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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 22 December 2014

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 8 January 2015**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To:

Councillors	Councillors
D A Webster (Chairman)	Mrs J A Griffiths
P Bardon (Vice-Chairman)	K G Hardisty
D E Adamson	J Noone
D M Blades	C Rooke
J Coulson	Mrs M Skilbeck
G W Ellis	P G Sowray

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am WHICH WILL PROVIDE AN UPDATE ON THE MINISITERIAL STATEMENT FROM BRANDON LEWIS ON 28 NOVEMBER 2014 AND AN UPDATE ON STAFFING IN HOUSING AND PLANNING

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 11 December 2014 (P.20 - P.22), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 34
Report of the Director of Environmental and Planning Services.
Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY
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.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 9.30 am on Thursday, 11th December, 2014 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	K G Hardisty
	D E Adamson		J Noone
	D M Blades		C Rooke
	J Coulson		Mrs M Skilbeck
	G W Ellis		P G Sowray
	Mrs J A Griffiths		

Also in Attendance

Councillor	B Phillips	Councillor	M S Robson
	M Rigby		A W Wood

P.20 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 13 November 2014 (P.17 - P.19), previously circulated, be signed as a correct record.

P.21 **PLANNING APPLICATIONS**

The Committee considered reports of the Director of Environmental and Planning Services 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 Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Director of Environmental and Planning Services 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 Director of Environmental and Planning Services, unless shown otherwise:-

- (1) 14/02306/FUL - Construction of a new food production facility (B2 Class Use) with associated vehicle hardstanding, car parking, landscaping and external lighting and retrospective application for the retention of existing refrigerated containers on a temporary basis at applicant's existing premises at Plot 7 Conygarth Way, Leeming Bar Business Park, Leeming Bar for Yorkshire Provender

PERMISSION GRANTED subject to the completion of a planning obligation in respect of a contribution towards the Bedale to Leeming Bar footway and cycleway.

- (2) 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014 at Village Farm, Jack Hole Lane, Alne for Mr T Clark

DEFER to allow the applicant the opportunity to consider the implications that the ministerial statement of 28 November, which relates to the provision of affordable housing and tariff style obligations, has for their scheme.

(The applicant's agent, Rob Smith, spoke in support of the application).

(Greg Shillabeer spoke objecting to the application.)

- (3) 14/01514/FUL - Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014 at Village Farm Jack Hole Alne North Yorkshire for Mr T Clark

DEFER to allow the applicant the opportunity to consider the implications that the ministerial statement of 28 November, which relates to the provision of affordable housing and tariff style obligations, has for their scheme.

(The applicant's agent, Rob Smith, spoke in support of the application).

(Greg Shillabeer spoke objecting to the application.)

- (4) 14/01228/FUL - Construction of 41no. dwellings, provision of access and associated landscaping as amended by plans received by Hambleton District Council on 3rd December 2014 at Land to rear of 28 Bedale Road, Aiskew for Taylor Wimpey (North Yorkshire) Ltd

DEFER for further consideration relating to the sizes of the affordable housing units, the design of housing and the appropriate scale of developer contributions.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(The applicant's agent, Stephen Longstaff, spoke in support of the application).

(John Stenhouse spoke on behalf of Aiskew Parish Council objecting to the application.)

- (5) 14/01120/FUL - Demolition of existing building and construction of 37 no Retirement Living housing units (category II type accommodation), communal facilities, landscaping and car parking at Land at Stillington Road, Easingwold for McCarthy and Stone Retirement Lifestyles Ltd

PERMISSION GRANTED subject to negotiations for a proportion of the agreed commuted sum of £196,255 towards the provision of open space, sport and recreational facilities appropriate to the development.

(The applicant's agent, George Martin, spoke in support of the application).

- (6) 14/02142/FUL - Installation of a new window opening and two storey extension to rear of existing dwelling at 15 Melltowns Green, Pickhill for Mr & Mrs Waddington

PERMISSION REFUSED on grounds of the overbearing impact on the amenity of neighbours.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(The applicant's agent, Linda Potter, spoke in support of the application).

(Ian Porrit spoke objecting to the application.)

- (7) 14/01012/FUL - Revised application for alterations and extensions to existing agricultural buildings to form a residential annex at Whig Hall South Otterington North Yorkshire for Mr & Mrs C Parvin

PERMISSION GRANTED

- (8) 14/01198/REM - Reserved Matters application for the construction of a detached dwelling and garage as amended by plans received by Hambleton District Council on 15 July and 16 September 2014 at Rutland House, 4 The Gowans, Sutton on the Forest for Mr Peter Gripton

PERMISSION REFUSED on the grounds of overdevelopment.

The decision was contrary to the recommendation of the Director of Environmental and Planning Services.

(The applicant, Peter Gripton, spoke in support of the application.)

P.22

IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT AND MITIGATION CONDITION - FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)

Northallerton North

The subject of the decision:

This item was considered with the permission of the Chairman to the matter being treated as urgent because of the concern about safeguarding future residents that provided the justification for the condition and because it was anticipated that its requirements may be breached in the near future.

Alternative options considered:

The Committee considered whether to serve a Breach of Condition Notice; Enforcement Notice; Stop Notice and Enforcement Notice or Temporary Stop Notice.

The reason for the decision:

To take account of concerns about safeguarding future residents and to ensure that appropriate measures are in place to mitigate any future risk.

