

Parish: Crakehall

Ward: Bedale

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Committee Date : 01 July 2021

Officer dealing : Ms Helen Ledger

Target Date: 17 May 2021

Date of extension of time (if agreed):

21/00749/FUL

Construction of a new dwelling to replace an existing barn.

At: Cherrytree Farm Crakehall North Yorkshire DL8 1HQ

For: Mr & Mrs Lumley.

The application is brought to the Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 Site, context and proposal

- 1.1 The site is located to the south of Great Crakehall village to the north of the existing Cherry Tree farm. There is an existing detached dwelling to the north of the site and to the east is a row of dwellings at St Gregory's Close. The site is outside the Development limit identified for this village. The site is at the southernmost end of the conservation area.
- 1.2 The proposal is to demolish an old agricultural building and replace it with a new two storey dwelling. The elevation designs show a modern design using timber finishes which reflect materials often used in agricultural buildings.

2.0 Relevant Planning and Enforcement History

- 2.1 The site includes a range of permissions for new and adapting agricultural buildings, however these are not relevant to this application.
- 2.2 Directly to the north consent was granted under 91/0227/FUL for two detached bungalows and domestic garages to incorporate part of an existing disused agricultural building.

3.0 Relevant Planning Policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework
Hambleton Emerging Local Plan
The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Crakehall with Langthorne Parish Council - No objections, note that highways will need to be content with the access to the A684.
- 4.2 NYCC Highways - No objections, condition for a construction management plan recommended. The agent has confirmed the condition is accepted by the client.
- 4.3 Environmental Health (resident services) - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections.
- 4.4 Yorkshire Water - No objections, two conditions sought on waste and foul water. The agent agreed to conditions on behalf of the client.
- 4.5 Contaminated land - A Preliminary Assessment of Land Contamination has been supplied however given the past use, a phase 1 survey is sought prior to commencement of development. In the absence of a phase 1 survey a series of conditions are recommended. The agent agreed to the use of these conditions on behalf of the client.
- 4.6 Site notice posted, neighbours notified and application advertised as a Development Plan departure. No comments have been received.

5.0 Analysis

- 5.1 The main considerations are, i) impact on heritage assets, ii) principle of development, iii) character of the local area, iv) highway safety v) design and vi) residential amenity.

Heritage

- 5.2 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.3 The asset in this case is the conservation area which is essentially defined by the historic core of the village and is characterised by traditional patterns of development. The densely developed northern part of the farm is within the conservation area. The proposal would reuse the existing built footprint of the barn and proposes agricultural style materials in proportion to the surroundings and agricultural buildings in general. It is felt this arrangement of footprint and materials responds well to the character of the conservation area and will not have a harmful impact.
- 5.4 The building to be demolished is not considered to be of a form or design that contributes to the significance of the conservation area in itself.

Principle

- 5.5 The site falls outside of the Development Limits of a sustainable settlement, as Crakehall is defined in Policy CP4 of the Core Strategy as a Service Village with existing facilities including a primary school, a pub and a petrol filling station, which add to the sustainability of the village.
- 5.6 Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 79 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".*
- 5.7 The Interim Planning Guidance (IPG) also defines Crakehall as a Service Village. It is considered that an additional dwelling would help to support local services and therefore satisfies criterion 1 of the IPG.
- 5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character as it relates well to the existing curtilage of Cherrytree Farm and surrounding residential development. The site is enclosed by existing development on all sides. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.9 The proposed dwelling would be on land that is currently used for agricultural purposes that lies adjacent to residential uses. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the lack of an impact in term of openness, result in a development that would not detract from the character of the countryside.
- 5.10 This part of Great Crakehall is characterised by predominately residential development along the road frontages with ancillary buildings and farmsteads behind. The historic core of the settlement is centred around the large village greens and adjoined by many traditional and historic buildings and dwellings. The proposed development would be a form of back-land development, however as established above, the site is already in use and is physically part of the wider village in character and form. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Crakehall already extends further into the countryside than the application site and as such it is considered that the development proposed, without the loss of rural landscape as it is sited between existing built development would appropriately respect the built form. There would be no harmful impact to the natural, built and historic environment.
- 5.11 The water authority has not raised any concerns beyond the use of conditions to ensure adequate discharge of waste and foul water. There is no other evidence the site would not be capable of development within the capacity of existing or planned infrastructure.

Highway safety

- 5.12 The Highway Authority has no objection to the proposal to form an additional dwelling unit. Adequate parking and turning can provided within the proposed curtilage, whilst retaining sufficient amenity space for a dwelling of this scale. It is considered that the proposed development will not result in a harmful impact in terms of road safety and as such meets the requirements of DP4.

Design

- 5.13 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.14 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.15 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.16 The proposed design takes cues from the wider farmstead and traditional agricultural materials. It will be read as an agricultural building that has been converted as much as a new dwelling. The adjoining St Gregory's close has a terraced two storey arrangement in places that this plot and proportion would also reflect. Whilst this design has an increase in height the built footprint of the site is greatly reduced to accommodate parking and gardens, allowing the site to absorb this layout.
- 5.17 Materials are listed on the elevation plan and comprise larch cladding, black cement corrugated sheeting to the roof. Areas of light-coloured render are also proposed on the ancillary elements. Windows would be dark aluminium. All materials are considered acceptable and as a result no materials condition is proposed.

Amenity

- 5.18 Policy DP1 protects residential amenity including noise, odour, loss of light and privacy. The separation distances are sufficient that the proposal would not have an impact on the light or privacy of St Gregory's close or the dwelling directly to the north. Whilst the height is not un-substantial, it is narrow and of similar height to the remaining farm buildings behind. It is considered that this arrangement would not create a further overshadowing impact beyond that which exists already. There are no second-floor windows proposed in the north elevation, to protect the amenity of this nearest dwelling.
- 5.19 The addition of a residential unit on part of a wider farmstead has been considered by the Environmental Health Officer, who has not raised objection. The farm is already neighboured by residential development on at least two sides, this in-fill plot only consolidates this arrangement. On this basis it is considered that this dwelling would have no unacceptable impact on amenity.

Planning balance

- 5.20 It is considered that the proposal is in accordance with the Interim Policy Guidance in that the proposed development would have no adverse impact on landscape character, residential amenity and highway safety or the character and form of the settlement. The proposed development results in no harmful impact on the significance of heritage assets or residential amenity and as such the application is recommended for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered ZZ SI A 9003 revB, 9001 revA, 00011 Rev B, ZZ EL A0013 revA, received by Hambleton

District Council on 22.03.2021 unless otherwise approved in writing by the Local Planning Authority.

3. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
4. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.
5. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 3. the parking of contractors' site operatives and visitor's vehicles; 4. areas for storage of plant and materials used in constructing the development clear of the highway; 5. details of site working hours; 6. details of the measures to be taken for the protection of trees; and 7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue and/or concern received by the public.
6. No development shall be commenced until a Phase 1 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected (following the Phase 1 Assessment), no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
7. If the Phase 2 assessment identifies potential contamination, then prior to development commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation

objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

8. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
9. In the event that unexpected contamination is found at any time during development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
10. Prior to the commencement of development other than the formation of the access and initial site clearance, full site levels shall be provided to and approved by the Local Planning Authority. Levels shall include existing and proposed ground levels along with proposed finished floor, eaves and ridge levels. The development hereby approved shall be implemented in accordance with the approved details.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage
4. To ensure that no surface water discharges take place until proper provision has been made for its disposal
5. In the interest of public safety and amenity
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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10. In order to protect the character and amenity of the area and to comply with DP1 and DP32.