

**Parish:** West Tanfield  
**Ward:** Tanfield  
**8**

**Committee date:** 9 June 2022  
**Officer dealing:** Ann Rawlinson  
**Target date:** 17 June 2022

**22/00998/REM**

**Application for approval of reserved matters (appearance, landscaping, layout and scale) for approved application 20/02791/OUT for the construction of 5No. dwellings.**

**At: Land on Thornfield Road, Thornfield Road, Nosterfield, North Yorkshire**  
**For: Mulgrave Developments Ltd**

**This application is present to Planning Committee as the outline planning application was considered by the planning consultative panel in conjunction with the Chief Planning Officer and the previously refused reserved matters application was considered by the planning committee**

## **1.0 Site, context and proposal**

- 1.1 The application site is located at the north-western edge of Nosterfield on the northern side of the B6267, close to the Thornborough Henges scheduled monument complex. The site is broadly triangular in shape and approximately 0.9 hectares in size. The site currently forms agricultural land used for grazing and is enclosed by hedging. There is an informal layby to the front of the site adjacent Thornfield Road. Existing two storey dwellings front onto Thornfield Road opposite the site with single and two storey dwellings fronting Flask Lane to the west of the site.
- 1.2 The main part of the village is located to the south of the B6267 with the main part of the village street running in a north south direction. The buildings in the northern part of the village front onto a triangular green. The built form of the village is reflective of its historic form. The only real anomaly to this is the more modern council housing located at the eastern edge of the village, fronting onto the southern side of the B6267, directly opposite the site.
- 1.3 Following the grant of outline planning permission in February 2021 considering scale and access for the construction of five detached dwellings, and the refusal of a subsequent reserved matters application in April 2022, this application is a re-submission of the required reserved matters application which seeks to address concerns set out in the previous reason for refusal and seeks approval for reserved matters including:
  - (a) the siting, design and external appearance of the building, including a schedule of external materials to be used;
  - (b) the landscaping of the site (including tree survey, method statement and tree protection measures); and
  - (c) the layout of the proposed buildings and spaces including parking and any external storage areas.

- 1.4 The previously reserved matters application was refused permission in April 2022 as concerns were raised that the layout, scale and design would have a harmful impact upon the character and appearance of the locality and neighbouring dwellings contrary to Policies E1 and E2 of the Hambleton Local Plan.
- 1.5 The previously proposed dwellings were arranged in a crescent form, roughly perpendicular to Thornfield Road, with an indicative area of open space to the west. This was considered at odds with properties to the southern side of Thornfield Road who front onto the main road and was not considered to be in keeping with, or reflective of the existing form and grain of the village whereby properties front onto the main road. This previous layout subsequently also resulted in the siting of a large gable elevation close to the front elevation of neighbouring properties sited on Flask Lane.
- 1.6 Taking into account the reason for refusal of the previous reserved matters application the scheme has been re-designed to show all five dwellings sited in a straight line fronting onto Thornfield Road, close to the front, southern side of the site.
- 1.7 The revised proposals show that the existing field access gate to the eastern site of the site would be retained forming a pedestrian access onto Flask Lane. The existing informal parking area to the front of the site would be retained. New tree planting is shown to the eastern boundary of the site and all existing hedging would be retained and enhanced with supplementary hedging and trees. Behind the existing hedge would be open space and private driveways to service the dwellings as well as fire engine turning head directly adjacent the access point. 1.2m high metal fencing would be incorporated to the front of properties, 1.8m high fencing to the rear, directly adjacent to each dwelling, with post and rail fencing extending to the rear garden areas and around the perimeter of the site. Electric charging points would be provided to each garage.
- 1.8 The proposal incorporates 1x 2 bedoomed unit, 2x 3 bedoomed units and 2x 4 bedoomed units, all 2 stories in height with private drive leading to a double garage. The vehicular and pedestrian access to the front of the site remain as already approved under the outline permission. The scale of proposed development is in line with that approved by condition 10 of the outline planning permission which restricted development for up to 5 dwellings only.

