capacity.
• Concern about the environmental impact of the proposed development,
• The proposed development will contain more boring brick and tile boxes isn’t it time that developers we’re encouraged to be more adventurous with their building designs.

5.2 Environmental Health – No Objections.

5.3 Highway Authority – The increase in the number of dwellings on the site indicate that the development is expected to generate a comparable number of trips compared to the previous assessment due to the type of dwelling now being considered and the original assessment which included for 120 dwellings. Therefore I do not expect the application to have a detrimental impact in traffic and highway capacity terms. The Local Highway Authority has no objections to the increase in house numbers.

5.4 Lead Local Flood Authority – Initially object to the proposed development as the layout would preclude compliance with the conditions set out in the outline permission. Further information was submitted and the LLFA have now withdrawn their objection subject to satisfactory discharge of drainage conditions on the outline permission 15/01240/OUT

5.5 NYCC Heritage Services – No objections, subject to archaeology conditions set out in the outline permission.

5.6 SABIC – No objections.

5.7 Yorkshire Water – No comments to make.

5.8 Public comments - 106 letters of representation were received. The majority of these were Objections on the following grounds:

• Concerns about the number of vehicle movements generated by the proposed development.
• Sandhill Lane is not appropriate for the level of traffic that will be generated.
• The roundabout at the junction of Sandhill Lane with the main road is not suitable for the traffic levels.
• Traffic using Sandhill Lane will lead to a loss of amenity in the area.
• Lack of affordable housing
• Detrimental impact on wildlife
• Access should be taken direct to the A684
• Detrimental impact owing to flooding of property below the site
• Detrimental impact on parking in Bedale Town Centre

In addition to the above a petition with 152 signatures was received. The petition protests “the proposed increase in number of vehicles which will use the mini roundabout at the Bedale Road and Sandhill Lane junction. 120 dwellings proposed, vehicle number could be increased by upwards of 240. There have been many ‘near misses’ and we feel that it is only a matter of time before there is an accident. There is also a danger to pedestrians using the section leading from the roundabout up Sandhill Lane as they have to walk on the road because there is no footpath.”

6.0 OBSERVATIONS

6.1 The principle of the development of this site has been set through the BH5 allocation and the approval of outline planning permission 15/01240/OUT.

6.2 The main issues to consider are: (i); principle of development (ii) the variance from the outline approval (iii) affordable housing (iv) size, type and tenure (v) highways safety (vi) amenity and (vii) landscaping

Principle of development

6.3 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. As noted above, the majority of the application site is allocated for new housing under Policy BH5. Policy BH5 states that the site is allocated for housing for release in Phase 2 (2016-2021). In December 2013, following an audit of allocated sites and sites with planning permission, the Council approved the relaxation of the housing phasing policy in the Plan. This was to ensure that a robust and deliverable supply of housing sites is available to cover the 5 year period from October 2013 to September 2018.

6.4 On the basis that the site has gone through an extensive site allocations process, that the community has had the chance to comment on that site allocation process, that the Development Limits boundary includes the majority of the application site, it is considered that the development for residential purposes has in principle support.

6.5 The site is allocated for housing development within the Council's Local Development Framework (Allocations DPD 2010) and the requirements are as follows:

BH5 - Wilberts farm, Sandhill Lane, Aiskew (3.0ha)
This site is allocated for housing development in Phase 3 (2021-2026),subject to:

i. development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 105 dwellings (of which a target of 40% should be affordable);
ii. types and tenure of housing developed meeting the latest evidence on local needs;
   suitable access being gained from Sand Hill Lane;
iii. provision of landscaping to limit the visual impact on the approach to Aiskew from the north east;
iv. the adjacent remainder of the farm buildings to be cleared and the area landscaped or returned to agricultural use;
v. contributions from the developer towards providing footpath and cycleway links to the A684 and the Wensleydale Railway footpath and cycleway route including improvements to Bedale Bridge, public open space and, if required, additional drainage and sewerage infrastructure; and
vi. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

6.6 The additional 0.74 hectares was considered under the outline application 15/01240/OUT. The report indicated as follows:

“The additional area proposed for development within this application is part of the operational area of the farm and its incorporation into the development site would allow for a lower density of development with improved landscaping, incorporating the existing boundary planting. As noted earlier, the allocation and the Development Limits run through the site and Members will recall that a similar situation existed on a development site in Dalton, where allocation TH4 did not cover the entire former turkey factory site. An application to build housing on the unallocated part was refused permission but allowed on appeal. In view of that precedent it is not considered sustainable to resist the development of the additional 0.74 ha, which would include all of the former poultry farm. Furthermore, this site is within and immediately adjacent to a Service Centre, which is a highly sustainable location for development within Hambleton and therefore well suited to accommodating additional development.”

6.7 The additional land beyond the development limits was therefore considered to be acceptable and subsequently outline permission was granted. It is therefore considered that development of the whole site is acceptable in principle.

The variance from the outline approval

6.8 The outline application gave permission for up to 105 dwellings. The current application (as amended) seeks approval for 116 dwellings. As scale was not considered at outline stage, (nor was the total number or units limited) the increase in number of units can be considered at this stage. Case law indicates that unless the outline permission conditionally controls the number of units, there is no absolute limit to the number of units from the outline permission. As detailed above the additional land was included to achieve a lower density of units across the site and to allow for a good size landscape buffer to the north east boundary of the site.

Affordable Housing

6.9 Policy BH5 states that the site is allocated for housing subject to “development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 105 dwellings”. The Policy also states a target of 40% provision of affordable housing, subject to viability testing. At outline stage the applicant proposed the provision of 25% affordable housing, amended from their original proposal of 20%.

6.10 A report on a basic viability assessment was undertaken at outline stage on behalf of the Council, which suggested that the scheme could provide at least 28% of the dwellings as affordable units. The lack of significantly higher viability was due to
abnormal costs to address highway improvements on the approach to the site, demolition costs and asbestos disposal. The Council’s advisers at that time suggested that 28% would be a reasonable offer based on the submitted viability information. This would also be similar to comparable sites within Aiskew, such as the Taylor Wimpey site at Fox Covert Close (site BH3) (28% affordable provision). A requirement for the provision of 28% affordable housing was recommended and approved by members.

6.11 The current applicant, after further investigation and viability assessment, had originally proposed the provision 12.5% affordable housing. It is argued by the applicant that whilst the assessment conducted at outline stage took account of anticipated abnormal costs, upon more detailed examination of the site and circumstances these costs have increased significantly. In addition to this it is argued by the applicant that the NPPF, issued in 2018, introduced changes to how viability is assessed now requiring individual assessments to refer back to viability assessments carried out during the plan making stage and identify how circumstances have changed. In this case, as the LDF predates the NPPF, no detailed viability assessment was carried out when the site was being considered for allocation. It is argued by the applicant that this has impacted on the anticipated land value at which the owner is willing to release the land for development, although it is noted that part of the reduction in the affordable housing quotient agreed by the Council at the time of the outline approval was on the basis of higher than average build costs as the land owners intended to progress the development themselves rather than to sell to one of the large scale house builders.

6.12 On behalf of the Council Align Property Partners undertook a review of the current viability assessment (which was conducted on behalf of the applicant by Resolve 106 Affordable Housing Consultancy). The preliminary report found that the abnormal costs were considered to be high but that further detailed investigation of the quotes for remedial work and abnormal costs was required. Further investigation was agreed with the applicant and a full independent assessment has been undertaken. The assessment looked at a number of positions and concluded that at a profit rate between 17 and 20% on GDV (Gross Development Value) the development could realistically achieve between 17 and 21 affordable units (this would equate to 14-17% based on the original proposal of 120 units). As a final offer the applicant has proposed 116 units of which 17 (14.6%) are to be affordable. This is considered an acceptable position given the high levels of abnormal costs involved in the development of the site.

6.13 Under the outline application a S106 agreement was entered into requiring the provision of 28% affordable housing on the site. A variation to the S106 agreement would therefore be necessary.

Size Type and Tenure

6.14 The proposal comprises a mix of two, three and four bedroom properties, including detached, semi-detached and terraced houses and bungalows. A target mix is included in the Council’s Supplementary Planning Document on size, type and tenure of new homes.

<table>
<thead>
<tr>
<th>Type</th>
<th>Target Percentage</th>
<th>No. of Units</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
One Bedroom  10%  0  0
Two Bedroom  35%  37  31.8%
Three Bedroom  25%  31  26.7%
Four Bedroom  10-15%  48  41.3%
Two Bedroom Bungalow  10%  9  7.7%

Table: Housing Mix compared against SPD Target Mix

6.15 The proposal does not strictly accord with the SPD targets on mix. The original proposal included 8 one bedroom dwellings (which would equate to 6% of the development). These were laid out in a “back to back” terrace form which was considered unacceptable in amenity terms. These were then omitted on officer request and replaced with two bedroom units.

6.16 The Councils SPD on Size, Type and Tenure of new homes states: “Historically maintaining size standards has been relatively straight forward on schemes that rely on public subsidy since Registered Providers are required to build to a minimum standard, known as the Housing Quality Indicators (HQI) standard, in order to claim grant funding. However, a considerable amount of affordable housing is delivered through S106, without public funding and the requirements associated with it. Whilst the Council has delivered many homes through this mechanism, over the past year or so housing officers and Registered Provider partners have started to become concerned about the size of these homes, particularly in the light of Welfare Reform changes. In March 2015 DCLG issued Nationally Described Space Standards. The Council will use these standards to guide the provision of new homes. It is the intention to embed the standards within the forthcoming Local Plan.”

6.17 The SPD therefore supports the use of the Nationally Described Space Standards as a benchmark against which the amenity value of a proposed unit can be assessed.

<table>
<thead>
<tr>
<th>House Type (no of beds)</th>
<th>Gross Internal Floor Area (m2)</th>
<th>Applicants measurement of Gross Internal Floor Area (m2)</th>
<th>Nationally Described Space Standard (m2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 51 (2b)</td>
<td>80</td>
<td>80</td>
<td>79</td>
</tr>
<tr>
<td>Bedale (2b)</td>
<td>60.72</td>
<td>61</td>
<td>61</td>
</tr>
<tr>
<td>Kirkbridge (3b)</td>
<td>84.6</td>
<td>84</td>
<td>84</td>
</tr>
<tr>
<td>Ennerdale (3b)</td>
<td>85</td>
<td>85</td>
<td>84</td>
</tr>
<tr>
<td>Andover (3b)</td>
<td>93.6</td>
<td>93.6</td>
<td>93</td>
</tr>
<tr>
<td>Chester (4b)</td>
<td>96</td>
<td>96</td>
<td>106</td>
</tr>
<tr>
<td>Windermere (4b)</td>
<td>98</td>
<td>100</td>
<td>124</td>
</tr>
<tr>
<td>Alderney (4b)</td>
<td>114</td>
<td>114</td>
<td>115</td>
</tr>
<tr>
<td>Halton (4b)</td>
<td>115.5</td>
<td>118</td>
<td>124</td>
</tr>
<tr>
<td>Radleigh (4b)</td>
<td>120</td>
<td>122</td>
<td>124</td>
</tr>
</tbody>
</table>

Table: Comparing proposed floor area against NDSS

6.18 It can be seen from the table above that none of the four bed dwelling types meet the NDSS. Windermere falls considerably short of the standard, however, an integral garage has not been included in the useable living space. During the life of the application it was indicated to the applicant that all dwelling types should meet the nationally described space standards. Whilst it could be argued that the larger 4
bedroom dwellings are much less likely to be occupied to capacity the smaller 2 and 3 bedroom dwellings are much more likely to be occupied at capacity. As a compromise the 2 and 3 bedroom units were increased in size to meet space standards.

6.19 In addition to this the applicant argues that the application should not be refused on this basis as the NDSS have not been embedded in the LDF. Whilst this is correct, as the LDF predates the NDSS, the Size, Type and Tenure SPD indicates that the NDSS should be used as a guide for new development. It is considered that the NDSS provides an important benchmark indicating the amenity level of a proposed unit and that of the overall development. Whilst it could be argued that the larger 4 bedroom dwellings are much less likely to be occupied to capacity the smaller 2 and 3 bedroom dwellings are much more likely to be occupied at capacity. It is concluded that the discrepancy with the standards is acceptable in this case.

Highways Safety

6.20 Many of the objections from the local community to this application and the previous outline application relate to the additional traffic that would be generated by the proposed development. It must be highlighted that the access arrangements were a factor in the assessment of suitable sites through the preparation and adoption of the Allocations DPD. Alternative accesses onto the A684 would require land that is well beyond the allocation site and would only be financially viable if significantly more than the 105 dwellings identified in the allocation were to be developed, which is not case at this stage.

6.21 In relation to the outline application the Highway Authority advised that there were no concerns with the suitability of the access road and the junction with the A684. In relation to this reserved matters application the Highway Authority have also considered the increase in dwelling numbers from 105 to 119 and found that there would be no detrimental impact in traffic and highway capacity terms. Subject to the satisfactory discharge and compliance with the conditions on the outline permission the Highway Authority have raised no objection to the application. It is therefore considered that despite the high level of local objection in this regard, there is no reasonable case to refuse the application on highways safety grounds.

Amenity

6.22 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The site is bounded to the south west and south east by the rear boundaries of houses.

6.23 To the south west boundary the application site is separated from neighbouring development by Back Lane, a public footpath. The footpath is lined with well-established trees the majority of which are outside of the application site and are therefore to be retained. The landscaping plan indicates that tree root protection areas will be established during construction to avoid damage to the existing trees. It is recommended that these measures be secured by condition.

6.24 To the south east boundary much of the development is separated from neighbouring development by the proposed children’s play area and dry basin for the sustainable
drainage scheme. One unit is located close to the boundary with number 77 Bedale Road. The proposed unit is single storey and will be located approximately 3 metres from the shared boundary and approximately 10 metres from the rear elevation of 77 Bedale Road. Given the scale of the proposed unit at single storey it is considered that this separation distance between new and existing development is acceptable.

6.25 It is therefore considered that the proposed development would not have a significant impact on neighbouring amenity.

Landscaping

6.26 A landscaping masterplan has been submitted in support of the application. The plan indicates that trees, hedges and a mix of shrubs will be planted to the front of selected plots to break up the built form. The trees will be planted as Select and Heavy Standards to provide a reasonable degree of instant maturity. At the centre of the site a landscaped area of public open space is proposed which includes paving, grassed areas and a number of trees. This area will provide a pleasant focal point in the development. It is recommended that the landscaping be secured by condition including the submission of a more detailed list of species and timing for planting and replacement.

7.0 RECOMMENDATION:

7.1 That subject to any outstanding consultations permission is GRANTED subject to the following conditions:

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below unless otherwise approved in writing by the Local Planning Authority:

Y81:968.03 Revision AB – Dated 04.09.19
Y81:968.03 Revision AB – Dated 04.09.19
Y81:968.05 Revision E – Dated 10.09.19
Y81:968.06 Revision E – Dated 10.09.19
Y81:968.07 Revision F – Dated 10.09.19
Y81:968.26 Revision E – Dated 10.09.19
Y81:968.32 Revision G – Dated 04.09.19
Y81:968.33 Revision G – Dated 04.09.19
Y81:968.34 Revision F – Dated 04.09.19
Y81:968.35 Revision G – Dated 04.09.19
Y81:968.36 Revision F – Dated 04.09.19
Y81:968.39 Revision B – Dated 10.09.19
Y81:968.56 Revision G – Dated 10.09.19
Y81:968.57 Revision G – Dated 10.09.19
Y81:968.58 Revision D – Dated 10.09.19
Y81:968.59 Revision C – Dated 10.09.19
Y81:968.60 Revision C – Dated 10.09.19
Y81:968.61 Revision A – Dated 04.09.19
Y81:968.62 Revision A – Dated 04.09.19
Y81:968.63 Revision A – Dated 04.09.19
Y81:968.64 - Dated 29.05.19
Y81:968.65 - Dated 29.05.19
Y81:968.66- Dated 10.09.19
3. No above ground construction work shall be undertaken until, a scheme of hard and soft landscaping works is 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.

4. Prior to the construction of above ground walling a detailed sustainable energy scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how sustainable energy issues have been addressed by reference to accredited assessment schemes. The sustainable energy scheme shall include an energy use assessment and consider the feasibility of incorporating Combined Heat and Power (CHP) schemes into the development. The scheme shall also show how energy efficient measures will be incorporated into the development which will provide at least 10% of their energy requirements from on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures. The development shall thereafter be carried out in accordance with the approved scheme.

Reasons for conditions
1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

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 LDF Policies CP17 and DP32.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and to soften the visual appearance of the development in accordance with the Development Plan Policies CP17 and DP32.

4. To ensure compliance with Policy DP34 in relation to Sustainable energy.
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Proposed use of existing tourist accommodation as a dwelling
At Oakleigh Cottage, Oakleigh, Alne Station
For Mr & Mrs Butterworth

This application is referred to Planning Committee at the request of a Ward Member.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Oakleigh Cottage was granted planning permission (15/00457/FUL) as holiday accommodation in 2015 and has been operating since 2016. The building is one and-a-half storeys in height constructed in brick with a pitched pantile roof. Oakleigh Cottage is located within the grounds of Oakleigh which is a two storey detached property that lies adjacent to railway line to the north of Alne. The property is set in a substantial plot and access to the site is taken directly from Station Road. Oakleigh Cottage has a defined curtilage, with a small patio to the south of the building.

