

**North Yorkshire Council**

**Community Development Services  
Richmond (Yorks) Area Constituency Committee**

**10<sup>th</sup> October 2024**

**ZD24/00126/AORM - Approval of Reserved Matters Application following  
Outline approval of Planning Permission 21/00397/OUT  
for Elevations, Plans, Materials, Landscaping, and Massing  
At Land at Fairfield, Moor Lane, Newsham, Richmond, North Yorkshire**

**On behalf of Mr M Preston**

**Report Of The Assistant Director Planning– Community Development Services**

**1.0 PURPOSE OF THE REPORT**

To determine an application for Approval of Reserved Matters following outline approval of planning permission 21/00397/OUT, for elevations, plans, materials, landscaping and massing.

1.2 This application is brought to Planning Committee at the accepted request of the Division Councillor, for the following reasons:

- The original approval 21/00397/OUT was for the entire site, not split into 2 separate plots as this application is.
- The design of the proposed dwelling is too large for the plot both in terms of its footprint and height.
- Its exterior finish with cream render, grey windows and grey cladding is not in keeping with surrounding dwellings which are constructed in local stone.
- The proposed dwelling does not provide adequate provision for a shared access for the adjacent plot, as defined in the outline approval. There is insufficient space for vehicles to turn, to enable them to exit the site without having to reverse out onto the road.
- Because of the footprint being so large, there is concern regarding the surface water run off onto the road and adjacent properties.

1.3 It is recommended that Approval of Reserved Matters be granted subject to conditions and completion of a Section 106 Agreement.

**2.0 SUMMARY**

**RECOMMENDATION:** That Approval of Reserved Matters be **GRANTED** subject to conditions listed below.

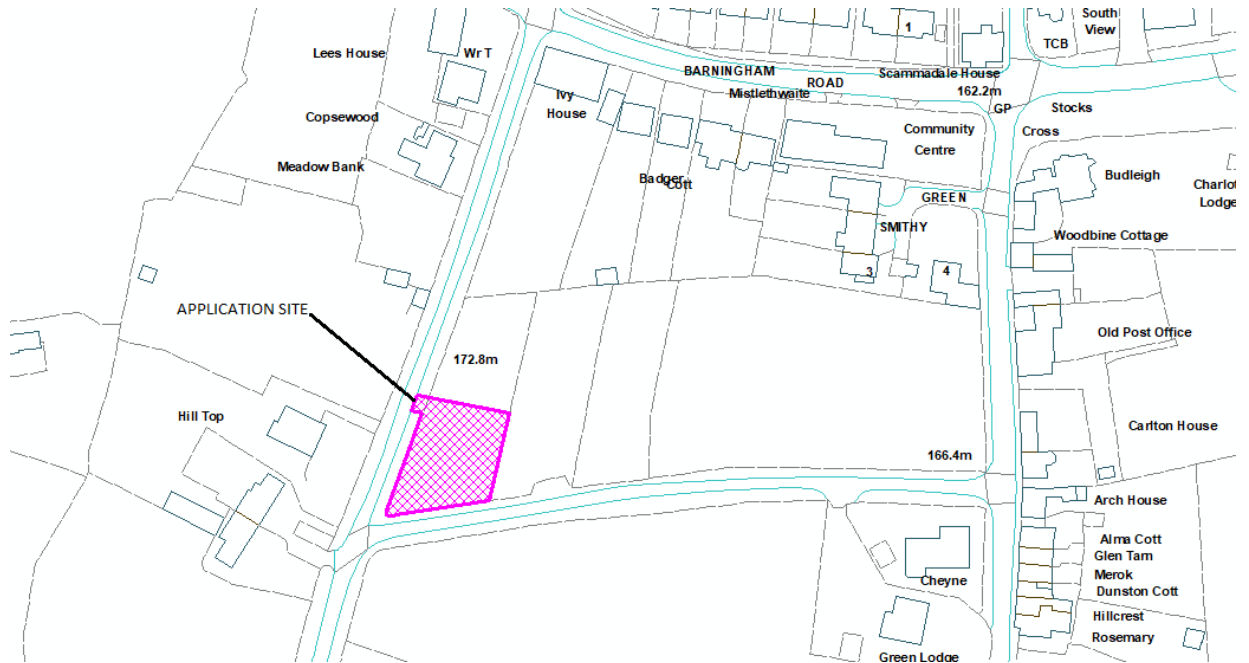
2.1 This Approval of Reserved Matters application seeks approval of appearance, landscaping, layout and scale for the erection of one detached dwelling house at land to the north of Hill Top and east of Moor Lane.