THE DECISION:

That:-

- (1) Barratt/David Wilson Homes be pressed to submit a revised risk assessment as required by condition 16 before the end of January 2015;
- (2) Barratt/David Wilson Homes be pressed to confirm:-
 - (a) the time scales for:-
 - (i) creation of a direct pedestrian access from their site to the PRoW; and
 - (ii) implementation of any mitigation measures approved under condition 16; and
 - (b) the arrangements for preventing public access to the PRoW from their site until (a) (i) occurs;
- (3) further consideration of the options for enforcement action be deferred subject to the early submission of:-
 - (i) a revised risk assessment; and
 - (ii) satisfactory information identified in (2) above; and
- (4) a further report on progress be submitted to the Planning Committee at its next meeting on 8 January 2015.

The meeting closed at 12.20 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 8 January 2015. 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 by making an appointment with the Director of Environmental and Planning Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Director of Environmental and Planning Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Director of Environmental and Planning Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE
Thursday 8th January 2015

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/01228/FUL Mr D Gibson Aiskew Page no. 8	41 dwellings, access and associated landscaping For: Taylor Wimpey (North Yorkshire) Ltd At: Land to the south of 28 Bedale Road, Aiskew RECOMMENDATION: GRANT
2	14/00854/FUL Mrs H Laws Easingwold Page no. 23	Construction of 8 dwellings For: Daniel Gath Homes Ltd At: Hutchinsons DIY and Stationery, Chapel Street, Easingwold RECOMMENDATION: GRANT
3	12/01832/FUL Mrs H Laws Newton on Ouse Page no. 29	Alterations and extensions to existing dwelling to form 2 dwellings For: Mrs S L Roughton At: Cherry Tree House, Cherry Tree Avenue, Newton on Ouse RECOMMENDATION: GRANT

Parish: Aiskew
Ward: Bedale

Committee Date: 08 January 2015
Officer dealing: Mr David Gibson
Target Date: 09 January 2015

14/01228/FUL

Construction of 41no. dwellings, provision of access and associated landscaping as amended by plans received by Hambleton District Council on 3rd December 2014 at Land to rear of 28 Bedale Road, Aiskew for Taylor Wimpey (North Yorkshire) Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Consideration of this application was deferred at the last meeting of the Committee in order to seek (a) an increase in the size of some of the proposed affordable housing units to meet the Council's standards in full; (b) enhanced design of the proposed quad block; and (c) to review the proposed financial contributions towards local infrastructure.
- 1.2 Full planning permission is sought for the construction of 41 dwellings, associated roads, sewers and landscaping. This would deliver a development of approximately 32 dwellings per hectare. 11 of the dwellings (28%) are identified for affordable use, (see paragraph 5.37) with the balance of 30 dwellings for private residential use. The affordable dwellings are distributed throughout the scheme and are designed to appear indistinguishable from open market properties.
- 1.3 The proposed dwellings are predominately two storeys in height, providing a mix of 2, 3 and 4 bedroom dwellings. Following negotiation, a bungalow is included within the development.
- 1.4 The proposed architectural detailing includes: gable fronted properties; varied window styles ranging from sliding sash to modern casement; splayed and square bay windows to ground floors; chimneys and decorative dentil courses. All dwellings would have private amenity space in the form of rear gardens, some house types would be provided with a front garden.
- 1.5 Private defensible spaces would be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber screen fences to a combination of brick wall and railings. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 1.6 Both primary vehicular and pedestrian accesses are from an extension of the existing Fox Covert Close. Badger Hill Drive, to the point where it serves Fox Covert Close, has a highway width of 6.2m with footpaths either side of the highway with the highway width along Fox Covert Close dropping to 5.6m with footpaths either side.
- 1.7 The proposed development is located on the south east side of Aiskew, south of the A684 and north of the Wensleydale Railway. The site forms part of the BH3 (South East of Aiskew) Allocation. The eastern boundary is formed by Blind Lane which bisects the BH3 Allocation. The western part of BH3 is in agricultural use (pasture). The site adjoins housing to the north west and open countryside (over the railway line) to the south east. Policy BH3 states that these linked sites are allocated for housing development, subject to:
 - ii) Development of Site BH3 being delivered ... at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);
 - iii) Types and tenure of housing developed meeting the latest evidence on local needs;
 - iv) Suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;

- v) Potential access from this site to Site BM2 adjacent being retained as part of the design and layout any development of Sites BH2/BH3;
- vi) Contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements to Bedale Bridge and any sewerage disposal infrastructure improvements required to accommodate new development in the area; and
- vii) Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING HISTORY

2.1 There is none for the application site but the following decisions relate to the adjacent housing site within Allocation BH3:

11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping; granted 22 August 2013 (Yuill Homes).

13/02013/MRC – Modification of 11/02543/FUL through substitution of house types; granted 27 March 2014 (Shepherd Homes).

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

The National Planning Policy Framework – March 2012

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

Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 - Access
- CP3 - Community Assets
- CP4 - Settlement hierarchy
- CP5 - The scale of new housing
- CP5a - The scale of new housing by sub-area
- CP6 - Distribution of housing
- CP7 - Phasing of housing
- CP8 - Type, size and tenure of housing
- CP9 - Affordable housing
- CP16 - Protecting and enhancing natural and man-made assets
- CP17 - Promoting high quality design
- CP18 - Prudent use of natural resources
- CP19 - Recreational facilities and amenity open space
- CP20 - Design and reduction of crime
- CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

- DP1 - Protecting amenity
- DP2 - Securing developer contributions
- DP3 - Site accessibility
- DP4 - Access for all
- DP6 - Utilities and infrastructure

DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

BH3 – South East of Aiskew

Other Relevant Documents

Hambleton Biodiversity Action Plan
Council Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Parish Council

- 4.1 The Council wish to see this planning application refused on account of concerns that the access is unacceptable; the volume of traffic on Badger Hill access is not acceptable and width of access is poor; this is not the scheme originally proposed; and we have had concerns by the residents regarding the problems with the proposed access and we fully support them.