## **2.0 Relevant planning history**

- 2.1 07/03451/FUL - Construction of a workshop and creation of a new vehicular access – Withdrawn December 2007.
- 2.2 20/02791/OUT - Outline application (some matters reserved) for the construction of 5 No detached dwellings – Approved February 2021.
- 2.3 20/02791/DCN - Discharge of conditions attached to Planning Consent  
20/02791/OUT-Outline application (some matters reserved) for the construction of 5 No detached dwellings - Pending determination.

- 2.4 22/00035/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) for approved application 20/02791/OUT for the construction of 5No. dwellings – Refused on 13 April 2022 for the following reason:

‘The proposed development by virtue of its layout, scale and design would have a harmful impact upon the character and appearance of the locality and neighbouring dwellings contrary to Policies E1 and E2 of the Hambleton Local Plan’.

### **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 at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The relevant policies are:

S1 – Sustainable development principles  
S2 – Strategic priorities and urban requirements  
S3 – Spatial distribution  
S5 – Development in the countryside  
HG2 - Delivering the right type of homes  
E1 - Design  
E2 - Amenity  
E3 - The natural environment  
IC2 – Transport and accessibility

Supplementary Planning Document - Size, type and tenure of new homes – adopted September 2015

National Planning Policy Framework

### **4.0 Consultations**

- 4.1 It is noted that at the time of writing this report the consultation period has not yet expired. The consultation period expires on 1 June 2022. Any additional consultation responses and necessary required assessment will be presented to members on the update sheet and at the planning committee meeting.
- 4.2 Parish Council – No comments received to date as yet.
- 4.3 NYCC Highways Authority – The details surrounding previous refusal were not Highway related and as such the previous conditions as set within 22/00035/REM still stand. The details within the CEMP are ok, I note that there is some text within the Transport Management section that mentions vehicles waiting to access and egress the site. Based on the size of the development site, there is no reason for vehicles to be waiting within the public highway and should the developer consider that deliveries are going to pose an issue, I would welcome the provision of a vehicle holding area within the site, in order to ensure waiting construction traffic kept clear of the B6267. With reference to the drainage proposal, I can confirm these details are satisfactory. No objection subject to imposition of conditions.

Officer comment: It is noted that the comments relating to Transport management above are in relation to conditions set out within the outline planning permission and thus it is appropriate that these are addressed within the discharge of conditions application relevant to each condition.

4.4 Natural England – No comments.

4.5 Yorkshire Water – No observation comments are required from Yorkshire Water on this reserved matters application. Noted that no foul and surface water drainage proposals have been submitted. Detailed drainage proposals for the development can be dealt with as part of a future discharge of conditions planning application in this instance for Conditions 8 and 9 from the granted decision notice dated 19th February 2021.

Officer comment: For clarity it is noted that condition 8 imposed on the outline permission is as follows: The site shall be developed with separate systems of drainage for foul and surface water on and off site. Condition 9 also reads as: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

4.6 Street Naming and Numbering - SNN application already submitted on hold awaiting planning any planning approval.

4.7 Public comments – One letter have been received objecting to the proposal and raising the following comments:

- No change has been made to the positioning of the houses
- Close proximity of house no. 5, 6m in height, 16m from the front elevation (main living room window) of a single storey property.
- Overpowering effect on visual amenity, light and privacy and devaluation of property.
- Request that a site visit is made by committee members to stand in the garden and look towards the siting of house no. 5 to fully appreciate how close it is.

It should be noted that the previously submitted refused layout was also available for public viewing on the council's public access system, as the applicant sought to amend this proposal. This was rectified and a further re-consultation undertaken so that the previously refused plans were not shown as part of this revised proposal.

## 5.0 Analysis

5.1 The main issues to consider are: (i) layout, design and visual amenity; (ii) residential amenity and (iii) landscaping.

Design and visual amenity

5.2 The resubmitted proposed layout now depicts properties fronting onto the main road site in a horizontal line. This amendment to the proposed layout now clearly reflects the existing character and form of Nosterfield and responds to the existing village grain. The properties are sited slightly back into the site which reflects those on the opposite side of the road and also ensures appropriate separation distances are

provided for and allows for the retention of the important existing well established mature hedgerow and a strong building line frontage.