1.2 Oakleigh Cottage was granted consent (15/00457/FUL) with a restrictive condition as noted below:

The occupation of the accommodation hereby approved shall be as follows: (i) the accommodation is occupied for holiday purposes only; (ii) the accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

1.3 The holiday business has not developed as expected, the applicant has shown that the operation is not financially viable and therefore this application seeks to change the use of the holiday accommodation within Oakleigh Cottage to a dwelling on a permanent basis. The proposal does not involve any external alterations to the property but it would be necessary to create a defined curtilage around Oakleigh Cottage utilising the existing boundary treatment across the site to expand the current curtilage as indicated in the submitted drawings. As part of the proposal a new vehicle entrance gate is proposed along the southern boundary of Oakleigh.

1.4 The site lies outside the Development Limits of Alne, within Flood Zone 1, land at the lowest risk of flooding, and close to the railway line.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 04/00512/FUL - Alterations and extensions to existing dwelling. Approved April 2004.

2.2 15/00457/FUL - Proposed conversion of double garage into holiday accommodation. Approved June 2015.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:
4.0 CONSULTATIONS


4.2 Environmental Health – Made the following initial observations:

Due to the close proximity to the East coast main line we have concerns about potential noise impact to both the external amenity and internal habitable rooms which may make the location unsuitable for permanent residential occupancy.

Before any decision can be made, I would recommend the applicant is requested to submit an acoustic assessment which assesses rail noise both daytime (Lₐₑq,16h) and night-time (Lₐₑq,8h and including Lₐₘₐₓ levels between 23:00-07:00), in order to determine the existing noise levels and the potential impact.

Further advice can be found in the Calculation of Railway Noise (CRN) document.

This will help determine suitability of the site and what noise mitigation measures, if any should be considered. The applicant shall base the assessment on meeting amenity levels as described in the ‘British standard: 2014 Guidance on sound insulation and noise reduction in buildings’ as follows:

Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided. If relying on closed windows to meet the guide values, there needs to be appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level.

35dB Lₐₑq, 16hr 07.00 -23.00 living rooms and bedrooms
40dB Lₐₑq, 16hr 07:00 – 23:00 Dining room /area
30dB Lₐₑq, 8hr 23:00 – 07:00 Bedrooms
45dB Lₐₘₐₓ, 23:00 and 07:00

Main external amenity areas / gardens. 50dB Lₐₑq,16 hrs 07.00 -23.00

With rail noise there is also the risk of rail vibration. As a general rule of thumb, properties built within 40m of the rail tracks can be affected by vibration. I would therefore recommend that the above assessment also addresses the potential impact from vibration.
The applicant submitted an acoustic assessment and the following second EHO response was received:

This service has considered the potential impact on the proposed residential amenity.

The property is approximately 30/40 metres away from the East Coast Main Line with the associated noise from rail traffic. The applicant has identified within the design statement that the current use of a holiday let is not viable siting ‘the location and resultant noise of the East Coast Main Line railway’ as a contributing factor for repeat and new guest bookings.

If a planning application had originally been submitted for a permanent residence, an environmental noise assessment would have been requested. This would have categorised the main noise concerns from the location and allowed specific direction to be given about the location, design of the building, mitigation measures and building materials and a focus on protecting the external amenity. This would have ensured the property meets the required noise standards before being built. As a general rule of thumb, properties built within 40m of the rail tracks could require specialist foundations to combat the effect of vibration.

The subsequent submission of a planning application for permanent residential has bypassed this process and promotes a property of a lesser standard than what would be required for this location.

Retrospective measures can be taken to bring the property up to a standard. There are three key points that must be considered when considering impact on amenity.

1. That general noise levels within various habitable rooms are suitable for the associated use.
2. That any maximum noise levels from passing trains are reduced or limited to a particular number of activities per night
3. That the general noise levels within external amenity are suitable and designated areas are provided.

The acoustic report shows that within the front facing bedroom (measurement location 2) the required internal noise levels of 30dB (A) could be met with windows closed. In the bedroom facing the railway line (measurement position 1), internal noise levels exceed the standard with windows closed but can be met by increasing the glazing specification. The report does not take into consideration that when windows are opened for ventilation, particularly in summer months, internal noise levels would be exceeded. If relying on closed windows to meet the guide values, there needs to be appropriate alternative ventilation that ensures the same level of ventilation is achieved as from an open window, whilst protecting internal noise levels. This is particularly important due to the high number of passing trains and associated LAFmax levels of 92.5dB. (As recorded in the garden of the property.)

One of the main concerns I have about the development is the regular frequency of passing trains during the night which can cause sleep disturbance. A guideline value set by World Health Organisation (WHO) advises for the protection of sleep indoor sound pressure levels in bedrooms should not exceed approximately 45 dB LAmax fast, more than 10 – 15 times per night. Within the acoustic report page 10, table 5.2 exceedances of 45dB...
occur 27 times during the night time measurement on 06/09/2019 and 20 times during the night-time measurement on 08/09/2019 which exceeds the recommended values. The recommended level (45 dB LAFmax) has been removed from the WHO standard but is still referred to within the BS 8233:2014 British standard publication. The guidance states that 'Regular individual noise events (for example, scheduled aircraft or passing trains) can cause sleep disturbance. A guideline value may be set in terms of “SEL” or “LAFmax” depending on the character and number of events per night'. I would recommend further work needs to be done to reduce these levels. This can be achieved through looking at the existing building structure, associated weak points for greatest sound transmission and improving the insulating properties of the materials used to compensate for this loss; for example the roof.

The acoustic report shows that a short-term environmental noise survey was carried out an area of the garden close to the property. The noise levels of 48.2 LAeq, T was recorded that does meet the required standard of 50 dB however the garden stretched to the railway edge which was not sampled and this area would be likely to exceed. As part of the application I would like to see a defined area of amenity, perhaps identified through fencing that meets the 50 dB criteria. This would preferably be to the front of the property to screen against the high max levels of 92.5dB.

The property is currently not suitable for permanent residential occupation. Should members be minded to approve this application I would recommend that prior to the occupation of the property the applicant submits a further report to be agreed by the Local Planning Authority detailing what measures will be taken to reduce noise levels within the property in line with the recommendation above. As you will appreciate there are various ways in which this can be achieved and it is for the applicant to research various options available. Once agreed, a further acoustic report shall be submitted to the Local Planning Authority once the works have been completed, demonstrating that the required reduction has been achieved in order to discharge this condition.

Should members be minded to refuse this application I would still recommend the applicant looks to take measures as recommended which will improve the noise environment and may make the holiday let a more viable option.

4.3 Neighbour notification - Expiry date 25th July 2019. No responses received.

4.4 Site notice - Expiry date 31st July 2019. No responses received.

5.0 ANALYSIS

5.1 The main issues to consider in this proposal for a new residential dwelling are: (i) the principle of development; (ii) the impact on the character of the surrounding area (iii) design; (iv) residential amenity of both the new and existing dwellings.

Principle of development

5.2 The site falls outside the Development Limits of Alne. Policy CP4 states that all development should normally be within the Development Limits of settlements.

5.3 Policy CP4 of the Local Development Framework provides examples of exceptional cases whereby development in the open countryside may be supported. Point iv) of
Policy CP4 provides an opportunity for the re-use of existing buildings without substantial alteration or re-construction and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing.

5.4 Policy CP4 does offer limited support for housing in this location, however, it does not fully comply with point iv) because although it creates a dwelling by conversion it does not provide affordable housing or would help sustain the rural economy.

5.5 To counter this issue consideration has to be given to the business case put forward by the applicant regarding the difficulties the holiday let business has faced since it was opened in June 2016. The applicant has provided evidence of accommodation bookings, business accounts and reviews of the holiday accommodation provided by users.

5.6 It is clear from the business accounts that the business is struggling and this is verified in a statement by the applicants’ accountants. Further evidence to confirm the issue has been submitted within the supporting statement that accompanies the application. Lettings for 2016 stood at 92 nights, 152 nights for 2017 and 63 nights for 2018. This reduction in occupancy has been evidenced through feedback responses that stated whilst quality of the accommodation was positive the resultant noise of the East Coast Main Line railway and a lack of Wi-Fi and mobile dongle connectivity as the primary reasons for the lack of repeat and new guest bookings. It is clear the applicants have provided good quality accommodation, good customer service, and effective marketing through leading online tourism booking portals. Unfortunately, the location of the accommodation and the infrastructure which supports and surrounds it with some adverse online reviews is rendering the business unviable.

5.7 On the basis of the evidence submitted the LPA considers the restrictive condition on the previous consent has effectively outlived its usefulness and therefore is of the opinion that the business case put forward provides a sufficient material consideration to accept the loss of the tourist facility.

The character of the area

5.8 The previously approved proposal was considered to an appropriate design response to the character of the area during the assessment of the previous application. The only physical change proposed as part of this application would be the sub-division of the plot and this is not considered significant to affect the character of the village and therefore accords with policies CP17 and DP32 of the adopted Local Development Framework.

Design

5.9 No alterations are proposed to the buildings. The curtilage is to be sub-divided as indicated on the submitted plans. Whilst no boundary information has been submitted as part of the application it is considered the precise details can be controlled through a suitably worded condition. It is noted that a new gated entrance to the reduced curtilage of Oakleigh is to be provided along the southern boundary adjacent to the access drive.

5.10 In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the principles of the NPPF and the requirements of policies CP17 and DP32 of the adopted Local Development Framework.

Residential amenity
5.11 As noted above the application does not involve any external alterations and there is no significant overlooking between the two dwellings of Oakleigh and Oakleigh Cottage. Whilst there is scope to overlook garden areas this is not so substantial to make the development harmful to the amenity of either dwelling and on this basis it is considered the proposal satisfies policies CP1 and DP1 of the adopted Local Development Framework.

5.12 Environmental Health has been consulted on the application and requested that further acoustic mitigation measures and assessment be provided and approved by the Council prior to the occupation of Oakleigh Cottage. On the basis that a number of measures could be introduced to mitigate the noise concerns raised it is considered that this issue can be resolved through a suitably worded condition.

Planning Balance

5.13 The proposed development will result in economic activity through the occupation of the new home, and the social gains of the creation of an additional dwelling. The gains in both these aspects of ‘sustainable development’ are small, in this instance, the scheme is considered to be ‘neutral’ in respect of environmental impacts. There is no environmental harm and as a consequence the scheme is on balance found to be sustainable development in the terms of the NPPF.

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 proposed curtilage plan, the existing and proposed floors plans and elevations received by Hambleton District Council on 19th June 2019.

3. The property shall not be occupied until all of the following three steps are satisfied:

   a) a report is to be submitted to and approved by the Local Planning Authority detailing the measures to be taken to reduce noise levels within the property to not more than 30dB A internal (night time bedrooms) and 50dB LAFmax for designated external spaces,

   b) the approved measure are to be implemented in accordance with the approved details

   c) a verification report shall be submitted to the Local Planning Authority the noise levels do not exceed the standards required at a).

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Development Plan Policies DP1, DP28 and CP17.
3. To ensure any potential adverse effects of railway noise are minimised to provide a satisfactory residential environment in accordance with the Local Development Framework Policy CP1.
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Construction of a new detached dwelling and extension of the existing domestic curtilage at Carlton House Sandhutton Lane, Carlton Miniott North Yorkshire for Mr B Mellor.

1.0 SITE CONTEXT AND PROPOSAL

1.1 The application site is approximately 0.1 hectares (0.35 acres) currently comprises of domestic curtilage used predominantly as a vegetable garden in association with Carlton House, which lies to the east of the site. The site is bound by an established hedgerow on its southern boundary and by a timber post and rail fence on its northern boundary. The western boundary to the Yorkshire Water foul water pumping station apparatus is a 1.8 metre high close boarded timber fence. The site is relatively flat in relation to the finished floor levels of the adjacent curtilage, although is set marginally lower than the level of the carriageway of the public highway (Carlton Road).

1.2 The site is located within a cluster of residential dwellings between the two ‘halves’ of Carlton Miniott adjacent to Carlton Road (A61). Each of the two halves has their own Development Limits.

1.3 Both Carlton House and the Dovecote building, adjacent to Carlton House, are Grade II Listed structures.

1.4 The proposal is;
   i. to erect a detached 2 storey dwellinghouse
   ii. to erect a detached garage
   iii. to erect a stable outbuilding
   iv. to erect a store outbuilding
   v. insert new access road with tarmac driveway
   vi. to erect a new 600mm brick wall to frontage
   vii. plant a new hedgerow to part of the site frontage and boundary line with Dovecote at its rear
   viii. form a new 1.8m boundary plinth and timber fence with Carlton House, and
   ix. extend the domestic curtilage of the site north to create more garden space

1.5 Following objections from Yorkshire Waters to protect public sewerage infrastructure the following amendments were made to the above proposal;
   i. removal of store building
   ii. repositioning of garage flush with front wall of house

2.0 Relevant planning and enforcement history

2.1 91/0303/FUL - Permitted - Conversion of existing disused agricultural buildings to 3 dwellings with domestic garages
2.2 02/01694/FUL - Permitted - Construction of a block of 2 stables with tack room and hay store for use in conjunction with the use of existing agricultural land for the keeping of horses.

2.3 18/01176/OUT - Permitted - Outline application (with access and layout to be considered) for the construction of one detached dwelling and detached domestic garage. The outline approval relates to fundamentally the same site as the current proposal. The main difference between the two is the design of the dwelling has changed from an indication of a Georgian inspired building like Charlton House to a contemporary design.

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
  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 DP4 - Access for all
  Development Policies DP3 - Site accessibility
  Development Policies DP8 - Development Limits
  Development Policies DP9 - Development outside Development Limits
  Development Policies DP10 - Form and character of settlements
  Development Policies DP13 - Achieving and maintaining the right mix of housing
  Development Policies DP30 - Protecting the character and appearance of the countryside
  Development Policies DP32 - General design
  Development Policies DP33 - Landscaping
  Development Policies DP42 - Hazardous and environmentally sensitive operations
  Interim Guidance Note - adopted by Council on 7th April 2015
  Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
  National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Carlton Miniott Parish Council - Object to this being granted with the following comments:

  1. The properties modern design, sited in part of the village where the existing properties are of a very traditional character and material.
  2. The proximity to the listed buildings of Carlton House and the Dovecote to the rear of Carlton House.
  3. The need to extend the current garden area. This means they will be pushing the domestic curtilage further into open countryside. This was not part of the proposal on the first application.

4.2 Highways North Yorkshire - recommends that conditions are attached to any permission relating to discharge of surface water, verge crossing, visibility splays, parking and construction management.
4.3 Environmental Health - No comments

4.4 Yorkshire Water Services Ltd - Objected to the proposed site layout because it would impact existing drainage crossing the site, and because habitable rooms were positioned too close to the sewage pumping station located on the adjacent land.

4.5 Public Consultation - No comments

4.6 Neighbours x 6 - No comments

5.0 OBSERVATIONS

5.1 The main issues to be considered are the
   i. Principle of the development
   ii. Heritage assets
   iii. Impact upon the amenity of neighbours and occupants
   iv. Quality of design reflecting the appearance of the house and the character of its locality
   v. Protecting the appearance of the countryside
   vi. Access to all
   vii. Drainage
   viii. Type, size and tenure of housing
   ix. Access for all

Principle of the development

5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in February 2019.

Paragraph 78 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. Whilst this site is sustainable it would have little consequence in maintaining the vitality of the village overall.

5.3 The IPG allows 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.

5.4 According to the IPG; Carlton Miniott is defined as a "Service Village" which means it is a sustainable location for development where new dwellings have the capacity to support local services. A new household would support local shops, amenities and services found in the village satisfying criterion 1 of the 6 point test.

5.5 The proposal is for one dwelling so is small in scale as defined by the IPG, and as such can be viewed to be an organic incremental increase to the settlement. The infill development would not be expanding the shape of the settlement, and its built form reflects the existing settlement pattern of this area. This meets the requirements for criterion 2.

5.6 The proposal site is part countryside and part domestic garden. The ecological value of the adjacent countryside north of the existing domestic garden is not reported to be of importance and does not constrain development.

5.7 The development would have an impact on the historic environment. As detailed later in this report the domestic land historically associated with the curtilage of Carlton House would be separated from that dwelling and the significance of the group of Georgian buildings, two of which are Grade II Listed, would be undermined by the presence of a contemporary building. In consequence, the proposal fails to meet criterion 3.

5.8 The expansion of the proposed domestic garden into the open land would not be detrimental to the open character and appearance of the area. As it is an infill development it would not lead to the coalescence of the settlement. These together satisfy criterion 4.

5.9 In assessment of the IPG criteria the proposed dwellinghouse fails to meet ALL of its tests, failing criterion 3.

Heritage assets

5.10 The proximity of the development site to the Grade II Listed Buildings of Carlton House and Dovecote is noted and a Heritage Statement has been submitted in support of this application.

5.11 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.