NYCC Highways

- 4.2 No objections subject to conditions.

Environmental Health Scientific Officer

- 4.3 No objections or recommendations to make.

NYCC Education

- 4.9 Based on the current proposal a contribution of £122,364 is sought.

Yorkshire Water

- 4.11 YWS has no objection in principle to:

- 1) The proposed sewer diversion
- 2) The proposed separate systems of drainage on site and off site
- 3) The proposed amount of domestic foul water to be discharged to the public foul water sewer
- 4) The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 5 (five) litres/second)
- 5) The proposed points of discharge of foul and surface water to the respective public sewers.

Environment Agency

- 4.12 No objections to the development.

Internal Drainage Board

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

Network Rail

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

Housing and Planning Policy Manager

- 4.18 No objections to the development now that sizes of the affordable housing units have been increased to comply with the Council's Affordable Housing SPD. Comments regarding tenure still stand.

Publicity

- 4.19 The application was advertised within local press, by site notice and directly to the neighbouring residents. 12 letters of objection have been received which have been summarised as follows:
- a) The layout of the cul-de-sac is not adequate for additional vehicle movement
 - b) This will also affect the amount of vehicles onto Badger Hill Drive/B684 during peak periods.
 - c) The Parish Council and Hambleton District Council both have a duty of care to ensure safety of the general public at all times.
 - d) Differs from original scheme
 - e) Very intrusive layout
 - f) Quiet road destroyed
 - g) Road design not assessed sufficiently or accurately
 - h) Design of the new road is not fit for purpose
 - i) No paving for crossing for children
 - j) Current services and infrastructure is already compromised
 - k) Site levels are an issue
 - l) Disturbance during construction period
 - m) Social housing blocks should be moved away from existing properties
 - n) Impact on wildlife
 - o) Loss of trees
 - p) Provision therefore needs to be made within the development to accommodate the linking up of the cycleway
 - q) Already a much safer access on the other site
 - r) Vibrations from the current Shepard's Homes build adjacent to the site are already felt
 - s) Serious concerns regarding the safety of children
 - t) Concerns over the height of the gardens
 - u) Existing properties would experience subsidence
 - v) Development would affect property values
 - w) Loss of privacy and overbearing impact

5.0 OBSERVATIONS

- 5.1 The main issues to consider in the determination of this application are matters relating to:
- a) Location and mix of New Housing
 - b) Design and density
 - c) Protecting amenity
 - d) Sustainable construction
 - e) Highway safety and car parking
 - f) Drainage and flood risk
 - g) Ecology
 - h) Public Open Space
 - i) Affordable housing and viability

Location & Mix of New Housing

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 The site forms part of the BH3 (South East of Aiskew) which is allocated for housing development in subject to the provisions detailed within paragraph 1.6 of this report.
- 5.4 In terms of housing mix, the Housing Needs Study 2004 updated by the Housing Market Demand Study 2008 indicate that there is demand for all types of housing in the Bedale Sub Area. Expectations continue to be that the development will deliver a number of three and four bedroom homes as well as smaller units and bungalows.
- 5.5 The application makes provision for a mix of dwellings in semi-detached and detached form. A bungalow would also be provided within the site. Consequently, the proposed development addresses the housing need for a range of family homes along with the specific local demand for one bedroom units.
- 5.6 In order to integrate different tenures, on larger residential developments the Council would not normally support the grouping of all affordable units together. Instead, new residential development should be designed so that the affordable housing is 'pepper potted' amongst the open market housing. An amended layout plan was submitted on 3 December which shows that the affordable units will be distributed around the site to an acceptable level. This would help with social integration. In terms of the size of the affordable units, concerns were raised at the December Committee as the 2 and 3 bedroom dwellings did not accord with the SPD on Affordable Housing. This was relayed back to the developer who has agreed to increase the sizes of the affordable units to ensure that they are SPD compliant. Amended plans and elevations have been submitted and are considered to be acceptable.
- 5.7 In light of the above amendments to the configuration of the site, the principle of the proposed development and the housing mix is considered to be acceptable.

Design & Density

- 5.8 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.9 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

- 5.10 The house-types have been designed using the more traditional elements of Aiskew's built environment as inspiration for the elevational treatment, the palette of materials has been used to reflect local vernacular. Concerns were raised by Committee Members at the December meeting over the design of the dwellings, particularly the 'quad block' of single bedroom units. The proposed designs, whilst quite simple, are designs which are similar to those that have previously been accepted by the Local Planning Authority. The site is not located within a conservation area and it is considered by Officers that the design is acceptable for this site.
- 5.11 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 5.12 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for a site involves developing an understanding of the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.13 The application site covers around 1.3ha of the total 5.8ha of allocation BH3. As a result, the proposed development would deliver 40 units at 32 dwellings per hectare. This is consistent with the 32dph policy expectations, whilst also achieving high quality design on a site that forms the gateway to BM3.
- 5.14 The broad principles of the site layout and the proposed house types are considered to be acceptable. Consequently, the proposed development is considered to be in accordance with NPPF and Policies CP17 and DP32 of the Hambleton Local Development Framework.