- 5.3 Given the robust tree planting proposed in the eastern section of the site as well as the retention of existing hedgerows, which would provide some screening when approaching the village from the east, and the open space provided to the front portion of the site, the layout is considered acceptable and is considered to address the concerns identified in the previous reason for refusal.
- 5.4 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of stone, brick, pantile, slate and a mix timber and metal boundary enclosures. The proposed properties would be constructed in stone with a natural slate roof covering. The detached garages to the rear would be brick with a rustic clay pantile to distinguish them from the main properties and would help break up the amount of stonework on the site. Considering the materials palette of the village and the location of the site the proposed materials palette is considered to be acceptable. The details of exact materials would be secured via condition 3 imposed on the outline planning permission. Design detail of the dwellings include artificial stone cills, heads and quoins and dummy chimneys finished in matching stone with clay pots which contributes to a high quality appearance of the design of the dwellings.
- 5.5 The proposal comprises of five dwellings, in line with the outline permission which would all be two-storey in height which is considered appropriate in the context of the site's surroundings. Due to slight variations in design the proposed ridge heights would vary with dwellings identified on the submitted plans as nos. 2 and 4 being lower than nos. 1, 3 and 5. The proposal includes a mix of property sizes which range from 2 to 4 bedrooms, with a larger proportion of 2 and 3 bedroomed properties. Overall, the size of the dwellings proposed is considered acceptable to its location and whilst comprising larger floor plates, offers a range of dwelling sizes, including family dwellings, in line with the thrust of policy HG2 the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) and thus in line with the requirements of condition 15 of the outline planning permission. The proposal would meet the requirements of the Nationally Described Space Standards.
- 5.6 Given that the dwellings have larger floor plates and are two stories in height, as well as the provision of long gardens it is considered necessary and appropriate to impose a planning condition restricting permitted development rights to ensure that the integrity of the layout, design and appearance of the dwellings and site is retained and to ensure appropriate residential amenity.
- 5.7 In terms of visual amenity the proposed layout, scale and appearance of dwellings and garages as well as the use of boundary treatment and materials are considered to be acceptable and reflective of the form of the locality and character and appearance of the village. The proposal accords with policy E1 of the Hambleton Local Plan.

#### Residential amenity

- 5.8 Policy E2 of the Hambleton Local Plan seeks to protect the amenity of existing occupiers and provide adequate amenity space and privacy for future occupiers of developments.

- 5.9 The proposed dwellings would have ample front and rear gardens. The revised layout moves the dwellings significantly further away and further forward/south from residential properties on Flask Lane, given that they are now proposed to be sited in a horizontal line along the main road which addresses previous concerns regarding proximity of dwellings close the frontages of dwellings sited on Flask Lane. Dwellings would still be located at a comfortable distance from existing dwellings sited on the opposite side of Thornfield Road, given the provision of open space, retention of hedging, road, footpath and the relatively long front gardens of those dwellings on the opposite side of the road. It is considered that the layout shown on the amended plans successfully provides adequate amenity for future occupiers and the relationship between existing and proposed dwellings is comfortable and would not result in loss of privacy, overlooking, light or loss of outlook.
- 5.10 It is considered the proposed scheme demonstrates a layout and design which is acceptable in residential amenity terms and would accord with the requirements of policy E2 of the Hambleton Local Plan.

#### Landscaping

- 5.11 Policy E3 of the Hambleton Local Plan seeks to ensure proposals demonstrate delivery of biodiversity net gain. Policy E1 (b) seeks to ensure the use of appropriate landscaping and tree planting within schemes. A sites biodiversity value can be increased through the implementation of a robust landscaping scheme when comprising a good mix of native planting and native trees.
- 5.12 The proposed landscaping includes significant tree planting within the eastern portion of the site which would act as a visual buffer between the development and the open countryside beyond. Tree planting is included to the front of the site within the area annotated as open space as well as an annotation to note that the existing hedgerows would be retained and enhanced through additional native tree and hedgerow planting.
- 5.13 It is considered necessary to ensure the retention of the existing mature hedgerow which bounds the site in order to retain the character of existing landscape features, to assist in assimilating the proposed development into its surroundings and to ensure biodiversity value is retained. This requirement is recommended to be conditioned accordingly. Furthermore appropriate tree protection measures during construction should be provided for and specific details of type, height and species of trees and shrubs should be approved and implemented. It is noted that there is already a requirement for the later secured through condition 11 of the outline planning permission.
- 5.14 It is considered that the details shown on the proposed site plan are sufficient to determine that the scheme can be developed with the implementation of a robust landscaping scheme, to ensure that biodiversity at the site is improved and existing landscape features preserved and enhanced respecting the rural location of the site. The proposal is considered to comply with policy E3 and E1(b) of the Hambleton Local Plan.