2.2 The Outline Permission reference 21/00397/OUT, granted permission for 2 dwellings with access and all other matter reserved. The proposed layout plan shows the access on to

Moor Lane in the position approved by the outline planning permission, and the proposed layout plan clearly shows that this would be a shared access with the adjacent plot to the north.

- 2.3 The proposed 4 bedroom dwelling has changed from two and half storeys as originally submitted to two storeys to comply with the Outline conditions. External materials include coursed rubble, dressed quoin stones and blue slate roof. The property includes a double garage.

Figure 1: Location Plan



### 3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here:- [Planning Documents](#).

- 3.2 Since this Approval of Reserved Matters Application was first submitted, amended plans and a revised carbon statement were received on 25<sup>th</sup> April, 2024, in relation to the positioning of an Air Source Heat Pump on the east facing (rear) elevation of the attached garage. On 10<sup>th</sup> June, 2024, the habitable loft space was omitted from the plans, making this a two-storey development in accordance with Condition No. 4 of the Outline Planning Permission. Amended layout, elevation and street view plans were received (together with a construction management plan) on 29<sup>th</sup> July, 2024.

#### Planning History

- 3.3 There is one relevant planning permission for this application which is detailed below:

**21/00397/OUT** – Outline Application with some matters reserved for up to two dwellings and associated works – Decision Date 5<sup>th</sup> January, 2023. The current application is pursuant to this Outline Permission which also extends to cover land to the north.

- 3.4 There is one further expired planning permission (relating to land to the north of the land edged red in the outline planning permission 21/00397/FULL), which is detailed below:

18/00708/OUT – Outline planning permission with all matters reserved for 1 no. detached dwelling (amended by plans received 26<sup>th</sup> February, 2019), on land to the south of Ivy

House, Newsham – Decision Date 7<sup>th</sup> October, 2018. This outline planning permission has expired without implementation.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The current application site is the southern half of the field that sits immediately to the east of Moor Lane and immediately north of the lane known as Hill Top (which links Moor Lane [to the east] with Dark Lane [to the west]).
- 4.2 There is an existing field gate onto Hill Top Lane at the south-eastern corner of the field. The eastern boundary is formed by a dry stone wall, whilst the southern boundary has a dry stone wall with a mix of hedgerow shrubs and trees. The western boundary, adjacent to Moor Lane, consists of a dry stone wall, with a line of semi-mature Ash trees (probably self-seeded) adjacent to the wall along the back edge of and within the highway verge. Some of these trees have recently been removed in the vicinity of the proposed access point and visibility splays.
- 4.3 Towards the northern end of the extent of the outline permission there is evidence of a former vehicle access point into the field, but the wall has been rebuilt in this position at some time in the past. The northern boundary of the outline permission is defined by a post and rail fence that separates the field from the extended garden curtilage of Ivy House (which fronts onto the village street on Barningham Road). At present the northern boundary of this Approval of Reserved Matters application has not yet been defined.
- 4.4 To the west of the application site, on the other side of Moor Road, sits Hill Top House (a Grade II Listed building). Immediately to the north of Hill Top House, there are new large houses along Moor Lane in various states of completion. The new houses are stone built with blue slate roofs.
- 4.5 There are mainly stone houses along the western side of Moor Road; with a rendered bungalow and detached rendered double garage towards the northern end, where a stone property sits on the north side of the bungalow fronting Moor Lane and alongside Barningham Road. The properties on the south side of Barningham Road (between Dark Lane and Moor Lane) are all stone built mid-20<sup>th</sup> Century two storey properties, with the single storey Village Hall located on the corner of Dark Lane and Barningham Road.
- 4.6 The application site is outside of the designated Newsham Conservation Area.

#### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 The current application site comprises the southern half of a field that has outline planning permission for two dwellings, with an approved centrally located, shared vehicular access onto Moor Lane. An indicative layout plan submitted in support of the outline application showed the field gate onto Hill Top lane retained, the potential positions for two detached dwellings and the shared access point onto Moor Lane.
- 5.2 This Approval of Reserved Matters application provides for a large two-storey dwelling with exterior rubble stonework with quoin stones finish. The height to the highest ridge is 7.2m. The design proposes an attached double garage stepped back on the north gable of the house, with vehicular access onto Moor Lane with 2.4m x 43m visibility splays in both directions. Solar panels are proposed on the east (rear) roof slope of the garage.

#### **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with

Development Plan so far as material to the application unless material considerations indicate otherwise.

#### Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals and Waste Joint Plan 2015-2030 adopted 2022

#### Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

#### Guidance - Material Considerations

6.3 Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide 2021

## **7.0 CONSULTATION RESPONSES**

7.1 The application has been publicised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015. All representations submitted in relation to the consultations (and any required re-consultations) are available to view in full within the “Documents” section of the application on Public Access. A summary of all representations received (where comments made are material planning considerations) are provided below:

7.2 **Parish Council:** OBJECT (summary):

- Query if approval of reserved matters application is appropriate given it only relates to half of the approved site for two dwellings
- Lack of detailed information
- Land sold as two separate plots. This application relates to the land furthest away from existing development in this part of the village – no longer adjacent to village boundary
- Design excessively large for plot in terms of footprint and height; and material finish – should be stone, with neutral coloured windows. Current design overbearing and will affect neighbour privacy
- Lack of suitable provision for the proposed shared access, insufficient space for vehicles turning and manoeuvring in and out of the driveway access
- Loss of soakaway surface area because dwelling is so large, fear of consequent flooding issues down Moor Lane and in the village as this field often has large pools of standing water in wet weather and because of this do not believe a soakaway would be suitable. No engineering drawings provided to support a dwelling on this site, also query how applicant intends to deal with site levels on this sloping site

- Requests dry stone walls are retained and repaired, not rebuilt to maintain continuity and any additional boundary should be defined by planted hedges, post and rail fencing or stone walls – ‘suburban’ style fencing should not be permitted
- No landscaping details submitted to mitigate any environmental impact, such as bat boxes or sympathetic landscaping planting.
- Concerned several trees have already been felled on the roadside – this issue has been raised separately with the Highway Authority
- Query how applicant will deal with overhead telephone/internet cable that crosses the site via poles and serves 4 properties – will this be rerouted underground as part of this development?
- Parish Council requested the following additional information and requirements:
  - Indicative street view showing how house would fit in
  - Assurances that all construction vehicles/materials etc will be stored on site and not obstruct Moor Lane. Expect any damage to be repaired in a timely manner and at developer’s expense
  - Limit to working hours (including deliveries). Request restrictions Monday to Friday only 9am to 5:30pm, and no bank holiday working - to reduce impact on neighbours
  - Require details of any external lighting to avoid light pollution. Exterior lighting should be kept to a minimum and used only as necessary as this part of the village is very dark with Moor Lane narrow and undulating. Any light splay onto the lane would impact on road safety and local wildlife in particular local raptor and bat populations.
  - Request confirmation that both a CEMP and Design and Access Statement will be provided
  - Request any planning conditions placed on the application are suitably monitored to ensure compliance and any breaches followed up by Enforcement Officer.
  - Request Site Meeting with Planning Service representative and that the application is considered by the Planning Committee due to the number of concerns raised by the Parish and village residents.
  - Parish Council stress, not opposed to development, but wish to ensure that buildings are of a design and size that compliment their surroundings and neighbouring properties.

**In response to the revised plans, the Parish Council have further stated:**

- Remain concerned about lack of detailed information
- Maintain concerned that the original site has been split into two plots and this current site is some distance from the development boundary
- Remain concerned that the footprint of the dwelling is larger than the indicative plan approved in outline
- Query whether this AORM should be considered given the circumstances and whether it should be a FULL application to be determined?
- Appreciate the revised material finish, stone is more appropriate, however would like confirmation that this would be reclaimed stone, rather than a

modern sawn finish. Reclaimed stone, flush pointed with brush finish has been used on the new build opposite in keeping with Hill House. We feel that this is a precedent for new stonework and the applicant did indicate at a site meeting that he would be happy to do this.