Protecting Amenity

- 5.15 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.16 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 5.17 The relationship between the proposed and existing dwellings is considered to be acceptable as the above guidelines have been met.

Sustainable Construction

- 5.18 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.19 In response to the requirements of DP34, an Energy Statement has been submitted which confirms that the 10% energy saving would be delivered via a combination of improvements

to the fabric of the buildings above Building Regulations and the installation of photovoltaics. However, no firm proposals have been presented to the Council.

- 5.20 Consequently, it is recommended that a suitably worded condition be applied in order to secure implementation of a scheme to achieve the Policy DP34 objectives.

Highway Safety & Car Parking

- 5.21 Originally the scheme was to incorporate a loop road to link the site up with the further allocated site to the north. This was proposed in the Allocation, although no clear reason for it was set out in the Allocations DPD. The applicant has altered this and the site would now be accessed off Fox Covert Close which in turn provides access from the site to the wider highway network. This has resulted in a number of objections being raised with regards to highway safety and potential noise and disturbance.
- 5.22 In support of the application the applicant has submitted a transport assessment which has been carried out to assess the impact of the development upon the wider highway network and providing data which details the predicted number of car journeys along Fox Covert Close. This data indicates that within peak periods, the scheme would generate less than 1 vehicle movement every 2 minutes and that there would be no noticeable impact on the operation of the Badger Hill Drive/Bedale Road Junction. This data has been assessed by the Highways Authority, which has not raised any objection. Whilst it is understandable that local people would prefer the access arrangements to be laid out as envisaged in the Allocations DPD, in the absence of objection from the Highway Authority, this alternative is considered acceptable in highway terms. Residents on Fox Covert Close would experience more through traffic but that road is constructed to a standard capable of accommodating the traffic from 40 dwellings and the residential amenity impact would not be significantly different to the arrangements set out in the Allocations DPD because once traffic has left the A684, it can only pass through residential roads.
- 5.23 The proposed visibility splays accord with the guidance of Manual for Streets and therefore no objection has been raised by the Highway Authority. The parking provision within the site has also been assessed and is considered to be acceptable. A condition is recommended that removes the permitted development rights for the conversion of garages to habitable rooms. It is considered that this would protect the level of off street car parking, thereby reducing the likelihood of issues arising over on street car parking.
- 5.24 A number of other highway-related conditions are recommended to be placed on any approval. These conditions would limit the times of delivery vehicles and ensure construction traffic is properly managed thereby reducing the impact on the neighbouring properties.
- 5.25 The proposed development has been fully assessed by the Highway Authority and with the aforementioned conditions; it is considered that the development would not have a significant impact upon the amenity of the neighbouring residents over and above an average housing estate. Whilst it is accepted that vehicle movements on Fox Covert Close will increase, it is not considered to increase to such a level that would have a significant detrimental impact and is therefore considered to be acceptable.

Drainage & Flood Risk

- 5.26 A Flood Risk Assessment and Foul & Surface Water Drainage Strategy (FRA) produced by iD Civils Design Ltd were submitted with the application. The FRA confirms that the site is within Flood Zone 1 and is therefore at the lowest risk of flooding.
- 5.27 The development of the site will require a new drainage system designed to suit the final approved layout, and in compliance with current Building Regulations and Sewers for Adoption. The system would be adopted by Yorkshire Water.

5.28 It is recommended that conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.

Ecology

5.28 Policy DP31 of the LDF states that “Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation... Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value”.

5.30 An Extended Phase 1 Habitat Survey produced by Argus Ecology was submitted with the application. This Survey makes the following recommendations:

- To minimise the negative impact on breeding birds, scrub clearance or tree pruning/felling should not be undertaken during the bird breeding season (March – August) unless prior checks have been carried out by a suitably qualified ecologist;
- Additional bat surveys were recommended and have been carried out in 2010 and 2011 to establish whether any of the trees within the site are currently being used by roosting bats. This survey work is found no use of the trees by bats although important flyways were identified;
- There are opportunities for possible nature conservation enhancement at this site and it is recommended that landscaped areas are designed to maximise the benefits to biodiversity. Simple ecological principles could be applied to maximise biodiversity on the site including the retention of mature trees where possible, infilling or gapping up existing hedgerows if they remain, incorporating hedgerows into the landscaping design rather than using fences, using native tree and shrub species for planting schemes or undertaking small-scale habitat creation schemes such as pond creation, which in addition to increasing biodiversity adds amenity and aesthetic value to the development; and
- An arboricultural survey or ideally an arboricultural impact assessment could be carried out by a suitably qualified arboriculturalist to determine the condition of the trees on site and to provide information on the impacts of the proposed development on the existing trees.

5.31 In light of the findings and recommendations of the Extended Phase 1 Habitat Survey, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan and Tree Protection Plan.

Public Open Space

5.32 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.

5.33 Policy DP37 also requires a financial contribution towards improving off-site provision. This would be secured through a planning obligation.

Affordable Housing & Viability

5.34 Policy CP9 specifies that housing development of 15 dwellings or more within Aiskew and Bedale should make provision for 40% affordable housing which is accessible to those unable to compete in the local housing market. This policy stance is reinforced by allocation BH3 which sets also sets a target of 40% affordable dwellings, subject to viability.