5.12 The National Planning Policy Framework at paragraphs 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.13 The heritage asset in question is the ‘setting’ of the Grade II Listed Buildings of Carlton House and Dovecote and, through association, the adjoining properties next to Dovecote. Coming together this group of buildings, now all residential dwellings form a group of traditional properties which are important as they provide the setting to the development site. The submitted Heritage Assessment notes that this group of buildings provide; visual,
evidential, historic and aesthetic value to the site and to the wider Carlton Miniott settlement.

5.14 On assessment of the application it is considered that the proposal would lead to harm, that would be less than substantial harm. The identified harm would come from the visual and architectural contrast, as would be viewed from the public highway; of a very contemporary looking residential building next to a group of very traditional Georgian era farm buildings, with no discernible relationship between the two other the new building occupying Carlton House's former garden.

5.15 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No public benefit were provided in the application, and none can be practically found for the development of a private dwellinghouse.

5.16 As a result, the proposal fails the development plan policies CP16 and DP28 and the national policy relating to heritage matters.

**Impact upon the amenity of occupants and neighbours**

5.17 Core Strategy Document Policy CP1 sets out a list of principles to achieve sustainable development, from this DP1 sets out to protect the amenity of both occupants and its adjoining properties.

5.18 The separation distance between the proposed house and its neighbours will mitigate any noise, light or disturbance. Expansion of the site into the adjacent countryside would impact the current privacy enjoyed by residents at Dovecote but not enough to cause harm that would justify a refusal of the application since a boundary hedge is proposed to screen views.

5.20 In front of the house there will be space to manoeuvre and park more than 1 vehicle. The proposed rear garden will be more than adequate to meet the needs of its occupants. The proposal is considered to meet the requirements of Policies CP1 and DP1 in respect of residential amenity.

**Design respecting the site and the character of its locality**

5.21 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, scale, material and design.

5.22 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.23 A thorough Design Access Statement (DAS) was provided in support of the application. The Statement explains the endeavour to produce a house design following an assessment of neighbouring properties. From its research it found all the houses on this stretch of road were all a little different to each other; either in age, appearance or materials, and that it lacked an established vernacular style. The statement finds that in consequence, the
design of the proposed house took inspiration from several sources which lead to a very contemporary model.

5.24 It is considered that the locality does have a vernacular style which is one of simple design and traditional appearance. The traditional designs, albeit from different times in history, are conventional dwellings, this is found for the neighbouring dwellings along Carlton Road: these are Carlton House, Dovecote, The Old Vicarage, The Grange, The Chesters, Carlton Lodge and Wisbech House. The designs of these properties are from the Edwardian or Victorian era, or are sympathetic to them - none portray an overtly contemporary design.

5.25 In support of its contemporary house design the applicant has made reference to the recently approved development on the recreational grounds on the opposite side of Sandhutton Lane (19/00485/FUL). However, this example carries little weight in its consideration because it is for the replacement of an old agricultural building that was used as a store and changing rooms in conjunction with the recreational land for a new one and the design was deliberately simple and so to be inconspicuous and does not compete with surrounding properties.

5.26 Overall, the proposed house does not reflect local character, uses inappropriate materials and detracts from the traditional identity of the area.

Protecting the appearance of the countryside

5.27 The openness, intrinsic character and quality of the District's landscape will be respected, and where possible enhanced, as set out in Policy CP16 and DP30. The openness of the area would be preserved by the proposal as it would be an infill and would maintain the established settlement pattern and built form.

Type, size and tenure of housing

5.28 According to Policy CP8 proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, from shrinking householder numbers, to the elderly to gypsies to provide for a mix of housing to create sustainable communities, as explained by Policy DP13.

5.29 Those Policies informed by the research documents including the HEDNA aims to create more 2 and 3 bedroom houses, flats, bungalows and rental properties in Hambleton. Since the proposal is a 5 bedroom house for private use it does not secure the support of Policy CP8 and DP13.

Adverse impact to communities and environment, including flooding

5.30 According to Policy CP21 development proposals must take particular account of the need to avoid causing adverse impact to both communities and the environment by following Policy DP43 in assessing their effects on natural and other forces

5.31 The Design and Access Statement states foul drainage from the site will connect to the existing mains sewer, whilst surface water will be drained in accordance with the Environment Agency's drainage hierarchy, with full consideration given to the implementation of sustainable urban drainage systems.
Access for all

5.32 Policy CP2 states that transport schemes that lead to improvements in accessibility will be supported. In this regard, Policy DP4 adds that development must ensure that safe and easy access is available to all potential users, regardless of disability, age or gender.

5.33 Carlton Road in front of the site has a carriageway and lit footpath which connects it to the rest of the village and can access public transport by bus and train.

Planning Balance

5.34 The proposed dwelling does not reflect the existing building design in the locality and causes harm to the setting of the neighbouring listed buildings. The site would provide for an additional home in a sustainable location however the Council has a housing land supply of more than 9 years and despite the need to increase the supply of new homes a single dwelling is not a significant social benefit in this case and no significant benefit is found to exist for the economy and an equivalent benefit to the economy could be found on site that do not cause harm to the setting of a designated heritage asset. The proposal results in harm to the 'setting' of the local heritage assets of Carlton House and Dovecote located on the adjacent site. Overall, the harm caused by the development will outweigh any benefits. There are no other material considerations that outweigh the policy of the development plan.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be REFUSED

The proposal fails to meet the requirements of the Local Development Framework Policies CP16, CP17, DP28 and DP32 as the design of the dwelling would result in harm to the significance of the heritage asset. Accordingly the proposal cannot benefit from the provisions of CP4 or the Interim Policy Guidance and is also contrary to the provisions of the NPPF as the public benefits of development do not outweigh the harm to the significance of the heritage asset.
19/01265/FUL

Erection of single storey rear extension. Internal and external alterations including repositioning of oil tank.
at Crayke Cottage Church Hill Crayke North Yorkshire
for S Walker.

This application is referred to Planning Committee at the request of a Ward Member.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Crayke Cottage is located within the centre of the village of Crayke. Crayke Cottage is a detached Georgian era house with an associated coach house and garage within the curtilage. It is set back from the road behind a front garden with a mature hedge and stone garden wall to the front. There is a large private rear garden with a public footpath that runs to the west boundary of Crayke Cottage to housing to the south side of Crayke.

1.2 Crayke Cottage was added to the list of buildings of special architectural or historic interest at Grade II in 1984. The building is a grade II Listed Building. The site also falls within the Crayke Conservation Area, and the Howardian Hills Area of Outstanding Natural Beauty.

1.3 The proposal involves the following list of works;

i. Erect new orangery to the rear of the property
ii. Alter the terrace around the proposed orangery
iii. Unblock 2 windows facing the street
iv. Reinstate service stairs to the kitchen area of the house
v. Reposition oil tank in rear garden
vi. Remove chimney breast in kitchen (and upstairs bathroom) to form opening to orangery
vii. Remove kitchen stone floor and possible reuse
viii. Undertake numerous internal decorative work and re-arrange some rooms
ix. General maintenance and upgrade of the house

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant

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
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
4.0 CONSULTATIONS

4.1 Crayke Parish Council - neither supports or objects to the planning application

4.2 Highways North Yorkshire – recommend an informative note that no works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

4.3 Public comments - 3 representations have been received supporting the proposal, two noting that the proposal would improve a the property and make it suitable for modern living for bring new family to the locality. The reinstatement of the windows on the front is noted to enhance the property.

5.0 ANALYSIS

5.1 The issues to be considered for this proposal are guided by Hambleton's Local Development Framework or LDF.

5.2 The main issues to consider are:

- Heritage Assets and Conservation Area
- Quality of design reflecting the appearance of the house and the character of its locality
- Impact upon the amenity of neighbours

Heritage Assets and Conservation Area

5.3 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.

5.4 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 Crayke Conservation Area.

5.5 Policy CP16 from the Core Strategy Document of Hambleton's Development Plan says developments or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets. Policy DP28 protects harmful changes to the character and appearance of the Hambleton's defined Conservation Areas.

5.6 The National Planning Policy Framework at paragraphs 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.7 The heritage asset which will be affected by this application is the Grade II listed Crayke Cottage.

5.8 The main issues are therefore whether the proposals are appropriate and would maintain the features of special architectural or historic interest of the Listed Building, and whether that impact would harm the contribution made by the property to the character and visual amenity of the Crayke Conservation Area.
5.9 The significance of heritage assets is defined in the National Planning Policy Framework as, 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

5.10 In this regard the historic interest of Crayke Cottage is considered to be high, on the basis it is a sound example of early-mid 19th century "polite" minor gentry residence that is part of the later development of the village of Crayke with evidence of mid-late 19th century extensions through the erection of the side wings.

5.11 At Crayke Cottage architectural interest contributes strongly to the overall significance of the site due to the ‘polite’ design of the dwelling with Georgian character set within extensive grounds including traditional coach house and outbuildings and the extensive Georgian character internally.

5.12 On assessment of the application it is considered that the proposal would lead to the harm of the house. The scope of harm is measured from less than substantial to substantial. The harm caused by this development would be less than substantial but on the acute end of the scale.

5.13 The identified harm comes from the proposal to remove a substantial part of the back wall of the dwelling and the chimney breast would be removed to link the kitchen with the living space in the proposed orangery.

5.14 The floor provides original character to the kitchen and evidential value because it highlights the position of the former servant stairs.

5.15 The chimney breast provides architectural value to the internal design of Georgian houses and its materials provide further evidential value of construction and possibly construction methods employed then. Its loss would harm the kitchens authenticity and would be irreversible. Other options to link the kitchen with the orangery were proposed by the case officer but dismissed by the applicant as inadequate to meet their design objectives, this is their desire to adapt the house for contemporary living through the creation of a living/dining/cooking area for the family to enjoy

5.16 The proposed orangery, terrace alteration, re-siting of the oil tank, and a new hatch to the attic to the property were assessed as not having a harmful impact on the significance of the heritage asset.

5.17 Assessment of the unblocking of the 2 front windows, the reinstatement of the service staircase to the first floor, replacement of concrete paving with York stone would enhance the significance of the property.

5.18 As such, the improved appearance of Crayke Cottage would enhance its contribution to the quality of the visual amenity of Crayke Conservation Area.

5.19 Harm is found to arise from the removal of the rear wall of the kitchen. No public benefit has been found to justify and outweigh the harm the works will have upon the significance of a designated heritage asset.

**Quality of design reflecting the appearance of the house and the character of its locality**

5.20 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character
and settings, promote local identity and distinctiveness and are appropriate in terms of use, scale, material and design.

5.21 The scale, material and design of the orangery are sympathetic to the character of the host property. The replacement of composite soil pipes and rainwater goods with cast iron products will enhance the character and appearance of the property. By unblocking the 2 front windows the appearance of Crayke Cottage would be enhanced.

5.22 The proposed work would reflect the appearance and character of the house to the benefit of the area.

**Impact upon the amenity of occupants**

5.23 Policy CP1 from the Core Strategy Document sets out a list of principles to achieve sustainable development, from which DP1 is to protect the amenity of both occupants and its adjoining properties.

5.24 The Crayke Cottage site is spacious with adequate separation distance from adjoining neighbours to mitigate against any impact the proposed orangery, the reposition of the oil tank, the unblocking of the front windows or any other associated development might have to their amenity.

**Planning balance**

5.25 Assessment of this application finds that the proposal would preserve or enhance the character and appearance of the Conservation Area. However, the harm through the loss of the kitchen's original chimney breast and rear wall together with the and loss of the chimney breast at the first floor level above the kitchen is harmful. To a lesser extent the change to the kitchen stone floor would also cause harm to the architectural and evidential value of the Crayke Cottage. The harm caused by the loss of the historic fabric and change to the layout of the dwelling outweighs the benefits found through the restoration of the windows.

**6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason

The proposal fails to meet the requirements of the Local Development Framework Policies CP1, CP16, DP28 and the NPPF, as the changes that result in the loss of historic fabric of the dwelling would result in harm to the significance of the heritage asset. Any public benefits of development do not outweigh the harm to the significance of the heritage asset.
Construction of single storey rear extension. Internal and external alterations including repositioning of oil tank.

at Crayke Cottage Church Hill Crayke North Yorkshire

for S Walker

This application is referred to Planning Committee at the request of a Ward Member.

1.0 SITE, CONTEXT AND PROPOSAL

1.1 Crayke Cottage is located within the centre of the village of Crayke. Crayke Cottage is a detached Georgiana era house with an associated coach house and garage within the curtilage. It is set back from the road behind a front garden with a mature hedge and stone garden wall to the front. There is a large private rear garden with a public footpath that runs to the west boundary of Crayke Cottage to housing to the south side of Crayke.

1.2 Crayke Cottage was added to the list of buildings of special architectural or historic interest at Grade II in 1984. The building is a grade II Listed Building. The site also falls within the Crayke Conservation Area, and the Howardian Hills Area of Outstanding Natural Beauty.

1.3 The proposal involves the following list of works:

   i. Erect new orangery to the rear of the property
   ii. Alter the terrace around the proposed orangery
   iii. Unblock 2 windows facing the street
   iv. Reinstate service stairs to the kitchen area of the house
   v. Remove chimney breast in kitchen and upstairs to form opening to orangery
   vi. Remove kitchen stone floor and possible reuse
   vii. Undertake numerous internal decorative work and re-arrange some rooms
   viii. General maintenance and upgrade of the house

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant

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
   Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
   Core Strategy Policy CP17 - Promoting high quality design
   Development Policies DP1 - Protecting amenity
   Development Policies DP28 - Conservation
   Development Policies DP32 - General design
4.0 CONSULTATIONS

4.1 Crayke Parish Council - neither supports or objects to the planning application

4.3 Public comments - 3 representations have been received supporting the proposal. Comments include reference to the beauty of the home
That the works are necessary to modernise the dwelling
The kitchen is too small for a family home
The kitchen is the hub of any home and need to offer a practical solution for modern families
The reinstatement of the windows on the front is noted to enhance the property.
The orangery will complement the Georgian home.

5.0 ANALYSIS

5.1 The issues to be considered for this proposal are guided by Hambleton's Local Development Framework or LDF.

5.2 The main issue to consider is:

- the impact upon the significance of the heritage asset

Heritage Assets

5.3 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.

5.4 Policy CP16 from the Core Strategy Document of Hambleton's Development Plan says developments or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets. Policy DP28 protects harmful changes to the character and appearance of the Hambleton's defined Conservation Areas.

5.5 The National Planning Policy Framework at paragraphs 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.6 The heritage asset which will be affected by this application is the Grade II listed Crayke Cottage.

5.7 The main issues are therefore whether the proposals are appropriate and would maintain the features of special architectural or historic interest of the Listed Building.

5.8 The significance of heritage assets is defined in the National Planning Policy Framework as, "The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

5.9 In this regard the historic interest of Crayke Cottage is considered to be high, on the basis it is a sound example of early-mid 19th century "polite" minor gentry residence
that is part of the later development of the village of Crayke with evidence of mid-late 19th century extensions through the erection of the side wings.

5.10 At Crayke Cottage architectural interest contributes strongly to the overall significance of the site due to the 'polite' design of the dwelling with Georgian character set within extensive grounds including traditional coach house and outbuildings and the extensive Georgian character internally.

5.11 On assessment of the application it is considered that the proposal would lead to the harm of the house. The scope of harm is measured from less than substantial to substantial. The harm caused by this development would be less than substantial but on the acute end of the scale.

5.12 The identified harm comes from the proposal to remove a substantial part of the back wall of the dwelling and the chimney breast would be removed to link the kitchen with the living space in the proposed orangery. The chimney breast is shown to be removed from the bathroom above the kitchen. Guidance of English Heritage identifies that chimney breasts and staircases are the highly significant parts of a building. Removal of a chimney breast requires very careful consideration due to the significance of such a feature to an historic building.

5.13 The chimney breast provides architectural value to the internal design of Georgian houses and its materials provide further evidential value of construction and possibly construction methods employed then. Its loss would harm the house and the kitchen’s authenticity and would be irreversible. Other options to link the kitchen with the orangery were proposed by the case officer but dismissed by the applicant as inadequate to meet their design objectives, this is the applicant’s desire to adapt the house for contemporary living through the creation of a living/dining/cooking area for the family to enjoy.

5.14 The change to the surface of the kitchen floor which provides evidence of the original character of the kitchen is significant and harm as it provides evidential value of the history of the building and highlights the position of the former servant stairs.

5.15 The proposed orangery, terrace alteration, re-siting of the oil tank, and a new hatch to the attic to the property were assessed as not having a harmful impact on the significance of the heritage asset.

5.16 Assessment of the unblocking of the 2 front windows, the reinstatement of the service staircase to the first floor, replacement of concrete paving with York stone would enhance the significance of the property.

**Planning balance**

5.17 Harm is found to arise from the removal of the rear wall of the kitchen and the alteration to the kitchen floor. The reinstatement of the windows the front of the dwelling are found to be beneficial. However it is not necessary to make the harmful alterations to the rear of the dwelling to achieve the benefits of the reinstatement of the windows in the front. The harmful alterations to the rear in the kitchen and bathroom above are to achieve private benefits not public benefits. The harm to the heritage asset arising from the proposals is not outweighed by public benefit.