## Other matters

- 5.15 It is noted that Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 4 or less units in a designated rural parish. Nosterfield is considered a designated rural parish and the proposal is for 5 units therefore the proposal would, if it was an application for outline planning permission or an application for full planning permission trigger an affordable housing requirement. However the principle of 5 dwellings on this site in the granting of outline planning permission on the site in February 2021 was established prior to the Hambleton Local Plan coming in to force and this application seeks permission for the reserved matters only. As such affordable housing provision cannot now be sought as part of the reserved matters application.

## Planning balance

- 5.16 The proposed layout now fronts on to the main thoroughfare (Thornfield Road), responding to the established form and grain of the village and allows for the provision of 5, 2 storey dwellings of a range of sizes. The design and scale of the proposed dwellings are considered acceptable to the character and appearance of their setting and would not harm existing residents' amenity whilst affording future occupiers' adequate amenity. The proposed landscaping scheme appears robust and would, through the retention of hedging and addition of trees and shrubs and the use of native species, enhance the site's biodiversity. It is considered that the proposal is acceptable and in accordance with the Hambleton Local Plan.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultation responses received the application be **GRANTED** subject to the following condition(s)

1. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan refs:

1238.05 C Proposed site layout  
1238.06 B Proposed street scene  
1238.15 Double garage - proposed plans and elevations  
1238.17 Enclosure 01 -1.2 metal railings  
1238.18 Enclosure 02 -1.8m close boarded fence  
1238.19 Enclosure 03 -1.2m post and rail fence  
1238.20 Rev. A Plot 1 proposed plans  
1238.21 Plot 1 Rev. A proposed elevations  
1238.22 Plot 2 Rev. A proposed plans  
1238.23 Rev. A Plot 2 proposed elevations  
1238.24 Rev. A Plot 3 proposed plans  
1238.25 Rev. A Plot 3 proposed elevations  
1238.26 Rev. A Plot 4 proposed plans  
1238.27 Rev. A Plot 4 proposed elevations  
1238.28 Rev. A Plot 5 proposed plans  
1238.29 Rev. B Plot 5 proposed elevations

as received by the Local Planning Authority on 26 April 2022.

2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
3. No further development must re-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. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  2. the parking of contractors' site operatives and visitor's vehicles;
  3. areas for storage of plant and materials used in constructing the development clear of the highway;
  4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
4. No part of the existing boundary hedge surrounding the whole of the perimeter of the site shall be uprooted or removed and no part of the hedge shall be reduced below a height of 2 metres. The existing hedgerow around the whole of the perimeter of the site shall be retained and maintained at a height of not below 2 metres in perpetuity.
5. No further development shall take place until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained, any works to trees and hedges, the positions and height of protective trees and hedge fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Any and all works to trees shall be carried out in accordance with British Standard 3998 (Tree Work). The development shall be undertaken in accordance with the approved details.
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, improvement or other alteration shall be carried out to the dwelling, including any alterations to roofs or building nor shall any structure, including any boundary treatment not already approved as part of this permission be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

Reasons:

1. 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 Plan.
2. In the interests of highway safety.

3. In the interests of highway safety and amenity.
4. To provide adequate safeguards for the protection of hedges and trees on site to be retained, to soften the visual appearance of the development and provide any appropriate screening to adjoining properties, to retain the character and appearance of the locality and retain the biodiversity value of the site.
5. To provide adequate safeguards for the protection of hedges and trees on site to be retained, to soften the visual appearance of the development and provide any appropriate screening to adjoining properties, to retain the character and appearance of the locality and retain the biodiversity value of the site.
6. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.