5.35 A Viability Appraisal was submitted with the application which provides evidence of the scheme’s ability to deliver affordable housing and other developer contributions. The applicant has proposed an affordable housing level of 28%. A full viability appraisal has been submitted to support the application which has been fully assessed by an independent

Valuer. It was concluded that the Viability Appraisal was accurate and that the scheme can deliver 28% affordable housing. Whilst this is lower than the prescribed 40% it is close to the 30% achieved on the adjacent part of Allocation BH3 and it is acknowledged that development costs have been increased by the inclusion of a bungalow at the Council's request. It is considered that due to the submission of a robust viability appraisal and the fact the applicant has agreed to the provision of a bungalow on the site, this level of affordable housing is acceptable in this instance.

- 5.36 As stated above, the size of the affordable units has since been increased to meet SPD requirements. The developer will absorb the increase in build costs arising from this.
- 5.37 One outstanding issue relating to the viability appraisal is the abnormal costs associated with ground conditions that would affect the development. The Council suggested to the Developer that these costs appeared to be high compared with the costs for the adjacent part of the BH3 Allocation. After negotiations with the Developer it has been agreed that once building work is complete an assessment of the developer's costs will be carried out with a 'claw-back' clause placed in the planning obligation, which would ensure that the Development pays the Council a defined amount if the abnormal costs turn out not to be as high as predicted. The exact terms of this would need to be the subject of negotiation and further evidence of the ground conditions on the adjacent site has been requested in order to allow a full comparison.
- 5.38 In addition to delivering affordable housing developer contributions would be secured through the planning obligation to be put towards the Bedale Footpath and Cycleway scheme (or other transport initiatives in the Bedale area), Education and Public Open Space. The total commuted lump sum is proposed to be £72,000. This is well short of the normal amount required under policy, but is based on the viability assessment and could increase under the 'claw-back' arrangements described earlier.
- 5.39 Whilst concerns were raised by Committee Members at the December Committee, the above sum has been fully assessed by Mouchel on behalf of the Council. Any increase in commuted lump sum could render the scheme unviable and would mean that 41 dwellings on an allocated site would not be brought forward. The above is therefore considered acceptable as the development will provide 28% affordable housing units, a much needed bungalow and contributions of £72,000 which could be put towards education, public open space and the Bedale Footpath and Cycleway or other transport initiatives in the Bedale area.

6.0 SUMMARY

- 6.1 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy BM3. The proposals are considered to achieve a high quality of design and appropriate density and makes provision to access adjoining land complete the residential development envisaged in the Allocations DPD Policy BH2 and BH3. The amendment scheme will deliver an attractive and sustainable development which will add to the built environment of Aiskew.
- 6.2 The proposed amount of affordable housing would be 11 units. A Viability Appraisal has been submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions outlined above. These affordable units would be 'pepper potted' throughout the site.
- 6.3 The Viability Appraisal was referred to the Council's advisor for scrutiny and has been agreed. Therefore the S106 monies and the affordable housing provision are considered to be acceptable in this instance.
- 6.4 The views for the internal and external consultees as well as the views from members of the public have been taken into consideration. On balance it is considered that as the site is

an allocated site, within a sustainable location the benefits of the scheme outweigh any perceived negative impacts.

7.0 RECOMMENDATION

It is recommended that planning permission is **GRANTED** subject to the satisfactory completion of a planning obligation to secure the affordable housing content and contributions toward public open space, education and the Bedale Footpath and Cycleway or other transport initiatives in the Bedale area; and 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 numbered (to be confirmed) received by Hambleton District Council on (to be confirmed) unless otherwise agreed in writing by the Local Planning Authority.
- 3 The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 4 The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
- 5 No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
- 6 Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
- 7 Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
- 8 Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
- 9 Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

10. 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.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
12. The development hereby approved shall not be commenced until details of surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
14. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
15. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the Planning Authority.
16. Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
17. The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.
18. Prior to the commencement of development, a scheme to protect the railway undertaker's assets from vibration, excavations, earthworks, the collapse or failure of plant and equipment and surface water discharge both during and after the construction of each phase shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved scheme shall be implemented and maintained thereafter, unless varied by alternative details submitted to and approved in writing by the Local Planning Authority.
19. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further

development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

20. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Fox Covert Close. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
21. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
22. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
23. 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 in consultation with the Highway Authority:
 - a. tactile paving
 - b. vehicular, cycle, and pedestrian accesses
 - c. vehicular and cycle parking
 - d. vehicular turning arrangements
 - e. manoeuvring arrangements
 - f. loading and unloading arrangements.
24. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
25. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
26. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal

- 27 During construction works there shall be no:
- a. Light Goods Vehicles exceeding 3.5 tonnes
 - b. Medium Goods Vehicles up to 7.5 tonnes
 - c. Heavy Goods Vehicles exceeding 7.5 tonnes
- permitted to arrive, depart, be loaded or unloaded on Saturday & Sunday or a Bank Holiday nor at any time, except between the hours of 9:30 to 15:00 on Mondays to Friday.
- 28 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
- 29 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.
- 30 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV turning area within the site.

The Reasons for the above conditions 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 character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework 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 in accordance with the Hambleton Local Development Framework Policies CP17 and DP32
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
9. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.
10. To protect the amenity of the neighbouring residents and to ensure that the accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
11. In the interest of satisfactory and sustainable drainage.
12. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
13. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
14. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
15. The site is of archaeological interest.
16. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework
17. In the interests of the visual amenities of the locality.
18. To ensure the safe operation of the railway.
19. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.

20. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
21. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
22. In accordance with policy and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
23. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In accordance with policy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
25. In accordance with policy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
26. In accordance with policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
27. In accordance with policy and to avoid conflict with vulnerable road users
28. In accordance with policy and to protect pedestrians and other highway users.
29. In accordance with policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
30. In accordance with policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

14/00854/FUL

**Construction of 8 dwellings as amended by plan received by Hambleton District Council on 18 July 2014.
at Hutchinsons Diy And Stationery Chapel Street Easingwold North Yorkshire
for Daniel Gath Homes Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Members of the Planning Committee have previously considered a planning application for residential development on this site and granted planning permission for 8 dwellings in 2013. The current application is presented to Committee due to a recent ministerial statement regarding contributions required to be made to Local Authorities by developers of small housing sites.

1.2 The site lies to the east of Chapel Lane to the rear of the terrace of properties fronting onto that street. To the east of the application site lies the bungalow development of Croft Close. The residential development at Hebdon Court lies to the south together with the Easingwold Methodist Church on Chapel Street. Residential properties lie to the north. The site lies within the boundary of the Easingwold Conservation Area.

1.3 Vehicular and pedestrian access is currently gained from a track leading from Croft Close and a track leading from Chapel Street between existing terraced properties.

1.4 It is proposed to demolish the existing building currently used as a DIY store. An application for conservation area consent for the removal of the buildings was granted consent in March 2012 (extant until March 2015).

1.5 Planning permission was granted in September 2013 for the construction of 6 no. 3 bed dwellings (with accommodation in the roof) and 2 no. 2 bed dwellings. The current application proposes to construct 4 no. 3 bed dwellings and 4 no. 2 bed dwellings (none with accommodation in the roofspace).

1.6 The proposed dwellings would be positioned in the same layout, on a similar footprint, as the approved dwellings. An 1800mm gap is proposed in the terrace of 6 to provide a terrace of 4 and a pair of semi-detached dwellings. The dwellings are to be finished in brickwork and pantiles with white painted timber double glazed windows and timber doors.

1.7 Vehicular access is to be retained from Croft Close. The existing gap is to be widened to allow two cars to pass. Demountable bollards are proposed to be positioned 14m back along the access from Chapel Street to allow access to the rear of the existing property on Chapel Street that currently gains access via this route. Vehicular access into the proposed housing development is therefore restricted. Pedestrian access is as existing. It is proposed to use a permeable material for the road surface.

1.8 A bat survey has been submitted with the application.

2.0 PLANNING HISTORY

2.1 11/02733/FUL - Construction of 8 dwellings. Permission granted 3/9/2013.

2.2 11/02734/CON - Application for conservation area to demolish existing retail building. Consent granted 30/3/2012.

3.0 NATIONAL AND LOCAL POLICY:

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 CP6 - Distribution of housing
Core Strategy Policy CP14 - Retail and town centre development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP20 - Approach to town centre development
Development Policies DP22 - Other town centre uses
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Town Council - wish to see approved

4.2 NYCC Highways - no objections subject to conditions

4.3 Yorkshire Water - no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site
 - 2) The anticipated amount of domestic foul water to be discharged to the public foul water sewer
 - 3) The proposed point of discharge of foul water to the respective public sewers submitted on drawing YEW-227-003 100 (revision B) dated December 2013 and accompanying Soakaway Calculations that have been prepared by The Planning & Design Partnership.
- The submitted drawing shows surface water proposed to be drained to soakaway.

4.4 HDC Environmental Health Officer - recommends conditions as follows:

1. To minimise noise disturbance, construction work shall only take place between 8am and 6pm Monday to Friday and 8am and 1pm Saturdays, there shall be no working on Sundays or Bank Holidays.
2. The burning of structures or materials on site will not be permitted to prevent nuisance from smoke or odour.
3. Measures must be taken to minimise the likelihood of nuisance caused by dust during the demolition works, including the provision of an adequate water supply for damping down where required.

4.5 Site notice/local residents - four letters have been received regarding the plans, which are summarised as follows:

1. We have a toddler and have concerns regarding high levels of noise and dust for several months during construction. We are also concerned about high levels of traffic going to and from the site and the noise and danger associated.