6.0 **RECOMMENDATION:**

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason:
The proposal fails to meet the requirements of the Local Development Framework Policies CP1, CP16, DP28 and the NPPF, as the changes that result in the loss of historic fabric of the dwelling would result in harm to the significance of the heritage asset. Any public benefits of development do not outweigh the harm to the significance of the heritage asset.
Construction of 2no. residential dwellings
At Land Between Bankside Farm and Hawthorn Cottage, East Harlsey, North Yorkshire
For Mr Adam Robinson

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

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The site is located on the eastern edge of the main built up area of the village of East Harlsey on land immediately adjoining the main street through the village. The site area is approximately 990 sq. metres.

1.2 The site comprises an open field located between Bankside Farm and the adjacent single storey semi-detached property known as Hawthorn Cottage. The land use is currently listed on the application form as vacant agricultural and last used for grazing. From the site visit it is clearly vacant and overgrown. There is an access track between the site and Bankside Farm, which serves farm buildings to the north. The site slopes down gently away from the road. The roadside boundary and the west boundary are hedged. The east boundary to Hawthorn Cottage has a high fence.

1.3 The village is mainly of a linear character with residential development either side of the main street. Several farmsteads are set on the edge of the village or directly behind the dwellings located on the front street. Harlsey Hall and St Oswald’s church are located to the south west behind the residential properties on the road frontage and not visible from the site. The buildings in the locality are of a mixed character, size and scale.

1.4 The site was subject to a previous outline planning (19/00144/OUT) application for the construction of 1 dwelling. This application now seeks full consent for the construction of 2 dwellings.

1.5 The eastern most dwelling will be 2 storey of an agricultural barn type appearance constructed of brick with timber detailing. It will be located on a north-south axis with a front projecting gable facing the highway. To the west of this will be located a more traditional style dwelling of 2 storeys constructed of brick and timber.

1.6 Both houses will have individual accesses off the main highway with front and rear amenity spaces. An existing Sycamore tree will be retained in the rear amenity space of the barn type dwelling.

1.7 Improvements to the scheme have been negotiated to reduce the size of the western dwelling in order to increase spacing and better reflect the form and character of the area. The location of the access for the western dwelling was also relocated in order to achieve suitable visibility splays.
2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 15/02311/OUT - Outline application for the change of use of agricultural land to domestic and the construction of a single dwelling with all matters reserved. Approved

2.2 14/00618/FUL - Alterations and extension to existing farm building to form a holiday let. Withdrawn

2.3 15/02139/FUL - Construction of a detached dwelling house with domestic garage. Approved

2.4 19/00144/OUT - Outline application for change of use of agricultural land to domestic and construction of a single dwelling. Approved

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – “East Harlsey supports the planning application for one residential property. It is felt that two properties would not be in keeping with this end of the village and would be too big for the site. Concerns were also raised on the two further driveways onto the main street.”

4.2 NYCC Highway Authority – No objection subject to condition

4.3 Yorkshire Water – No response received

4.4 Public comments – One comment received observing that two dwellings would be over-development of the site

4.5 Environmental Health Officer – No objections

5.0 ANALYSIS

5.1 The main issues to consider are (i) the principle of development in this location; (ii) the impact upon the built form and character of the surrounding area; (iii) the impact upon the residential amenity of neighbouring occupants; and (iv) highway safety.

Principle

5.2 East Harlsey does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.
5.3 Core Policy CP4 sets out the exceptional cases where development will be considered. The application does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a Departure from the Development Plan. However, it is necessary to also consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

5.4 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 is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.

5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

5.6 In the Settlement Hierarchy reproduced in the Interim Policy Guidance East Harlsey is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. The proposed development is for two dwellings and in the context of East Harlsey is considered to be small in scale and as such meets the requirements of criterion 2.

Character and appearance

5.8 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 environment and built form. This is consistent with other policies in the Local Development Framework.

5.9 In terms of design, policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
5.10 There is a varied pallet of materials visible in East Harlsey with numerous examples of brick, render and timber. It is considered that the proposed development is reflective of this character. Furthermore, the proposed barn type building is reflective of an existing structure on the site, albeit on a larger scale.

5.11 Concerns were raised by officers with regards to the overall scale of the more traditionally designed dwelling and how it related to the surrounding area. In response the applicant revised the scheme to reduce the size of the traditional dwelling. It is considered that the reduction of the scale provides a separation between the two dwellings that is more reflective of the locality.

5.12 The Parish Council and local representations have raised the question of overdevelopment, considering that the development of a single unit is acceptable, but that the second unit would be harmful.

5.13 In assessing the application, officers have looked at the plot ratios in the vicinity and find that there is a significant mix. However, the plot size and form within the proposed development is not considered to be unusual given the context of the site and will ensure an optimal use of the space, whilst providing sensibly sized plots in term of the opportunity to provide amenity space and parking.

5.14 On this basis, it is considered that the proposed development will be suitably designed and complies with criterion 2 of the IPG as well as policies CP17 and DP32 of the LDF.

Residential Amenity

5.15 Policy DP1 seeks to protect the amenity of the occupiers of neighbouring properties. The site is adequate in size to accommodate two dwellings whilst still retaining enough private amenity space for each dwelling.

5.16 In terms of neighbouring dwellings, there are no windows which would result in an overlooking impact. Furthermore, the relationship between the proposed layout and the existing properties is such that daylight will not be restricted. It is also noted that there were no objections received with regards to amenity issues.

5.17 The application has also been considered by the Environmental Health Officer who has confirmed that they have no objections.

5.18 On this basis, it is considered that the proposed development will not result in a harmful impact upon residential amenity and complies with policy DP1 of the LDF.

Highway Safety

5.19 The proposed development will result in the formation of 2 new access points, one for each of the two new dwellings. The comments received from the Parish Council raising concerns over the safety impacts of this are noted.

5.20 The application was considered by the highways authority who raised concerns over visibility to the east from the eastern most dwelling. In response to this, the applicant revised the scheme to relocate the proposed access further west and improve visibility.

5.21 On this basis, the highways authority are content that suitable visibility can be achieved and that the proposed development will not result in a detrimental impact upon highway safety.

Planning Balance
5.22 Due to its size and location the site is capable of accommodating 2 dwellings without resulting in unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies. Therefore the proposal is considered to meet all the criteria of the Interim Policy Guidance Note.

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) numbered 19014 D 00 05 Rev B; 19014 D 00 04 Rev B; 19014 D 00 03 Rev B; 19014 D 00 06 Rev A; 19014 D 00 07 Rev A received by Hambleton District Council on 01 October 2019 and 04 October 2019 unless otherwise approved in writing by the Local Planning Authority.

3. 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. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.

4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.

5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

6. 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 accesses 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 E50.
   (ii) Any gates or barriers erected shall not be able to swing out over the existing highway.
   (iii) 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.
7. 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 accesses) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C9 from a point measured 2.4 metres down the centre line of the access roads. These visibility splays shall be provided at both of the proposed accesses into the site, as shown on drawing sequence number 04 revision B (Proposed Site Layout). The eye height shall 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.

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawings, drawings sequence numbers 03 revision B and 04 revision B (Proposed Site - Block Plan / Roof Plan, and Proposed Site Layout).

Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. 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.

10. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

   (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; and
   (iii) 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 Policy(ies) CP1; CP16; CP17; DP28; DP32.
3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.

4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies).

5. In the interests of highway safety.

6. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.

7. In the interests of road safety.

8. To provide for adequate and satisfactory provision of off-street accommodation for vehicles, in the interests of safety and the general amenity of the development.

9. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.

10. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

**INFORMATIVES**

1. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.

2. An explanation of the terms used above is available from the Highway Authority.

3. 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.

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

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

   In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council (Waste and Streetscene). If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council’s Waste
and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977
Outline application (some matters reserved) for the demolition of existing school and construction of four detached dwellings and access

At Ingleby Arncliffe Church Of England VC Primary School, Ingleby Arncliffe, North Yorkshire, DL6 3NA
For Mr Simon Quartermaine

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site is a former school located to the north side of the road through the main built form of Ingleby Arncliffe. Ingleby Arncliffe is predominantly residential in character with buildings of various architectural forms, with extensive use of brick, stone and render. The form of the village on this side of the street is generally linear although there are examples of more in-depth development.

1.2 The school was constructed in 1972 and operated until its closure in December 2017. The site has remained unoccupied since its closure. The existing building consists of a reasonably sized single storey structure separated from the main highway by a surfaced play area.

1.3 There are 9 trees to the front of the site which are covered by a Tree Preservation order.

1.4 This application seeks outline consent, considering access, for the demolition of the school building and the construction of four residential dwellings. All other matters are reserved for future consideration. An indicative layout shows 3 dwellings to the south and one to the north of a newly formed access driveway running through the site. Public open space is shown to the south and north sides of the site.

1.5 A new 5.5m access is proposed in the location of the current vehicular access. This road will have a 1.5m footway on one side.

1.6 The planning statement submitted in support of the application outlines that the “scheme brings forward a solution to redevelop the existing school building with the least effect on protected trees”. Despite this, the development proposed the removal of 1 protected sycamore tree.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 75/1535/FUL - Erection of timber storage shed – Granted
2.2 97/50740/P - Extension to existing school – Granted
2.3 02/00560/FUL - Classroom extension to existing school as amended by plan as received by Hambleton District Council on 9th May 2002 – Granted
2.4 07/01362/FUL - Change of use of land from agricultural to play area – Granted
2.5  08/02176/FUL - Revised application for a change of use of land from agricultural to public open space – Granted

2.6  09/01592/FUL - Alterations and extension to existing school and formation of a new play area – Granted

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 – Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policy DP1 - Protecting amenity
- Development Policy DP3 - Site accessibility
- Development Policy DP4 - Access for all
- Development Policy DP8 - Development Limits
- Development Policy DP9 - Development outside Development Limits
- Development Policy DP10 - Form and character of settlements
- Development Policy DP30 - Protecting the character and appearance of the countryside
- Development Policy DP32 - General design
- Development Policy DP33 - Landscaping
- Development Policy DP43 - Flooding and floodplains

4.0 CONSULTATIONS

4.1 Ingleby Arncliffe Parish Council – Object to the proposed development for the following reasons:

- Development does not reflect local need;
- An increase in large houses within the village;
- Prejudices housing sites availability;
- Makes affordable and mixed use housing delivery more unlikely;
- Jeopardises progress with the Neighbourhood Plan;
- Application overstates impact of the Village Garden to provide new housing;
- Application is not consistent with the National Planning Policy Framework or the principle of sustainable development; and
- Development would conflict with the street-scene in Inglebly Arncliffe.

4.2 Public Comments – 16 Comments in objection to the proposed development citing:

- Impact upon residential amenity;
- Impact upon the Public Right of Way;
- Impact upon tress;
- Lack of affordable housing provision;
- Highways impacts and lack of turning head;
- Impact regarding general design and form and character of the village;
- Environmental impact of the development including the reuse of construction materials and the lack of sustainability of Ingleby Arncliffe in general;
- Noncompliance with housing requirements within the village; and
- Impact upon progress with the Neighbourhood Plan;
4.3 Highways Authority – No Objections subject to conditions

4.4 Public Rights of Way – See informative

4.5 Environmental Health Officer – No objections

4.6 Northumbrian Water – No comments

5.0 ANALYSIS

5.1 The main issues to consider are; (i) the principle of development in this location; (ii) the impact upon the built form and character of the area; (iii) the impact of the proposal upon residential amenity; (iv) drainage; (v) size type and tenure; (vi) highway safety; and (vi) other matters.

   The principle of the development

5.2 LDF policies CP1 and CP2 set a general presumption in favour of housing development within Development Limits. Policy DP8 states that permission for development within Development Limits will be granted provided that it is consistent with other policies within the Local Development Framework.

5.3 The site is located within the Development Limits for Ingleby Arncliffe with the northern most part of the site sharing a boundary with the Development Limits.

5.4 On this basis, it is considered that the principle of residential development in this location is acceptable subject to compliance with other relevant Local Development Framework Policies.

5.5 The loss of the school must be considered in terms of the provision of local services which are protected by Development Policy DP5, which states:

   “Proposals that will lead to the loss of community facilities will only be permitted if: i. there is a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or ii. retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or iii. an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.”

5.6 It is understood that alternative school facilities have been provided and that there is no demonstrable need for the school in this location. It is also understood that alternative community uses for the building have been explored, but that the building was found to not be financially viable for re-use owing, in part, to its poor condition.

5.7 In summary it is considered that the location is acceptable in principle for the development of housing and the loss of the community use is acceptable in this instance.

   Built form and character

5.8 The built form of the development to the north side of the highway is generally linear in character although there are examples of in-depth development. These are in the form of a coach yard and the existing school (the application site). It is noted that the proposed development will not extend beyond the built form of the existing school.
5.9 It is noted that the exceptions to development form are mainly not residential. However, the application does not propose new development of a greenfield site, rather it proposes the re-use of previously developed land.

5.10 It is considered that the proposed development can be accommodated without resulting in a harmful impact upon the built form and character of Ingleby Arncliffe.

**Residential amenity**

5.11 Policy DP1 requires that all development adequately protects amenity. It is considered that the plot is capable of accommodating 4 dwellings without prejudicing residential amenity by being overbearing in presence, causing loss of light or loss of privacy.

5.12 The issue of residential amenity would be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwellings whilst protecting the amenity of existing occupants in the area.

**Drainage**

5.13 There is no evidence to suggest that the proposed development cannot be accommodated by existing drainage infrastructure in the area. It is also noted that Northumbrian Water does not object to the proposed development.

It is considered that surface and foul water can be dealt with within this application through the application of an appropriate condition.

**Size, type and tenure**

5.14 Comments are noted from the Parish Council and the public with regards to how the proposed development does not reflect current housing need within the settlement. Comments have also been received with regards to the indicative house types and sizes.

5.15 However, this matter would be for future consideration and a condition is recommended to ensure compliance with the relevant Supplementary Planning Document.

**Highway safety**

5.16 The proposed development largely makes use of an existing access off the main highway.

5.17 The Highways Authority has considered the proposed development and confirmed that they have no objections subject to conditions. On this basis, it is considered that the proposed development will not result in a harmful impact upon highway safety.

**Trees**

5.18 The tree coverage to the front of the existing site forms a generally soft visual appearance upon entry to the site.

5.19 The proposed development proposes the removal of 1 Sycamore Tree to the front of the site which is subject to a Tree Preservation Order. This is in order to facilitate the
provision of the access. All other protected trees on site will be retained and largely incorporated within the proposed public open space.

5.20 It is considered that the removal of the tree would not result in a harmful impact upon the visual amenity of the area. Furthermore, the retention of the remaining protected trees on site to form part of the public open space is welcomed.

Other matters

5.21 Comments received regarding the impact of the proposal upon the delivery of the Emerging Neighbourhood Plan for Ingleby Arncliffe and the allocated sites within it are noted. However, at this time, the details of the Neighbourhood Plan cannot be afforded weight.

Planning Balance

5.22 The proposed development would introduce 4 dwellings to a parcel of previously developed land within the defined development limits. Furthermore, there is no evidence to suggest that the development would have a harmful impact upon highways safety, drainage, residential amenity or the built form and character of the settlement; the details of which would be reserved for future consideration.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is GRANTED subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale of buildings overall.

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

   (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority.
       a. The removal of the existing signs and lines associated with the school site within Ingleby Arncliffe.
   (ii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.

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. The development shall not be undertaken
other than in accordance with the approved details and shall thereafter be retained in accordance with those details.

5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

6. Unless otherwise approved in writing by the Local Planning Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 3:
   a. The removal of the existing signs and lines associated with the school site within Ingleby Arncliffe.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
   a. vehicular accesses
   b. vehicular parking
   c. vehicular turning arrangements

8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 7: are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. 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. 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.

10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
    a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
    b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
    c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
11. This decision grants permission for no more than 4 dwellings. The size of each dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.

12. The details plans required by condition 2 shall indicate no more than four dwellings.

13. Prior to the commencement of work on site a scheme for the protection of retained trees shall be submitted in writing to and approved by the Local Planning Authority. The approved measures shall be installed on site, prior to the commencement of all other site works and be retained throughout the course of the development of the site.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.

5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

6. In the interests of the safety and convenience of highway users.

7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

11. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure SPD.

12. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

13. In order to ensure that the TPO trees are protected through the course of the development.
19/01027/FUL

Construction of a general purpose agricultural building to provide a workshop, storage and the winter housing of lambs and calves
At Land Off Newton Sidings, High Moor Lane, Shipton By Beningbrough
For Mr A. Smales

This application is referred to Planning Committee as the application is similar to proposals previously refused by the Planning Committee

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The site lies approximately 2.5km to the north east of Shipton by Beningbrough, on the eastern side of High Moor Lane. The site is a grassed paddock which has been planted over the last couple of years with saplings along the north western and north eastern boundaries. The site is currently used as grazing land for 13 stirks (6 -12 month old cattle) and 42 store lambs.

1.2 The site is bounded by the east coast main railway to the east and to the north is a public footpath travels adjacent to the northern boundary. To the north-east are four residential properties on the east side of the railway line immediately adjacent to the level crossing. These properties are c. 170-200m away from the application site. Further to the east beyond the railway is agricultural land and a large farm complex and dwellings at Stackhouse Farm. To the north of the public footpath is Three Acres a small holding building and beyond this c.200m away from the application site are a number of residential properties on the east side of High Moor Lane. To the west on the opposite side of High Moor Lane is agricultural land, whilst to the north-west are a fishing pond and a number of residential properties at the junction of Moor Lane with High Moor Lane. To the south beyond a large field on the east side of High Moor Lane within its curtilage is High Moor House. The property is c.600m away from the application site.

1.3 The site has a significant planning history and the applicant engaged with the Council in pre-application discussions in the summer of 2019.

1.4 The proposal involves the construction of a general purpose agricultural building for storage/workshop space together with winter housing for cattle and lambing in spring. The proposed building would be 18.2m x 9.1m in footprint and would be 4.8m in height to the ridge. The elevations would comprise blockwork with timber boarding above. A fenced area to the east of the building is shown beyond hardstanding for hay storage. All served from existing access point off High Moor Lane.

1.5 Other supporting information submitted with the application as noted below:

- Statement from Vets
- Statement from Accountant
- Confidential Accounts

1.6 During the course of the application position, orientation and size of the proposed building was amended following discussions with the LPA. The proposed building now sits adjacent to the hedge along the western boundary and has been rotated 90
degrees. In addition, the footprint of the building has been reduced from 218m² to 165m².

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 15/02701/FUL Construction of a free range egg laying unit with associated feed bins, hardstandings and attenuation pond, and the siting of an agricultural workers mobile home; Planning permission refused May 2016

2.2 17/02371/FUL General purpose agricultural building; Application withdrawn Jan 2018

2.3 18/00040/APN Proposed agricultural produce and machinery storage building. Prior Approval Required February 2018

2.4 18/00386/APN- Portal framed agricultural produce and machinery storage building. Application returned.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP26 – Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 – Landscaping

4.0 CONSULTATIONS

4.1 Newton on Ouse Parish Council – object to the proposals, following consideration of the amendments, on the following grounds

- The proposed building is still an imposing structure, near the road and footpath and this would inevitably detract from the rural visual environment.

- Concerns about the suitability of the location, knowing that the field is boggy and floods after heavy winter rain.

- Local residents are understandably anxious about the smell from manure as well as the visual impact.

- Concerns about the choice of leylandii as the screening choice and fear that the traditional landscape of grazing land and hawthorn hedges is at risk.

- Wary of the current proposal in case it proves to be the starting point for a much larger and even more intrusive developments on the site, perhaps approaching those proposed in previous applications.
4.2 NYCC Highways – No objection subject to conditions regarding the vehicle access point.

4.3 NYCC Public Rights of Way – Recommended an informative regarding adjacent public footpath.

4.4 Ramblers Association – Made the following observations:

*Initial response*
Considered the effect on people using Newton upon Ouse Footpath 8 (10.107/8/1) and High Moor Lane would appear to be less than previous applications on the site. However a number of other observations were made as noted below:

- Concern about size of the building
- Concern about future expansion
- Need for repair works to ‘street’ from High Moor Lane to Newton Sidings
- No need for the close boarded fencing is not necessary for wind shelter
- Query regarding height of fencing and proximity to adjacent hedgerows
- Concern about orientation of building for PV panels on the roof
- Any new shelter belt should be additional to the existing and consist of native trees, rather than the Leylandii conifer species
- The gravel parking space for a vehicle at the entrance does not appear adequate
- No information about the treatment or removal of effluent, such as waste water or manure

*Second response*
- Further to our previous comments, we assumed that solar panels would be affixed to the roof of any building, with the roofline preferably facing south to maximise the available sunlight. The 45 degrees we quoted may not have been exact, but not far off.
- The new option (alongside the Lane) would be slightly more inefficient as the earlier plan from a solar collection viewpoint.
- The new option would be more intrusive visually.
- Pleased to note the non-native Leylandii is to be removed.
- From comments made regarding the fence, we assume any fence would be no higher than the existing hedgerow.
- Still unsure as to how the ewe’s will be kept in the winter, as they are often in the open on lowland fields in the winter, coming inside for lambing when the cattle are put out to graze.
4.5 Neighbour notification - The application received a number of observations some in support of the proposal (subject to concerns about future expansion) whilst the objectors to the application noted several concerns regarding the proposal. A summary of the issues raised from the initial responses and from a second round of comments are noted below:

- Concern about manure storage together with associated smells and flies
- Visual impact of the proposal
- Inappropriate landscaping proposals
- Temporary shelters could be provided
- Insufficient justification for the business to have a building of the proposed size.
- Clarification on stock numbers
- Concern about alternative uses should the current business cease
- Concern about future expansion should planning permission be granted.
- Concern about electricity supply and water supply. Potential noise issue from a generator if needed.
- The field becomes water logged due to soil type
- Surface water run-off and provision of rainwater harvesting.

5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area (iii) design; (iv) residential amenity;

**Principle of development**

5.2 Policies contained within the Hambleton Local Development Framework promote rural enterprises to meet the needs of farming, as set out in Policy CP4. In addition, paragraph 83 of the 2019 NPPF supports "the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings." Development Policy DP26 is supportive of related agricultural development where it helps to sustain an existing enterprise and otherwise complies with Local Development Framework policy.

5.3 The applicant has provided a business case for the current use of the land and a justification for the need for the facilities. Confidential information regarding how the business operates and the associated accounts has been submitted to supplement the case for the proposed. This information has been assessed and is considered that the business is operating well and on this basis the case for the business and its expansion on the site is acceptable.

5.4 On the basis of the above it is therefore considered that the provision of a building to support a farming enterprise on an existing site is acceptable in principle and is in accordance with Local Development Framework policy DP26.

**The character of the area**

5.5 It is noted that the site forms part of the wider rural setting to Shipton by Beningbrough. The site is currently in use as an agricultural enterprise and this is not at odds with the character of the wider area and it is noted there are number of agricultural buildings within the vicinity of the site. Public views to the site from the public highway are restricted by the existing hedge on the east side of High Moor Lane. Whilst views are currently possible from the north along the public footpath looking south into the site, it is acknowledged that the vegetation planted along the northern boundary of the site will eventually grow to screen views towards the site.
5.6 It is noted that observations have been made regarding the timber fencing and the conifer trees on the site. It is understood that the fencing and conifer trees would not be needed should the proposed building be approved because shelter from the wind would no longer be needed following the construction of the building. Therefore, it is considered sensible to cover this matter through a suitably worded condition regarding boundary treatments across the site.

5.7 Concern has been raised by local objectors and consultees about the potential for future expansion or intensification of the enterprise on the site. However, the issue to hand is to test the application that has been made, not for the potential development of the site. In any event, given the location of the development, the expansion of the facilities would not benefit from permitted development rights/prior notification procedures (at this point in time) and any expansion of facilities would require planning consent. Therefore development on the site can be currently controlled through the planning process.

5.8 Concern has also been raised regarding alternative uses should the business cease on the site. Whilst the future use of the site cannot be predicted the potential uses of building can be controlled through suitably worded conditions to restrict other alternative uses. On this occasion the response from the Environmental Health Department also identifies this as a potential future issue. Therefore on this occasion it is considered appropriate to restrict the use of the building.

5.9 On the basis of the above it is considered that the proposal would satisfy Local Development Framework policies CP16 and DP30.

Design

5.10 During the course of the application amended proposals were submitted to overcome concern regarding the siting and layout of the proposed building. The updated proposals are considered appropriate as result of the proposed location of the building adjacent to the existing field hedge. The scale form and appearance of the building is considered suitable and whilst it is possible that the upper elements of the proposed building would be visible above the existing hedge from High Moor Lane it is not un-common to be able to see agricultural buildings within the district. It is accepted that in views from the public footpath and from the properties at Newton Sidings, the proposed building would be visible. However, it is acknowledged, that over time these views will be reduced once the existing and proposed perimeter planting along the northern boundary and existing planting along the eastern boundary matures to provide a greater degree of screening.

5.11 A justification for the size of the building in relation to the numbers of livestock proposed, storage space for machinery and workshop space has been provided as a part of the application. It is considered that the building has been designed to the necessary standards for the housing of cattle. It is noted that the cattle numbers size is proposed to be increased from 13 to 20 this is considered to be a moderate number that does not raise any concerns with regard to intensification of the use of the land. However, it is noted that concern has been raised regarding the future expansion of the business on the site.

5.12 With regard to the machinery to be stored within the building the applicant has provided information on the costs and timing constraints of utilising external contractors to cut and bale the hay. It is considered reasonable for a business to be able use their own machinery at their convenience rather than be subject to the financial and timing constraints of external contractors. On this basis the need to provide secure storage for the necessary equipment is deemed acceptable and therefore assists with case for the size of building proposed.
5.13 It is also noted that temporary shelters could be an alternative rather than the proposed building. However, it is noted that the applicant has stated that due to the size and strength of cattle it is considered that such structures would not be robust enough to house cattle. On this basis it considered the option to provide temporary structures is not suitable on this occasion.

5.14 In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the requirements of Local Development Framework policies CP17 and DP32.

**Residential amenity**

5.15 It is noted that observations have been made regarding manure management. Environmental Health have been consulted on the application and raises no concerns about the proposals subject to a condition regarding manure management plan and condition to restrict the housing of pigs or poultry on the site.

5.16 On the basis of the above it is considered that the proposal would satisfy Local Development Framework policies CP1, CP16 and DP1.

**Other matters**

5.17 The applicant has been provided with quotation for mains electricity which is deemed to be financially unviable. It is therefore proposed to be provide electricity through a solar supply with battery system to provide power within the workshop. Concern has been raised regarding the need of a generator back up. This is not a matter subject to the application and in any event would be controlled by other legislation.

5.18 A comment was received regarding the water supply and the applicant has confirmed that a mains water supply would feed a water trough.

5.19 Concern has been raised regarding the water logging off the site. The agent has responded to this matter with regard to the soils types across the site. This is not a matter that is considered to affect the proposed development but it is noted it may restrict the use some of the grazing land in time of high rainfall.

5.20 Concern has been raised regarding surface water run-off and rainwater harvesting. Whilst no information has been submitted and the footprint of the proposed building is minor it is noted that it may be possible to introduce such measures and therefore a suitably worded to cover surface water run –off would be appropriate.

**Planning balance**

5.21 The applicant has provided sufficient justification for the proposed business on the application site and due to its siting and design the proposed development is considered to be appropriate for its intended agricultural purpose and will not have a harmful effect on the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the policies set out above.

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 drawings received by Hambleton District Council on 9th September 2019 unless otherwise agreed in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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 shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of the boundary treatment (including fencing) to the site has been submitted to and approved in writing 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.

5. No manure shall be stored on site other than in accordance with a scheme approved in writing by the local planning authority.

6. The building hereby permitted shall not be used to house pigs or poultry.

The reasons for the above conditions are:-

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policies CP17 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policies CP17 and DP32.

4. In order to help assimilate the development within the rural landscape.

5. In the interest of residential amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1.

6. In the interest of residential amenity in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
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19/01483/OUT

Outline application with layout and access to be considered (all other matters reserved) for the construction of two dwellings
At: Land east of Maythorn Cottage, Sinderby
For: Messrs Wadsworth

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

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The application site is located at the north-eastern end of Sinderby and is situated in the field that lies adjacent to Maythorn Cottage located on the northern side of the road to Pickhill. The field lies immediately to the north east of the cottage and is bounded by a variety of hedgerows, timber fencing and metal railings. The site is located opposite the junction with the road leading to Holme on Swale.

1.2 The application is for outline permission to construct residential development on the site. The application has been amended and specifies a development of two detached two storey dwellings. The matters for approval at this stage are layout and access. The remaining matters, i.e. appearance, landscaping and scale would be for a later application if this is approved.

1.3 A site layout plan has been submitted, which shows the two dwellings fronting onto the village street with a single access from the street, separating into two individual driveways. An indicative streetscene drawing (not for approval) suggests that one of the dwellings would be at a lower height with eyebrow dormer style windows; the dwelling adjacent to Maythorn Cottage would be higher and two storey.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

- Core Policy CP1 - Sustainable development
- Core Policy CP2 - Access
- Core Policy CP4 - Settlement hierarchy
- Core Policy CP8 – Type, size and tenure of housing
- Core Policy CP16 – Protecting and enhancing natural and man-made assets
- Core Policy CP17 – Promote high quality design
- Core Policy CP21 – Safe response to natural and other forces
- Development Policy DP1 - Protecting amenity
- Development Policy DP3 – Site Accessibility
- Development Policy DP4 - Access for all
- Development Policy DP10 – Form and character of settlements
- Development Policy DP30 – Protecting the character and appearance of the countryside
4.0 CONSULTATIONS

4.1 Parish Council – No objection.

4.2 Highway Authority – No objection subject to conditions.

4.3 Public comments – None received.

4.4 Environmental Health Officer – I have considered the above development, which is located approximately 150m west of Sinderby Sewage Treatment Works. However this department has no history of complaints from local residents and therefore the Environmental Health Service has no objections.

4.5 Yorkshire Water – No observations noted.

4.6 Publicity – objections have been received from three households in the vicinity and a neutral comment from a fourth. The comments are summarised as follows:

- Major concerns regarding access. There is already a planning application lodged for a property on the other side of the road and with driveway/vehicle access for two properties being close to a very sharp bend and an awkward junction
- More noise, construction traffic
- Concern regarding flood water
- Old sewage system that requires upgrading
- Understanding is that houses are unable to be built beyond the village boundary, this application seems to ignore this principle
- The impact could be problematic in terms of light, noise and proximity to Maythorn cottage

5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety. There are no heritage assets impacted by the development.

Principle

5.2 The applicant has not claimed any of the exceptions to support housing development in this location as set out in Core Policy CP4 and as such the proposals are considered to be a Departure from the Development Plan. However, the Council’s Interim Policy Guidance, designed to bridge the gap between the requirements of the Local Development Framework and the National Planning Policy Framework, 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.

5.3 Sinderby does not have a defined Development Limit and as a result is a village without status within the Settlement Hierarchy set out in Core Strategy Policy CP4 that was adopted in 2008. In 2015 the Council adopted the Interim Policy Guidance which updates the hierarchy and included Sinderby as an “Other Settlement” and identified Pickhill as a “Secondary Village”. The IPG also considers the concept of cluster villages where they have a long association and are linked economically and socially through the use of primary school, shops and community facilities and can work together to promote more sustainable living. Pickhill is a secondary village located within 2km of Sinderby that includes a primary school, church and public house. The distance between Sinderby and Pickhill by road is less than 2km, which is considered to be an acceptable distance as noted in the IPG. It is therefore considered that Sinderby and Pickhill are capable of forming a sustainable cluster of villages with sufficient facilities and services to support a sustainable community and would therefore satisfy criterion 1 of the IPG.

Character and appearance

5.4 IPG criterion 2 requires development to be small in scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for two dwellings, which is considered to be an acceptable scale in relation to the guidance and the size and form of Sinderby and as a result satisfies criterion 2 of the IPG.

5.5 Criteria 3 and 4 of the IPG require consideration to be given to the impact of the development on the surrounding natural and built form. In making this assessment it should be noted that the application is in outline form although layout is a matter that is for consideration at this stage. Sinderby has a traditional character with a variety of predominantly two storey building types located in a linear manner on both sides of the road. At the southern end of the village are a variety of short rows of cottages, semi-detached properties and larger detached houses constructed during the eighteenth and nineteenth centuries. The majority of the dwellings sit close to the road behind small front gardens and are constructed in brick with pitched pantile roofs. At the northern end of Sinderby, the character is more varied as a result of its development during the late twentieth century. This varied character is illustrated by the modern two storey detached properties laid out around the Village Green and the more historic built form of the Village Hall and adjacent two storey cottages. On the south side of the road are large detached properties that are two storeys in height together with a large detached bungalow. These properties were constructed in the late twentieth century and are set in generous gardens. This part of the village contains a variety of brick and rendered facades with pitched roofs finished in slate or pantiles.

5.6 A site layout plan has been submitted that illustrates the position of the dwellings on the site. The position and the spacing reflect the general pattern and form of development within this part of the village. The distance the dwellings would be set
back from the road frontage would be in line with the existing properties at East Lodge and Maythorn Cottage.

5.7 The indicative street scene drawing suggests dwellings that would be of a scale and design that would reflect existing development within the village and would be appropriate for siting within this prominent site at the entrance to the village without detracting from the existing character and appearance. This detail is however not for consideration at this stage but illustrates that a well designed scheme is achievable.

5.8 As set out in the layout plan, the proposed dwellings would have their principal elevation orientated to face the highway. The proposed dwellings would also be sited to generally follow the building line of the properties to the west and as a result would be set within a substantial garden area in a similar manner to the other properties within the immediate context. The Planning Statement submitted with the application indicates that the proposed dwellings would be constructed to reflect local character with traditional and sympathetic detailing. The precise details would be determined during a reserved matters submission should this outline application be approved.