2. The proposed access is via a one car road at its narrowest point; there is concern for pedestrians and for homeowners who require access to their properties. Are there plans to upgrade the road, widen and provide a path? Currently there is some traffic using the DIY store from this entrance but there is also access via Chapel Street.
3. Consideration should be given to possible overlooking of adjacent properties, especially from Plots 7 & 8 - Bungalows to the front and house / flats to the side and rear.
4. A submission of support has been received with no comments.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the layout of the scheme; the scale, design and materials of the dwellings; the impact on residential amenity; the provision of public open space and highway matters.
- 5.2 The loss of the retail use on the site and the principle of constructing 8 dwellings in the positions shown, have already been established as being acceptable due to the approval of the planning application last year (11/02733/FUL).
- 5.3 The layout of the development has not changed significantly; the approved scheme included a terrace of 6 dwellings along the southern boundary of the site and Plots 7 and 8 within the centre of the site, the new road to the east of these houses. The proposed scheme provides a narrow split within the terrace to provide a block of 2 houses and a block of 4 houses.
- 5.4 The dwellings are of a simple form and design, similar to that already approved, with detailing that reflects features on traditional buildings within the Conservation Area such as a string course and brick headers.
- 5.5 The positioning of the properties in relation to neighbouring dwellings has altered but not significantly and would not have an unacceptable impact on residential amenity.
- 5.6 Notwithstanding the reduced separation distances the proposed development does not appear cramped and is considered to respect the character of the traditional courtyard layouts, such as Hebdon Court, within the Conservation Area.
- 5.7 The vehicular access to the site is via Croft Close as previously approved. The short section of road between the application site and Croft Close is not proposed to be upgraded and the Highway Authority does not require it to be adopted. There is a footway along one side for approximately half of its length and there is no anticipated conflict with pedestrians. It is usual that with less formal traffic arrangements, such as this situation, traffic speeds tend to be lower. The Highway Authority has no objections.
- 5.8 The bat survey concludes that there is no evidence of bats using the existing buildings although part of the building would be a suitable habitat. No further survey work is recommended and good practice should be followed.
- 5.9 The size of the development is below the threshold for the provision of affordable housing.
- 5.10 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application site. A unilateral undertaking was completed by the applicants (in respect of the scheme approved in 2013) confirming that a payment of £26,462.40 would be made upon commencement of the development towards the provision of public open space in the locality.
- 5.11 A ministerial statement was issued on 28 November 2014 that has removed the obligation from developers to make contributions on housing developments of 10 units or less. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing.

5.12 The measures, which have come into effect from 28 November 2014, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. In this instance the 'other tariff style' contribution is for the provision/upgrade of public open space in the locality as required by LDF Policy DP37, which would normally amount to £22,052. (The figure is different to that required under the previous scheme due to a difference in the number of bedrooms within the total development.) It is considered that the planning balance, notwithstanding that a contribution towards public open space cannot be achieved, weighs in favour of granting planning permission for additional residential development in an accessible location.

SUMMARY

The proposed development is in keeping with the character of the surrounding Conservation Area and will not significantly affect the amenity of local residents or impact on highway safety. It is considered that the proposed development is in accordance with LDF Policies.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, and management arrangements for the landscaping scheme has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. 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 and the management shall be undertaken in accordance with the approved details.
4. The development 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
5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted

development', no enlargement shall be carried out to any dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of any of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

7. 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 YEW-227-003 100 Rev B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

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

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered YEW-227-003 100A; YEW-277-003 101A; YEW-277-003 102A received by Hambleton District Council on 16 April and 6 May 2014 unless otherwise agreed in writing by the Local Planning Authority.

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 Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP33.

4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies.
6. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
8. In the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
9. 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.
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 in accordance with LDF Policies CP2 and DP4.
11. 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.

12/01832/FUL

Alterations and extensions to existing dwelling to form 2 dwellings at Cherry Tree House Cherry Tree Avenue Newton On Ouse York for Mrs S L Roughton.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 Members of the Planning Committee previously considered this application at the meeting in December 2012 when it was resolved to grant planning permission. The planning permission has not yet been issued due to delays in completing the unilateral undertaking required to ensure the payment of a financial contribution towards public open space.

1.2 The application site lies on the eastern side of Cherry Tree Avenue, to the south of its junction with Sills Lane within the Newton on Ouse Conservation Area. The existing dwelling is a substantial 7 bedroom, double fronted, three storey property, which lies at the southern end of a terrace of three dwellings. Cherry Tree House was originally two properties and the terrace was originally four similarly sized dwellings.

1.3 Cherry Tree House was derived from 2 of the dwellings in the 1920s. Access is direct from Cherry Tree Avenue and parking is provided at the front of the site. There is no rear access to the property.

1.4 It is proposed to subdivide the dwelling and create two dwelling units; a 3 bedroom unit and a 4 bedroom unit. The proposed external alterations include the reinstatement of the front door on the front elevation; the removal of an existing conservatory extension on the rear elevation to be replaced with an L-shaped single storey extension to the rear elevation to provide a kitchen for one of the dwellings and a dining room and garden room for the larger dwelling. The subdivision is to allow the existing family members to remain in the village.

1.5 A new access is to be created across the verge and footway of Cherry Tree Avenue to serve the smaller of the two dwellings. A timber fence is proposed to divide the existing gravelled parking area at the front of the site. These works do not require the benefit of planning permission but are referred to in the report for completion.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 None

3.0 NATIONAL AND LOCAL POLICY:

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 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 CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP9 - Development outside Development Limits

Development Policies DP15 - Promoting and maintaining affordable housing

Development Policies DP28 - Conservation

Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published 27 March 2012
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
Affordable Housing - Supplementary Planning Guidance - June 2008
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - no observations/objections on this planning application apart from avoid any damage to cherry trees in the front of the properties as the roots are near the proposed new entrance.

4.2 NYCC Highways - no objections subject to conditions.

4.3 Yorkshire Water - no comments required

4.4 Site notice/advert/local residents - (expiry date for representations 12/11/2012) the comments of one neighbouring residents are as follows:

We have no objections to this planning application. However the foul sewer from White Rose Cottage joins the one for Cherry Tree House at a man-hole under the proposed new dining/garden room, from where the effluent flows jointly under the outbuildings and down the side of Cherry Tree House to the main village sewer in Cherry Tree Avenue, and this has not been considered in this plan. Unfortunately, this man hole is no longer visible as the area has been raised and paved, but the connection is fully detailed in the deeds of Cherry Tree House. The sewer from White Rose Cottage runs down the centre of both back gardens and care also needs taking on the siting of the proposed dividing fence as it looks to be very near the line of this sewer, which is not very deep. Rerouting of this sewer looks to be inevitable and as I understand the recent change in the law, this sewer is now the responsibility of Yorkshire Water. If the application is approved please can a condition be added that a plan must be agreed to maintain the foul sewer from White Rose Cottage both during construction and for the future.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of creating an additional dwelling unit in this location; the impact of the proposed alterations on the character and appearance of the dwelling and the surrounding Conservation Area; the impact on residential amenity and the provision of public open space and affordable housing.

5.2 The village of Newton on Ouse does not lie within the Settlement Hierarchy defined in Policy CP4 of the LDF. This means that additional justification must be provided to make an exceptional case for housing growth in terms of Policies CP1 and CP2 and then comply with one of the criteria of Policy CP4.

5.3 The dwelling lies within the built up part of the village in a central location within easy walking distance of the facilities within Newton on Ouse, which include 2 pubs and a church and within easy reach of the bus stops from where there is a regular and frequent bus service to Easingwold and York. The village is also within cycling distance of Linton on Ouse, which is a sustainable settlement with a school, a pub and a shop. Policy CP4 requires new development to be restricted to larger settlements than Newton on Ouse but does identify six possible exceptions, none of which apply in this case.

5.4 The location however, although not defined within Policy CP4 as sustainable, is more sustainable than an isolated location or a smaller more remote village. The NPPF in paragraph 55 encourages the provision of housing in rural areas where it will help to maintain the vitality of rural communities and where development in one village may help to support services in a village nearby. Policy CP1 requires development to 'promote and encourage' or 'protect and enhance' certain criteria, which include the vitality of the area, the high quality and adaptability of the development and the distinctiveness and character of settlements. The proposed alterations to the dwelling to create two smaller units of residential accommodation result in an improvement in the

appearance of the dwelling (and thereby the Conservation Area) by the provision of the front door on the front elevation. It will also provide an additional family home in the village thereby, in a small way, contributing to its vitality. The proximity of the development to the bus route and existing services and facilities suggest that it is not unreasonable to allow an additional dwelling by sub-division of a large dwelling in a less sustainable location such as this and therefore it is considered that the use is sufficiently exceptional to meet the requirements of the LDF Policies CP1 and CP2.

5.5 Policy CP4 requires development in less sustainable locations that reuses existing buildings without substantial alteration or reconstruction such as is proposed, to help to support a sustainable rural economy or help to meet a locally identified need for affordable housing. The proposed development does not fit either of these requirements as it does not directly help the economy and the applicant has stated that they are unable to provide a contribution towards the provision of affordable housing.

5.6 The existing dwelling was originally two smaller properties in keeping with the scale of the other two dwellings in the terrace. The proposed alterations result in two smaller family homes, which will be lower in cost and more affordable than the existing dwelling. The additional dwelling unit will help to support the local services and facilities, possibly also including the school at Linton on Ouse. The existing occupant works from home for a large proportion of the time and the proposed subdivision is to allow her and her family to remain in the village within a smaller property. It is not considered appropriate to restrict the occupancy of the dwelling to the applicant and her family and the proposed development must be considered as an exception to the LDF Policies that normally restrict development in such locations.

5.7 The proposed extensions and alterations are appropriate in terms of scale, design and materials for this location and will not harm the amenity of adjacent residents. The provision of the new front door reinstates an original feature and improves the appearance of the front elevation.

5.8 The Highway Authority has no objections to the proposed development. The creation of a gap in the hedgerow and new driveway will not detract significantly from the character and appearance of the streetscene.

5.9 Yorkshire Water has no objections to the proposed development as the existing drainage system will continue to be used. The concerns of the neighbour noted above will be required to be addressed under the Building Regulations.

5.10 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application site. A unilateral undertaking has not yet been completed by the applicant but was in progress, to confirm that a payment of £3307.80 would be made upon commencement of the development towards the provision of public open space in the locality.

5.11 A ministerial statement was issued on 28 November 2014 that has removed the obligation from developers to make contributions on housing developments of 10 units or less. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing.

5.12 The measures, which have come into effect from 28 November 2014, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. In this instance the 'other tariff style' contribution is for the provision/upgrade of public open space in the locality as required by LDF Policy DP37, which would normally amount to £3307.80.

5.13 The proposed development is considered to be acceptable in these unusual circumstances and, notwithstanding the lack of a contribution towards open space provision, approval therefore recommended as an exception to the normal control of new housing outside the settlement hierarchy.

SUMMARY

The subdivision is considered to be suitable re-use of a large dwelling to form two smaller units and is in these circumstances a sustainable form of development in this location and does not result in significant harm to neighbouring amenity or highway safety matters. The alterations are in keeping with the character and appearance of the building and surrounding Conservation Area. The proposed development is in accordance with the policies of the Local Development Framework.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

6.1 That the application be **GRANTED** subject to the following conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
4. No part of the development shall be brought into use until the approved vehicle access and parking area have been constructed in accordance with the submitted drawing (Reference 1217.6). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 1217/5, 1217/6, 1217/7 and 1217/8 received by Hambleton District Council on 31 August 2012 unless otherwise agreed in writing by the Local Planning Authority.

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 Policy CP17.
3. In the interests of highway safety and in accordance with LDF Policies CP2 and DP3.

4. 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 DP3.

5. 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.

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