5.9 Whilst the application site lies beyond the final dwellings on this side of the road leaving the village towards Pickhill, it is considered that the site is not visually prominent within the wider landscape. In terms of any impact of the open countryside it is considered that the proposed dwellings would read as a natural extension to the built form of the village and would be perceived as part of the wider visual envelope of the village in medium distance views from the north, west and south. In addition, additional landscaping within and along the boundaries of the site would assist the assimilation of the proposed dwelling into its village context.

5.10 On the basis of the above it is considered that the proposal meets criteria 2, 3 and 4 of the IPG and satisfies Policies CP16, CP17, DP30, DP32 and DP33 of the Local Development Framework.

Residential Amenity

5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. There is some concern from nearby residents about the effect of the proposed dwellings on privacy.

5.12 The proposed dwellings would generally follow the building line of Maythorn Cottage and East Lodge and have been positioned at a distance that would not overwhelm or have an overbearing impact on those properties. No details of window positions have been provided but consideration of potential overlooking would be matters to be dealt with at the reserved matters stage should this outline application be approved.

5.13 It is considered that the proposed dwellings would be located sufficiently far from neighbouring residents to the side and opposite for there to be no adverse impact on residential amenity that would be contrary to LDF Policy DP1. It is therefore considered that the development of the site would satisfy Polices CP1 and DP1 of the Local Development Framework.

Highway Safety

5.14 The Highway Authority has considered the application and raised no objection to the proposed development, subject to a number of conditions,

5.15 Therefore, the principle of the development of the site is not considered to be harmful in terms of road safety. It is considered that the development can be accommodated
within the existing infrastructure in accordance with criterion 5 of the IPG and would satisfy Policies CP2 and DP4 of the Local Development Framework.

Other matters

5.16 The provision of two additional dwellings would not have a significant impact on transport, utilities, biodiversity, flooding or social infrastructure. Planning permission has previously been granted under the IPG for an additional 3 dwellings in the village and therefore would be considered cumulatively as small scale development. It is therefore considered that the development can be accommodated within the existing infrastructure in accordance with criterion 5 of the IPG and Policies CP3, CP21, DP6 and DP43 of the Local Development Framework.

Planning Balance

5.17 The proposed development is outside any defined Development Limits and the applicant does not claim any exceptions under Policy CP4. As Sinderby and Pickhill are considered to be a cluster village, the Councils Interim Policy Guidance applies. It is considered that the proposal meets the criteria of the IPG. There are no highways, drainage or environmental health objections. It is considered that the proposal would have no significant impact on residential amenity. In conclusion the application is recommended for approval.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is GRANTED subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the design and external appearance of each building, including a schedule of external materials to be used; and (b) the landscaping of the site.

3 The detailed plans required by condition 2 above shall indicate two dwellings only.

4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.

5. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

6. No above ground construction work shall be undertaken 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. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.

8. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

9. No development shall be commenced, other than the formation of the access, until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

10. 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.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements a) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E50.

12. 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 43.00m measured along both channel lines of the major road C187 from a point measured 2.40m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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 the details of the provision of a footway between the proposed access and existing footway and a programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.

14. Unless otherwise approved in writing by the Local Planning Authority the development shall not be brought into use until the provision of a footway between the proposed access and existing footway has been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 13.

15. 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 W22-2B) and are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

16. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

17. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a) on-site parking capable of accommodating all staff and subcontractors vehicles clear of the public highway b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered W22-2B (Site Plan) received by Hambleton District Council on 16 July 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the conditions are:

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

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

5. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.

6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

7. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.

8. To ensure that the development is appropriate to environment in terms of amenity in accordance with LDF Policies CP1 and DP1.

9. 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 in accordance with Hambleton Local Development Framework CP21 and DP42.

10. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.

11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.

12. In accordance with policy number and in the interests of road safety in accordance with LDF Policies CP2 and DP4.

13. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.


15. 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.

16. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.

17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.

18. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.
Informatives

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

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

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

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

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

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

3. 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 condition 11.
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Parish: South Otterington  Committee date: 17 October 2019
Ward: Morton on Swale  Officer dealing: Craig Allison
10  Target date: 

19/00771/FUL

Proposed change of use of stables to holiday accommodation & coffee shop, and new vehicular access.
At Stables at Newsham Grange, South Otterington
For Mrs Karen Johnstone

1.0 SITE, CONTEXT AND PROPOSAL

1.1 The site is a former stable buildings which are within the curtilage of Newsham Grange which is a Grade II Listed Building. These stables form one side of the courtyard. To the north and west of the courtyard is a holiday let conversion of additional former stables and to the south is the Granary which has been previously converted into a dwelling at first floor level with an under-croft.

1.2 The main house is situated to the west of the courtyard which is behind the existing holiday let conversion and is also owned and occupied by the applicant.

1.3 The stables are a collection of three connected volumes, varying in roof height and footprint. The second stable at the east end are the most generous footprint and benefit from exposed queen post trusses. The next stable steps down in height with the end stable being the most modest in scale and having the lowest roof height.

1.4 All stables are constructed from red clay facing brickwork although brick sizes do vary, suggesting the stables were built at different times. All roofs are finished in red clay pantiles.

1.5 Door openings have been fitted with relatively modern timber stable doors, and galvanised ironmongery. Rainwater goods are black plastic circular downpipes and half round guttering.

1.6 The applicant is seeking planning permission for the conversion of seven former stables into two holiday apartments and a coffee shop with kitchen, servery, gift shop and disabled toilet facilities. Also within this application permission is also sought for a new vehicular access to the field in the south east corner of the site.

1.7 Additional information has been sought with regard to the justification for the proposed development which has been set out in a brief business plan for the site. This sees the holiday accommodation as the principle focus for the site, supported and complimented by the café and shop use.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 11/00397/FUL - Proposed change of use of existing offices & stable to holiday cottages - Approved 20 April 2011

11/00398/LBC - Application for Listed Building Consent for change of use of existing offices & stable to holiday cottages - Approved 20 April 2011

12/00409/FUL - Formation of a new vehicular access - Approved 19 April 2012

15/00440/FUL - Formation of vehicular access - Approved 7 May 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 CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP1 - Protecting amenity
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
- Development Policies DP25 - Rural employment
- National Planning Policy Framework

4.0 CONSULTATIONS

4.1 No comments received from South Otterington Parish Council

4.2 Environmental Health - has considered the application and believe there would be no impact on neighbouring amenity and raise no objection to the proposal.

4.3 North Yorkshire County Council (Highways) have commented stating that the design standard for the site is the Design Manual for Roads and Bridges, and the required visibility splay is 215 metres by 2.4 metres. The applicant has provided further written information as well as a revised plan showing the full extents of the required visibility splay confirming that this is achievable at the location of the proposed new vehicular access to/from the site. The applicant has also confirmed that the new access will be used to serve the proposed development, and that the use of the existing access will not subject to any intensification. It is considered from a highway perspective acceptable to suitably worded conditions imposed.

4.4 No comments were received from Yorkshire Water Services

4.5 Welcome To Yorkshire Tourism Board – No comments received.

4.6 A site notice was posted and neighbours were consulted and no letters of objection or support has been received in regard to the application.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are: i) the principle of development of converting the existing stable buildings to holiday apartments and the creation of a coffee shop; ii) the impact of the development on the significance of the listed building; iii) the impact on neighbouring residential amenity; and iv) highway impacts.

Principle of Development

5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development. In determining applications decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
5.3 The importance of following sustainable development objectives in the provision of holiday accommodation is reiterated in the Good Practice Guide on Planning for Tourism.

5.4 The Good Practice Guide advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable when located close to existing settlements and other services as some local services may be accessed by means other than the car. Policies CP1 and CP2 of the LDF require that development should be located to minimise the need to travel, including by car.

5.5 As the site is located within the countryside and outside of the settlement boundaries, Policies CP4 and DP9 are of relevance. Development within the countryside would be acceptable where it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications.

5.6 Policy CP15 also stated that support will be given to the social and economic needs of rural communities by encouraging diversification of the agricultural economy; and appropriate tourism related initiatives.

5.7 The application site is approximately 2 miles away from the nearest major settlement of Northallerton which has all the basic facilities available within the town centre. These facilities are accessible by either foot or cycling with a number of public footpaths and bridleways in the vicinity that lead directly into the countryside.

5.8 The proposed use of the converted stable building is to be holiday accommodation; this would help support the local economy. The accommodation would lie within walking and cycling distance of local amenities and would therefore be considered a sustainable form of accommodation that would help to support local businesses in the area and is in accordance with Policy CP4.

5.9 When considering if the café would be acceptable it is important to consider Policy CP15 of the Core Strategy which offers support to the social and economic needs of rural communities by encouraging appropriate tourism related initiatives, including schemes which improve the accessibility of tourist assets both within and outside the District. Further the policy also supports the re-use or replacement of suitable buildings for employment generating uses. This is further reiterated within Policy DP25 which states that employment development located outside of the development limits would supported if all of the following apply:

- It is small in scale
- It comprises conversion and re-use or replacement of existing rural buildings of sound construction
- The development is not capable of location within settlement limits
- It is supported by an appropriate business case which demonstrates that support will be provided to the local economy
- The development would not adversely impact on the economy of the service centres.

5.10 As part of the development, the café that would operate on the site would be of a small scale and is proposed to offer a casual dining and takeaway service all from locally sourced ingredients. The café will only employ three members of staff and will be low key. This would reuse an existing building and would help support the local economy and this is of sufficiently small scale it would not adversely impact on
the economy of the service centres. It is therefore considered that the creation of a café in one of the existing stable buildings is in accordance with Policy CP15 and DP25 of the adopted Local Plan.

Design

5.11 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”

5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

5.13 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The Nearby building, Newsham Grange is a Listed Building and as such the impact on the significance of the listed structures must be considered in terms of the impact on the setting of the building.

5.14 On the external elevations it is proposed that all the existing stable doors will be retained and used as doors and windows for the proposed change of use. There is one additional window which is proposed on the south elevation, although this is a new feature which has been added to original fabric of the building it is on the same elevation as all the other openings and would not lead to an undue harm to the character of the building. Within the roof space, roof lights are to be added on the south elevation and north elevation however all these roof lights will be conservation style roof lights and will be in keeping with the character of the building.

Impact of development on setting of Grade II Listed Building

5.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.

5.16 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.17 Policy DP28 states that conservation of historic heritage will be ensured by preserving and enhancing listed buildings. Development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance. This is further reiterated within Policy CP16 which states that development or initiatives will be supported where they preserve and enhance the District’s natural and man-made assets.

5.18 The proposals will introduce new activities into the site, including car parking. However, this is not considered to be harmful to the significance of the setting of the listed building.
5.19 It is therefore considered that the external changes to the building and new uses are in keeping with the character of the building and would cause no harm to the setting of the nearby Grade II listed Building of Newsham Grange, and is therefore in accordance with the overarching principles of the NPPF and Policies DP28 and CP16 of the Local Plan.

Impact on neighbouring residential amenity

5.20 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

5.21 Environmental Health Services have considered the potential for the development to cause nuisance or negative impact on neighbouring residential amenity and is considered that the development will have no significant impact in these terms and the proposal is in accordance with Policy DP1. The creation of a café could cause some noise and disturbance but due to the small nature of the business it is considered that this would have no significant impact on neighbouring residential amenity and is in accordance with Policy DP1 of the adopted Local Plan.

Impact on Highway Safety

5.22 The proposed access has been granted planning permission twice in the past. However, the access has never been fully implemented. The proposed access is to the eastern corner of OS Field 7966 and to the south east of Newsham Grange, South Otterington. The proposed access will be used to access the current proposal and the current existing access will still be used to access Newsham Grange. This will include a 1.5 metre high timber post and rail fence and gates and would be set back from the main highway of the A167.

5.23 It is proposed to create a track across the field which will link up to the existing access to the north of the new access. This track will be positioned adjacent to the existing hedgerow. It is considered that the proposed access would have a minimal impact on the character of the area as it would be screened by the existing hedgerow and would have no further impact on the character of the area.

5.24 The proposed access would also involve the removal of a section of hedgerow which would break up the natural form of the line of hedgerows. However, the proposed access is situated in close proximity to an existing agricultural access. It is considered that the proposed access is in accordance with the Council’s Local Plan Policies.

5.25 North Yorkshire County Council (Highways) has stated that the proposed access can be achieved with the required visibility and is therefore considered to be in accordance with the Design Manual for Roads and Bridges. Highways have recommended a number of conditions to be imposed to ensure that the access is built and maintained at the correct standard.

5.26 Further to this within the site, the owner is providing a car park which would be constructed out of crushed gravel which would create 11 car parking spaces for the café with an additional two for disabled parking. A further two spaces would be provided for the apartments, this would all be bound by a 1.5 metre high timber post and rail fence. Furthermore cycle parking is also provided within the site. It is considered that the parking should be sufficient for the small scale operation of the café and furthermore cycling is being encouraged which would encourage sustainable forms of development.

Structural Integrity of Building
When proposing to convert an existing building it is important to ensure that the building is capable of conversion without major alteration and re-build of the structure. Part of the justification for the development is the fact that existing buildings are to be converted and re-used. However as part of the application, the applicant has provided a Structural Survey which has been carried out by an appropriate engineer, who stated the following:

"From our inspection there would not appear to be any visible signs of settlement to the property or signs of significant movement. Areas will require to be considered through the design process, including damp ingress, surface water drainage, the roof structure, thermal properties etc. There are minor areas that require re-pointed and restrained however these are local and not of a significant nature. Some movement has occurred within the North East corner of the abutting workshop and will need to be tied with helical ties positioned within the bed joints. Through appropriate remedial works it is of our opinion that the buildings would be suitable for conversion".

Subject to some of the minor remedial works it is considered that the buildings are capable of conversion and would be suitable for the proposed use.

Ecology

As this was a conversion of a disused building it was appropriate that a Bat Survey was done on the building. An initial survey was done and it was evident that bats were roosting within the building. A further in depth survey has now been conducted by the ecologist who has provide recommendations as part of the construction process, it would be reasonable to ensure that appropriate conditions are imposed to ensure that the bats are protected and not harmed in any way.

Planning Balance

In conclusion the proposed development is considered to provide suitable holiday accommodation along with a small café and shop re-using existing buildings and contributing to the local economy. The proposed development is considered to be of a high quality design and will have no harmful impact on the setting of the nearby listed building.

6.0 RECOMMENDATION

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 development must comply with the following requirements that: (i) the two apartments are occupied for the holiday purposes only; (ii) the two apartments shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

3. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the building(s) shall not
be used other than as: Cafe (Use Class A3) as defined in the Town and Country Planning (Use Classes) Order 2005.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a wildlife management plan, to include as appropriate detailed proposals for the protection of bats and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it.

5. 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.

6. 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 details of the access shall have been approved in writing by the Local Planning Authority.
   (ii) Any gates or barriers shall be erected a minimum distance of 14 metres back from the carriageway of the existing highway, and shall not be able to swing over the existing highway.
   (iii) Provision to prevent surface water from the site/plot discharging onto the existing highway shall be constructed, and then maintained thereafter, in order to prevent such discharges.
   (iv) 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.

7. 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 215 metres, measured along both channel lines of the major road - A167, from a point measured 2.4 metres down the centre line of the access road. The eye height shall 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.

8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

9. The number of covers within the cafe shall not exceed 26 as shown on drawing 246/04.
10. Prior to the commencement of the development hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, re-facing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the details of drawing no 246/04 246/05 and 246/10 received by Hambleton District Council on 23 April 2019, 3 April 2019 and 3 April 2019. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.

11. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials: Proposed Site Plan (Drawing Number: 246/13), Proposed New Access (Drawing Number: 246/15), OS Location Plan (Drawing Number: 246/01), Proposed Block Plan (Drawing Number: 246/15), Proposed Plans (Drawing Number: 246/05), Proposed Plans (Drawing Number: 246/06), Proposed Plans (Drawing Number: 246/08), Existing Section (Drawing Number: 246/03), Proposed Plans (Drawing Number: 246/07), Existing Plans (Drawing Number: 246/02), Proposed Plans (Drawing Number: 246/04), Proposed New Gates (Drawing Number: 246/16), Existing Elevations (Drawing Number: 246/09). Proposed Elevations (Drawing Number: 246/10) received by the Local Planning Authority on the 3 April 2019; Amended Highways Plan and Structural Survey received by the Local Planning Authority on the 12 July 2019; Amended track layout received by the Local Planning Authority on the 2 September 2019.

12. Prior to the commencement of development a list of goods to be sold from the shop shall be provided in writing to and agreed by the Local Planning Authority. The shop shall then only sell goods in accordance with the approved list.

The reasons for the above conditions are:-

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

2. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton District Wide Local Plan.

3. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with Hambleton District Wide Local Plan Policy CP4.

4. This is to ensure that no significant harm is caused to natural habitats in accordance with Policy DP31 of the adopted Local Plan

5. In accordance with Policy CP2 and in the interests of highway safety.

6. In accordance with Policy CP2 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.

7. In accordance with Policy CP2 and in the interests of road safety.
8. In accordance with Policy CP2 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

9. To ensure that the scale of the use does not exceed that set out in the application and that the level of parking available is commensurate with the approved use.

10. To ensure that the works are undertaken as a conversion in order to maintain their intrinsic qualities and in accordance with the objectives of the Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP28 and DP30.

11. To ensure that the development is satisfactory in accordance with Policy CP4, DP9, CP15, DP25 and DP28.

12. In order to ensure that the range of goods sold is appropriate to the proposed use of the site and will have no detrimental impact on nearby centres.
18/00929/OUT

Construction of four detached dwellings
At Land east of 22 to 28 Ings View South Back Lane, Tollerton
For Mr P Mandefield

This application is referred to Planning Committee as the application is similar to proposals previously that have variably been approved and refused by the Planning Committee

1.0 SITE CONTEXT AND PROPOSAL

1.1 The application site comprises a rectangular piece of land, extending to 0.19 hectares in size, to the south end of South Back Lane adjacent to existing housing at 'Ings View'. whose boundaries of the site are delineated by a boundary fence.

1.2 The application is in outline with access and layout to be considered. Access would be via South Back Lane via the existing gate. The site layout shows a central access from South Back Lane with two properties either side, a further two properties at the rear of the site with central turning area. The layout shows each dwelling would have 1 secure garage space, and two additional parking spaces provided for each dwelling. The application is supported by an indicative layout plan that has been amended from the initial submission showing 4 detached dwelling within the plot as opposed to 5.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

2.1 17/01989/OUT Application for outline planning permission with some matters reserved (Access/layout) - Construction of Five Detached Dwellings. Withdrawn

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
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP8 - Development Limits
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP28 - Conservation
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 – Landscaping
- Interim Guidance Note - adopted by Council on 7th April 2015
- National Planning Policy Framework
4.0 CONSULTATIONS:

4.1 Tollerton Parish Council - Wishes to see this application refused on the grounds the access is not suitable for the proposed 5 dwellings this plot has limited access onto a narrow road. The development takes away the aesthetics of the village. Latest comments relating to the scheme for 4 units are that the Parish Council still wish to see the proposal refused. The application being outside the village boundary, changing the character of the single track lane that is part of the heritage of the village, the increase in traffic on this single track lane which will present a danger to pedestrians particularly at the blind bend as it reaches Newton Road.

4.2 NYCC Highway Authority - considers that the road (South Back Lane) leading to the site is, by reason of its insufficient width, poor alignment and substandard visibility at the junction with Newton Road, unsuitable for the traffic which would be likely to be generated by this proposal.

'South Back Lane is generally between 2.8 and 3.0 metres in width and there are no formal places for users to pass. It is used by pedestrians and cyclists as well as drivers of motor vehicles and there is insufficient width even for a car and cyclist to pass safely within the carriageway. Passing takes place by using the highway verges and/or private driveways/parking areas and there is evidence of damage where verges and carriageway edges have been overrun as a result'

'The first approximately 60 metre long section of the lane from Newton Road has poor alignment and restricted forward visibility as well as insufficient width. Due to the road's alignment and the proximity of buildings to the carriageway in this section there is no means to pass if a driver of a motor vehicle meets another travelling in the opposite direction and it will be necessary for one to reverse to a point where passing can occur. There is also limited space here for a pedestrian or cyclist to find refuge if a motor vehicle approaches. It should also be noted that visibility at the junction with Newton Road is slightly substandard in a north westerly direction.

4.3 NYCC Heritage Services - advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

4.4 Lead Local Flood Authority - LLFA have no comments to make on this application.

4.5 HDC Corporate Facilities Management – Comment on the drainage proposals and advise conditions would be appropriate for this small site for soakaway testing and runoff rate, storage requirements and maintenance to be provided.

4.6 Yorkshire Water commented no observation are required.

4.7 Environmental Health – Contaminated land - The applicant/agent has not identified any potential sources of contamination on the application form however given the nature and scale of the development the applicant is required to submit a Phase 1 Preliminary Risk Assessment, ideally prior to determination, to demonstrate any steps required to enable the land to be suitable for use in accordance with the NPPF. Further site investigations and remediation may also be required depending on the results of the Phase 1 investigation.
4.8 14 letters of objection—There would be an unacceptable increase in traffic to South Back lane this lane has no footpath to keep traffic and horse riders pedestrians separate, any increase in traffic is unacceptable.

Parking is already an issue in this area post the Ings development further houses will inevitably result in more cars potentially 15.

Drainage has not been fully explained unclear whether soak-away will work, given the land to the rear of the site is wet most of the time.

The Development Plan clearly shows the Development extending right up to the fence line to the rear of the Ings View properties demonstrating a clear intention to remove the hedge and trees. The current hedge, and particularly the trees, provide an important habitat for wildlife and would also provide a screen from the Development if it goes ahead and should not be removed.

Green space within a village should be just as protected as green belt land.

It is suggest that if any planning consent is granted the lane width should be increased from its existing 3 metres to the 5.5 metres of the carriageway on Ings View. A 2 metre wide pavement on either side of the carriageway on Ings View is extended to the eastern boundary of the site on at least one side of South Back Lane.

It is suggested that the original 24 letters of objection are taken into account from the withdrawn application.

5.0 ANALYSIS:

5.1 The key determining issues are (i) the principle of development (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) landscape impact (iv) residential amenity; (v) the likely highway impact; (vi) ecology and wildlife; and (vii) flooding and drainage.

Principle

5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in February 2019. Paragraph 78 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. Whilst this site is sustainable it would have little consequence in maintaining the vitality of the village due to the small number of units relative to the current population of Tollerton.

5.3 The IPG allows 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.

5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses.

5.5 Albeit it may be sustainable it is not considered that the proposal would comply with criteria 2-4 of the Interim Policy Guidance, these are discussed below.

The character and appearance of the Tollerton Conservation Area

5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 179 and 180 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict.

5.7 The site is situated adjacent to the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration. Consideration is required of the impact of the proposal on the setting of the Tollerton Conservation Area. The pattern of development in this area of the Conservation Area is of a Main Street and private gardens to front and rear. Much of South Back Lane and the rear gardens which line it are largely screened from the public domain by the landscape features. However Para 192 of the NPPF advises.' In determining applications, local planning authorities should take account of:
   a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
   b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
   c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.8 The question in this case is do the benefits of this scheme outweigh the potential harm caused by encroachment into the countryside and how this affects the setting of the conservation area by introducing more built form. To assist in the consideration of this case the Council have made appointed a Heritage Consultant whom has advised that the application will cause less than substantial harm to the setting of the
Conservation Area but also advises further developments should be resisted off South Back Lane.

5.9 The Council’s heritage consultant advises that:

“the existing site contributes to the significance of the Conservation Area and as such the principle of the proposal is in question. I am not persuaded by the arguments put forward by HH (Humble Heritage acting for the applicant) that the application will have no harm on the character or significance of the Conservation Area. I have identified that the application will cause less than substantial harm to the setting of the Conservation Area and in line with the policy and case law highlighted, unless the benefits put forward by the applicant cannot be achieved elsewhere and/or are so essential as to warrant this harm, the application should be refused.

5.10 NPPF Paragraph 170-advises planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.11 The 3 bungalows and one barn style unit is not conducive to the character of the area on this side of Back Lane albeit there are some bungalows on the adjacent side. Three bungalows together would appear incongruous in this rural setting contrary to DP32 general design.

5.12 This site is being promoted as a rounding off; this is not considered to be rounding off rather it is encroachment into the countryside given that it is outside development limits and in a position where the land to the south east and north east is undeveloped. It is set beyond the later cul-de sac development back in the late nineties to the south west. This is a product of its time and if proposed now would not meet the tests of the LDF policies.

5.13 The Humble Heritage Statement submitted with the proposal plays down the significance of the site from a conservation point of view. It reports:

Various developments have been permitted within the setting of the conservation area since designation, in similar location to the boundary as the present proposal. Ings View housing estate, adjacent to the proposed development site, was awarded outline consent in 1996 (renewing earlier permissions) and full consent was awarded in 1998'.

This is seen by the author (Humble) as urbanising this part of the village to its detriment making the reading of the past era difficult to understand.

5.14 Whilst the above statement may have some merit a great deal of care was taken in preserving the hedgerow at Ings View to screen the site from the open countryside beyond. The hedgerow has been commented on by one of the objectors as being a vital element for the Ings View scheme as it forms a strong barrier between the Ings View and the countryside. The statement goes on to state 'existence of a former barn and Crofts is evident and the barn to the north east outside the site boundaries is further evidence of the agricultural use'.
5.15 Albeit this may be the case if the site is allowed to be developed this erodes the agricultural nature of the area. Whilst acknowledging that former crofts are typically in agricultural use and the buildings that do occur are historic these are not modern residential dwellings as proposed.

5.16 The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council's Interim Planning Guidance (2015). There is insufficient justification and limited economic or social benefit to be gained from this development therefore there is no support for the proposal.

**Landscape impact**

5.17 DP30 advises ‘The openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.

5.18 The proposal would impede views off South Back Lane and indeed from Main Street contrary to the aforementioned policy.

5.19 As already stated above at 5.14 the hedgerow to the north east of Ings View screens the site from the open countryside beyond.

5.20 If the site is allowed to be developed this erodes the agricultural nature of the area by retaining the trees but planting new hedgerows rather than retaining well-established natural landscape features. Whilst acknowledging that former crofts are typically in agricultural use and the buildings that do occur are historic these are not modern residential dwellings as proposed.

5.21 The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, and DP9, the Council's Interim Planning Guidance (2015). The impact on the landscape would be contrary to policy DP30 there is insufficient justification and limited economic or social benefit to be gained from this development therefore there is no support from officers for the proposal.

**Residential amenity**

5.22 Having regard to the amended layout and the two plots to the south east being bungalows the introduction of new dwellings could be achieved without causing significant harm to the amenities of existing and proposed properties. Nevertheless the positioning of the proposed dwelling, the bulk and massing of the development and arrangement of openings would need to be designed to ensure any loss of amenity is not caused by the proposed dwellings.

**Highway issues**

5.23 The Highway Authority has expressed concerns as to the access road to the site as reported at paragraph 4.2.
5.24 The access is a main focal point of concern from local residents with the majority expressing safety concerns and lack of width to avoid motor vehicles and limited space for provision of a footway as well as widening the roadway for two vehicles.

5.25 A traffic survey has been provided by the agents that advised that there is limited traffic movement during peak periods along Back Lane. This survey was only undertaken over one day in mid-week and is not considered sufficiently representative of vehicle movements throughout the working week.

5.26 Considering the concerns raised by the Highway Authority regarding the access and the poor sight lines of 2 x 30m the proposal would be contrary to Policy CP2 of the Core Strategy. This site lies opposite a current site that can achieve the required sight lines. The fundamental difference being that the corner of The Ings' site below juts into the roadway reducing site lines. This element is not within the ownership of the applicant's therefore is an issue that has not been properly resolved.

Ecology and wildlife

5.27 There are hedges and trees' on the southern boundary of the site; it is stated on the site plan that this landscaping will be retained and enhanced. The ecology report advises habitat features including hedgerows, grass verges and mature trees be retained where possible with appropriate buffer zones as part of any development scheme. As part of the development it is proposed to retain the boundary vegetation on the southern, western and eastern edges of the site.

5.28 Under the current development proposal the hedgerows on the northern eastern edge of the site will be lost. To compensate for the loss of hedgerow it is recommended that the hedgerows proposed for retention be managed to improve their biodiversity value; improvements to include supplementary planting using native species such as Hazel, Silver Birch, Rowan, Beech, Hawthorn, Blackthorn and Guelder Rose. Although this new hedgerow and planting is welcomed on the northern boundary it is regrettable that this well established Hawthorne could not be retained. A hedge to the road frontage has already been removed without consent and re-instated it is unclear what impact this would have on sight lines.

5.29 The Ecological statement advises that hedgerows, mature trees and field boundary verges provide a network of biodiversity corridors around the site, with these features being of potential value to several protected species. It is recommended that habitat features including hedgerows, grass verges and mature trees be retained where possible with appropriate buffer zones as part of any development scheme.

5.30 The main issue is that the natural hedge boundary on the south western boundary beyond Ings View will be encroached by this development. Where possible natural features and in particular hedgerows should be preserved. The northern hedge will be lost in order to compensate for this the ecological statement advises improvements to include supplementary planting using native species such as hazel, silver birch, rowan, beech, hawthorn, blackthorn and guelder rose.

5.31 Whilst this replanting may well provide compensation for its loss there will be an interim detrimental impact on the ecology of the area that is not justified simply by the fact that it may be overgrown and untidy.

Drainage/flooding

5.32 There is conflicting information from consultees as to whether soak-away would work correctly with no option to drain into the adjoining site. Conditions have been proposed regarding surface water by consultees with the use of soak-away being
ruled out by reasons of poor infiltration through the clay soils. It is advised that the
development cannot progress without suitable and satisfactory management of the
surface water. The latest advice from NYCC Flood Risk Project Engineer is the 'The
site is in Flood Zone 1 with a low risk of surface water flooding, meaning that each
year this area only has a chance of flooding of between 0.1% and 1%.

5.33 The LLFA would be content to condition drainage given the low level number of
dwellings proposed although there is no guarantee that soak-away will be successful.

Planning balance

In this case albeit there would be some social and economic advantages through the
formation of new housing there is a housing land supply of 9 years and only limited
weight can be given to the provision of new housing. The economic gain through the
residential development and future occupation and spend by residents would be
limited. The harm to the character and appearance of a Conservation Area and the
countryside is substantial. The harm to the environment is not outweighed by the
limited social and economic gains. There are no other material considerations that
would outweigh the adopted LDF policy.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be REFUSED

The reasons are:-

1. The proposed development fails to reflect the existing built form and
character of South Back Lane as required by the LDF Policies and Council’s
Interim Policy Guidance. The proposal also fails to meet any of the
exceptional circumstances set out in Policy CP4 of the Core Strategy that
would justify development outside Development Limits, and would therefore
also be contrary to LDF Policies CP1, CP2, CP4 and DP9 the Council’s
Interim Planning Guidance (2015)

2. The proposal fails to enhance the character of the countryside and the
setting of the Tollerton Conservation Area contrary to DP28 and DP30.

3. The proposed layout of the site would not be in character with the local
area and its setting contrary to policies CP17, DP10 and DP32.

4. The proposed access onto South Back Lane is substandard in terms of its
width, alignment and visibility splay at the point of entry and is therefore
unsuitable to cater for the traffic which would be likely to be generated by this
proposal contrary to CP2 and DP4:
Construction of 2no two storey semi-detached dwellings, associated parking, and formation of a new vehicular access from the public highway.
at The Laurels Main Street Tollerton North Yorkshire for Mrs Lynne Dawson.

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 application site lies to the rear of The Laurels and Laurels Cottage, Main Street, Tollerton and fronts South Back Lane whose boundary is formed of a mature hedge and field gate. To the north-east is RMJ Property Services which relates to a barn conversion whose boundaries of the site are delineated by a 2m high close boarded timber fence.

1.2 This application is for the construction of two 3-bed properties. Access would be from South Back Lane via the existing gate. Access is proposed to be retained through the land to the frontage dwelling, The Laurels. The application is supported by plans showing a pair of semi-detached dwellings lying perpendicular South Back Lane.

1.3 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The development boundary runs along to the rear of the dwellings incorporating some of the rear gardens of the Main Street properties. The application site is outside the Development Limits but has the benefit of an outline consent, see 2.4 below.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 79/0062/OUT - Outline application for the construction of a dwellinghouse; Refused 31 May 1979.

2.2 86/0018/OUT - Outline application for the construction of a bungalow; Refused 27 June 1986.

2.3 Both the above applications were refused for highway reasons. It is noted that since this time the Ings View residential estate development to the south west of the site has been completed.

2.4 16/00755/OUT - Outline planning application for the construction of a detached dwelling with garage and access drive.

2.5 Updated report on 16/00755/OUT to the Planning Committee on 28 June 2018 with a recommendation to not require a Planning Obligation but for the a planning condition to require the provision of the visibility splay. This revision was agreed and the permission issued on 28 June 2018.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

  Core Strategy Policy CP1 - Sustainable development
  Core Strategy Policy CP2 - Access
4.0 CONSULTATIONS

4.1 Tollerton Parish Council wishes to see the above application refused for the following reasons; the planning application shows an existing access this is not an existing vehicular access, if planning permission is granted the access is onto what effectively is a single track lane which cannot cope with any further volume of vehicles. The lane is heavily used by pedestrians from the village to access other areas of the village and increase vehicular traffic in this area could potentially be dangerous therefore Tollerton Parish Council wishes to see the application refused.

4.2 NYCC Highways – no objections subject to conditions

4.3 Public comments – the following comments have been received.

- Access and site lines can't be achieved;
- Inadequate parking within the site which means that any additional parking and parking for visitors will be pushed into the adjoining lane creating a hazard;
- The Lane is single track and used by children on bicycles and pedestrians and is unsuitable and dangerous for users in its current construction.
- Any further development increases the danger for users of the Lane with the inevitable increase in traffic.

5.0 ANALYSIS

5.1 The key determining issues are (i) the principle of development (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) residential amenity; (iv) the likely highway impact; (v) contamination (vi) ecology and wildlife; and (vii) flooding and drainage

Principle

5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met.

5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost
overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.

5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. As such the proposed dwellings would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. The principle of development has already been established at this site with an outline approval albeit that was for one unit, the permission is extant. This is a very different proposal for 2 units however it has been drawn to represent a barn style development to assimilate with the adjacent barn to the northeast. The principle of residential development, in this case two barn style cottages, can therefore receive officer support subject to details.

The character and appearance of the Tollerton Conservation Area

5.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

5.6 The site is situated within the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration. The pattern of development to Main Street and to a lesser degree the formal private gardens to respective sites contribute to the significance of the Conservation Area. That said, much of South Back Lane and the rear gardens are largely screened from the public domain by the landscape features on this side of the village off Back Lane.

5.7 The position and relationship of the neighbouring barn and other buildings along South Back Lane are noted. The submitted details, offers a ‘barn-like’ design with a large porch frontage providing each ‘barn’ with separate access points. The barns would lie perpendicular to South Back Lane, parallel with 'Longacre barn' preserving the character of South Back Lane and that of the Conservation Area. This is typical of Back Lane with numerous other examples of this. The resultant alternative layout has been negotiated through the planning process with the agent. The proposal has sought to demonstrate that the site is large enough to accommodate two dwellings with ample garden space.

5.8 The proposed high quality design will enhance and preserve the character and appearance of South Back Lane in line with the Development Plan policies. The layout maintains the open views from Main Street to South Back Lane in line with conservation objectives. On the basis of the layout there is no objection to this application on heritage grounds.

Residential amenity

5.9 Having regard to the length of the existing garden and the plot depth, the introduction of two new dwellings is achievable without causing significant harm to the amenities of existing and the proposed properties. The positioning of the proposed dwellings at a 0.5m lower ridge height than the adjacent Longacre Barn reduces massing of the development. The western section of the proposal is also noticeably lower. Main elevations are to the south with first floor openings to the rear serving a passage only
leading to bedrooms and bathrooms, this ensures no overlooking therefore a minimal loss of amenity towards the adjacent Longacre barn.

**Design**

5.10 The design is such that it represents barn characteristics with large arched openings at ground floor level replicating former cart shed bays, with relatively small windows to the bedrooms above. The gabled elevation facing South Back Lane offers a hayloft door detail, typical of a barn.

5.11 The provision of two x 3 bed properties is in line with Councils Housing Economic Development Needs Assessment (HEDNA) which continues to record the need for smaller house types. The smaller dwellings will fulfil a social role as advised within para 8 of the NPPF - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. There will also be environmental improvements to the area by making the best use of available land within the built environs of this sustainable village.

**Highway issues**

5.12 The initial outline approval was granted on the premise that an agreement with the neighbour was agreed through a Section 106 in order to achieve sight lines. Following hedge cutting and re-survey work showing a greater visibility splay within the highway the original outline consent was referred back to committee with a recommendation that conditions be attached as the S106 to ensure that visibility splays across neighbours land was no longer required.

5.13 The proposed access point is the same as was approved on the original 2016 outline application. The Highway Authority is content with the layout and access point and recommends conditions to be attached if the Council is minded to approve the scheme.

5.14 Cycle storage was originally to be provided within proposed timber storage buildings, these have been omitted from the scheme with storage now being within the porch areas of each unit.

**Contamination**

5.15 The buildings and immediate area has been used for personal/domestic use for a significant period of years. Councils Environmental Officers have advised that they do not expect any contamination of the buildings land or structures as they stand at present. A visual inspection shows no contamination in the buildings or surrounding gardens.

**Ecology and wildlife**

5.16 The site includes a hedgerow to the front of the site, this will be retained and kept trimmed back in order to provide the required visibility splay in both direction. Otherwise the site itself forms a typical residential garden that has been maintained as such. There are no significant concerns relating to wildlife that would prevent planning permission being granted.

**Flooding and drainage**

5.17 The Environment Agency data has indicated there are no associated flooding issues with this development site.
5.18 Foul drainage will be connected to the existing foul drain as annotated on the layout plans provided. This connection point is within the garden of the applicants at ‘The Laurels’.

**Planning balance**

The proposed development by reason of its siting; proportionate and subservient built form; traditional design and detailing and relationship relative to neighbouring land users is such that the scheme is considered to represent an acceptable form of development which sits comfortably with the site and respects the character and appearance of Tollerton Conservation Area. Any perceived sense of harm arising from this development is not considered to be so significant to cause unreasonable harm to amenity. The development would give rise to modest economic gains through the investment in construction work and ongoing spend of residents and social gain through the provision of two new dwellings that are of a type that will help to meet local needs. Overall the scheme is considered to be a sustainable form of development.

6.0 **RECOMMENDATION**

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

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

2. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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.

3. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements; The existing access shall be improved in accordance with the Standard Detail 'E50' 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.

4. 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 30m measured along both channel lines of the major road South Back Lane from a point measured 2m 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. An explanation of the terms used above is available from the Highway Authority.

5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved a. have been constructed in accordance with the submitted drawing (Reference site plan scale 1:250 July 2019) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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.

There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
c. The approved areas shall be kept available for their intended use at all times that construction works are in operation

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on Layout plan 20 May and amended plans received 30 July 2019 unless otherwise agreed in writing by the Local Planning Authority.

The windows on the northern elevation of the building shall at all times be glazed with obscured glass and shall not be capable of opening.

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no extension or other alterations to the building hereby permitted shall be carried out without express permission on an application made under Part III of the Town and Country Planning Act 1990.

Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

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.
To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17 and DP32.

To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

In accordance with policy number and in the interests of road safety

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

In 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 DP10.

To safeguard the amenities of occupiers of adjoining residential property in accordance with Hambleton Local Development Framework Policies CP1 and DP1.

The Local Planning Authority would wish to retain control over the alteration and/or extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Hambleton Local Development Framework Policies CP17 and DP32.

To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
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Full planning application for the creation of 5 dwellings (amendments to location plan, site layout, and house types).
at OS Field 2211 South Back Lane Tollerton North Yorkshire
for Mr Ian and Joe Hardy.

This application is referred to Planning Committee as the application is similar to proposals previously that have variably been approved and refused by the Planning Committee

1.0 SITE CONTEXT AND PROPOSAL

1.1 The site is located in an open field associated between South Back Lane and the estate known as Church Close, Tollerton. The site is slightly elevated above the highway of South Back Lane and behind a high hawthorn hedge. The application site is stated as being 0.4ha in size and currently used as a grass paddock.

1.2 The proposal seeks to construct of 1x 5 bedroom and 2 x 4 bedroom detached dwellings and 2 x 3 bedroom detached bungalows accessed off South Back Lane. The layout is such that the two storey houses run parallel with South Back Lane and the bungalows run in a north westerly - south easterly direction. Each unit is shown with attached garaging and parking on the driveways.

1.3 The house types and design has been from the initial submission in consultations with officers from 5 x 4 bedrooms

1.4 The existing hedge along South Back Lane is shown to be retained as a defensive buffer for the 3 units facing the highway. The rest of the hedge south west of the proposed access road is proposed to be removed and replaced with hard landscaping in the form of a defined pavement and rear garden timber fencing.

1.5 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The Development Limits run to the rear of the dwellings, on Church Close to the south of the site, excluding the site from the boundary. The application site is therefore outside the Development Limits and is also outside the Conservation Area which is to the north side of South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

2.1 None

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
   Core Strategy Policy CP2 - Access
   Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP6 Utilities and Infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature Conservation.
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS:

4.1 Tollerton Parish Council - wishes to see the application refused for the following reasons:

1. On completion of our Parish Plan residents of Tollerton stated no to further development in the village.
2. The access road to the development is a Back Lane providing rear access to existing properties this lane is narrow and not appropriate to serve as access to more properties. People walk this lane there is no footpath and more traffic using the lane is dangerous.
3. The Council feel the infrastructure of the village is just not adequate for further development.

4.2 NYCC Highways – The local highway authority recognises that the proposed highway improvements will reduce some issues in the immediate vicinity of the site, it does not result in the ability for safe access to South Back Lane from Newton Road and therefore it is recommended that the application is refused for the following reason:

The Highway Authority consider that the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal

4.3 Yorkshire Water - If planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and YW infrastructure

4.4 Environmental Health Service (contaminated land) - insufficient information has been provided. Further information should be provided and comprise, as a minimum, a Phase 1 Preliminary Risk Assessment (including desk study, walkover and conceptual site model)

4.5 Public Rights of Way - No objections subject to measures to protect the right of way.

4.6 Ramblers Association - object to the removal of the hedgerow if minded to approve seek a condition to retain the hedges as opposed to fencing being erected.
4.7 Site notice posted and application advertised as a development plan departure (expired 09/09/2019), 8 objections have been received as follows

Loss of hedgerows and trees

Access and inclusion of a footpath alongside (The Old Haybarn) on to Main Street and the potential use by cars as a cut through

Safety of pedestrians

There will be an increase in traffic on this well used pedestrian track the proposed footpath will not solve the issues of more cars, suggest to make it a one way road

Junction on to Newton Road is difficult

Contrary to the applicants' highways (AMA’s) report there have been collisions on Back Lane involving residents

Overlooking of houses on Church Close

There is no street lighting in the area, the lane is used by school children on a daily basis more cars will increase danger.

Mud will be brought onto the road

How will hedge and drainage be maintained, concerns that any earth works will alter the water table and divert rainwater into our gardens Church Close?

5.0 ANALYSIS:

5.1 The main issues to consider are i) the principle of development, ii) heritage, iii) residential amenity, iv) the design, v) mix of dwelling sizes, vi) landscape impact, vii) highway safety, viii) ecology and wildlife and ix)flooding and drainage.

Principle

5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in February 2019.

Paragraph 78 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. Whilst this site is sustainable it would have little consequence in maintaining the vitality of the village overall.

5.3 The IPG allows 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.

5.4 Tollerton’s settlement hierarchy as a secondary village indicates it is considered to be a reasonably 'sustainable' location where additional dwellings will support local services, which in this case include a pub and a village shop.

5.5 Although the site is considered to be in a sustainable location it is not considered that the proposal would comply with criteria 2 - 4 of the Interim Policy Guidance and these elements are discussed below.

Heritage

5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 179 and 180 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict.

5.7 The site is situated adjacent the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration. The pattern of development on Main Street and to a lesser degree the formal private gardens to respective sites contribute to the significance of the Conservation Area. That said, much of South Back Lane and the rear gardens which align it are largely screened from the public domain by the landscape features. However Para 192 of the NPPF advises.' In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.8 The site is a grass paddock, which forms a green buffer between South Back Lane and Church Close. The plans state some of the hedges will be retained, save the elements to be removed to ensure safe vehicular access, it is considered that the proposal would be detrimental to the natural environment. The site is adjacent to the conservation area boundary. Albeit the design shows dwellings of traditional form and proportion sympathetic to the existing character of the settlement. The design of the
dwellings whilst following local traditions are due to the substantial size and spacing not appropriate to the location away from the main streets of the village. In terms of new build dwellings given its location and the impact the development will have on the views out of the village the proposed development does not comply with criterion 3 of the IPG above.

5.9 The question is do the benefits of this scheme outweigh the potential harm caused by encroachment into the countryside and how this affects the setting of the conservation area by introducing more built form beyond the village limits

5.10 The evidence shows that the proposal cannot be accommodated within existing infrastructure, roads are required to be widened and footpaths created to avoid conflicts with pedestrians and other users. These works would have a harmful impact upon the character of the South Back Lane that is narrow and hedge lined.

5.11 The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council’s Interim Planning Guidance (2015). There is insufficient justification and limited economic or social benefit to be gained from this development therefore there is no support from officers for the proposal.

5.12 Overall, the proposal is not acceptable in the terms of the Interim Policy Guidance.

**Residential amenity**

5.13 The proposed units are set within substantial plots, with a site area of 0.4 ha providing sufficient amenity space for each unit. The three houses have principle elevation facing the road with parking and turning areas to the roadside by an internal access road. The plans state part of the existing hawthorn hedge will be retained to the north-west fronting the road. This will provide sufficient screening towards the dwellings of South Back Lane and prevent any significant overlooking. There will be more than 21 metres intervening distance between the frontages of the existing and proposed dwellings and this is considered sufficient to safeguard residential amenity.

5.14 The bungalows would consist of main elevations facing the field hedge to the south west where the main gardens would also be located. This is sufficient distance from the adjacent public right of way to the south west of the site. The frontages would face into the site overlooking parking and turning areas. There is sufficient distance between dwellings to prevent any significant impact towards privacy.

5.15 There has been concern expressed from residents of Church Close as to overlooking and amenity issues. There is a significant intervening distance between the proposal site and the existing dwellings. It is therefore concluded the proposal will have no significant impact on residential amenity and the proposed development complies with policy DP1.

**Design**

5.16 DP32 advises design of development must be of the highest quality proposals must respect local character and distinctiveness including that of the surrounding landscape, in accordance with policy DP33 by enhancing its positive attributes whilst mitigating its negative aspects. Scale, volume and massing should contribute positively to the townscape or surrounding buildings.

5.17 Policy DP13 relates to achieving and maintaining the right mix of housing. Developers will be required to assess and demonstrate the sustainability of the
proposed housing mix on any particular site. 5.19 The plans show a traditional brick built dwellings with porch and red pantile roof. The external materials and fenestration is traditional with brick arched heads and stone cills with uPVC fittings being vernacular to the area. There are a broad range of other dwelling types in the locality, and this site is away from the historic core of the village. However the modern suburban design would appear out of place in this countryside setting. It is considered therefore that that the proposal would not comply with policies DP10 and DP32.

Mix of dwelling sizes

5.18 The dwellings proposed as noted at paragraph 1.2 are a mix of 3, 4 and 5 bedroom dwellings. The LDF policy and supplementary planning guidance refer to the need to provide dwellings that meet up-to-date locally expressed needs. Recent research documents show that the continuing need in the district is for smaller family houses. The SPD guidance identifies that two and three bedroom dwellings are required. The proposal that provides larger dwelling does not meet the local needs. The two single storey 3 bedroom dwellings do meet the identified needs. However, overall the proposals fail to comply with CP8 and DP13 in respect of the mix of dwelling sizes.

Landscape impact

5.19 DP30 advises 'The openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.

5.20 The proposed development would erode the agricultural nature of the area. Whilst acknowledging that there has been some development approved off South Back Lane these have been on the north west side of the lane.

5.21 There is one anomaly with the redevelopment of a former commercial building further along the lane; however this is much closer to existing built form and was previously developed land that resulted in larger vehicles using South Back Lane and on balance a decision was reached that the development was appropriate. The circumstances on this application site are not the same.

5.22 The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, DP9 and DP30, the Council's Interim Planning Guidance (2015). There is insufficient justification and limited economic or social benefit to be gained from this development that would overcome the impact towards the landscape.

Highway safety

5.23 The Highway Authority has expressed concerns as to the access road to the site as follows; While the Highway authority recognises that the proposed highway improvements will reduce some issues in the immediate vicinity of the site, it does not result in the ability for safe access to South Back Lane from Newton Road and therefore it is recommended that the application is refused for the following reason:

The Highway Authority consider that the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal.
5.24 The access is a main focal point of concern from local residents with the majority expressing safety concerns of pedestrians with the lack of width to avoid motor vehicles and limited space for provision of a footway as well as forming an access onto Main Street. The location of the site towards the northern end of South Back Lane results in a reasonable expectation that occupiers and visitors to the dwellings would be likely to use the Newton Road junction rather than south through Ings View and on to Main Street. The lack of a safe and suitable access to the site is such that the proposal is contrary to LDF policies CP2, DP3, DP4 and the NPPF.

Drainage and flooding

5.25 Sewerage and surface water is proposed to be connected to the mains; it is unclear how this connection will be made as there is no sewer off Back Lane. Yorkshire Water advised ‘The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse, are not reasonably practical before considering disposal to public sewer.

5.26 The site is in Flood Zone 1 (low probability of flooding).

5.27 The developer/agent has failed to provide any detailed information as to how the site will be drained therefore this will be another reason for refusal as in the absence of evidence the proposal is contrary to Policies CP1 and DP6.

Other issues

5.28 Concern is raised in representations to the potential for mud on the road during construction, this can be controlled by condition and would not justify a refusal of planning permission. On the issue of the connecting walkway from South Back Lane to the Main Street, this can be configures to make it impossible for cars to take this route, however cyclists may well utilise this access route in addition to use by pedestrians.

Planning balance

5.29 The proposed development does not reflect the existing built form and character of the village and causes harm to the setting of the Conservation Area, the lack of a safe access for all users is a further harm arising from the scheme. Any economic benefit arising from the development would not outweighed the identified harm.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be REFUSED

1. The proposed development fails to reflect the existing built form and character of the village as required by Core Strategy Policies CP1, CP2, CP4, DP9 and the Council’s Interim Planning Guidance (2015)

2. The proposal fails to enhance the character of the countryside and is harmful to the setting of the Tollerton Conservation Area contrary to DP28 and DP30.
3 The proposed design and type of properties would not be in character with the local area and its setting contrary to Policy CP17, DP10 and DP32.

4. Access onto the main road is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal contrary to CP2 and DP4:

5. The proposal fails to provide sufficient information regarding foul and surface water drainage systems contrary to Local Development Framework Policies CP1 and DP6.