- Cannot stress enough how wet this field can become with water pooling on a regular basis. Request Phase 1 and Phase 2 site investigation is carried out, as there have been run-off issues at a property at the lower end of Moor Lane, which was after extensive measures including the use of large soakaway crates on the new build houses next to it. This did not prevent water running down from gardens into the neighbouring property. Residents do not want this to happen again. Drainage is inadequate in the village in general and persistent flooding and pooling of water at the junction of Moor Lane and Barningham Road, which then migrates to other areas along Barningham Road.
- Concerns about the overhead telephone cable passing over the site – will this be rerouted underground? Residents concerned that this will be damaged during construction of the new dwelling.

They seek further clarification on the following matters:

- Is the access in a different position to that approved in outline?
- Very little room for vehicles delivering materials to the site to enter and leave safely. Residents concerned about traffic obstruction and damage to verges. All vehicles should be parked within the site, without exception.
- Appears to be insufficient space available at front of property for turning and visitor parking
- Appears insufficient space for vehicles to access the adjacent plot, particularly with vehicles parked in front of garage.
- Any gates should comply with Highways regulations
- Residents request external lighting kept to a minimum and no PIR lighting.
- Dry stone wall should be repaired not replaced
- Request that the boundary between the two plots be hedged and not tall suburban fencing.
- Request full ecological survey as great crested newts in pond nearby
- Landscaping/tree planting scheme to be provided and remaining trees to be retained the front and side of the property
- Limited working hours Monday to Friday 8am to 6pm and no weekend or bank holiday working.
- Parish Council request Site Visit before being considered by the Planning Committee to enable Members to view the site location for themselves.

**7.3 Division Member(s):** Concerned about proposal for following reasons:

- The original approval 21/00397/OUT was for the entire site, not split into 2 separate plots as this application is.
- The design of the proposed dwelling is too large for the plot both in terms of its footprint and height.
- Its exterior finish with cream render, grey windows and grey cladding is not in keeping with surrounding dwellings which are constructed in local stone.
- The proposed dwelling does not provide adequate provision for a shared access for the adjacent plot, as defined in the outline approval. There is insufficient space for vehicles to turn, to enable them to exit the site without having to reverse out onto the road.

- Because of the footprint being so large, there is concern regarding the surface water run off onto the road and adjacent properties.

7.4 **NYC Ecology:** Given the small size of this development, it is unlikely the ecology team would be overly concerned with landscaping details so we are happy for these to be approved by the relevant landscape officer and do not require further consultation on this application.

7.5 **Environmental Health:** I have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, and I consider that the impact will be low. However, in response to the details of the Air Source Heat Pump, Environmental Health have stated that the information provided is simply the sound power level measured at 1m from the pump. The noise from ASHPs can be tonal in nature and the pumps can switch off and on intermittently and have the potential to affect amenity, particularly in small villages with low nighttime background levels. Environmental Health have requested that the applicant submits a simple noise assessment, advising that the calculation contained in the MCS 020 Planning Standards for permitted developments may be suitable, however if this is not suitable or the assessment is not deemed satisfactory by the local planning authority (LPA) then a noise impact assessment (with methodology agreed with the LPA) will be required.

#### Local Representations

7.6 In relation to the application as originally submitted 23 letters of objection were received from local residents. A further 22 letters of objection from local residents have been received in relation to the amended plans. Some residents have written in more than once. These representations echo the detailed comments and objections made by the Parish Council.

7.7 There were no letters in support of the application.

### **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

8.1 This Approval of Reserved Matters application does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

### **9.0 MAIN ISSUES**

9.1 The key considerations in the assessment of this application are:

- Principle of development
- Access
- Layout
- Scale, Appearance and Materials
- Heritage
- Scale (including size of dwelling)
- Landscaping
- Other matters

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 The principle of development has been established and approved under the Outline Planning Permission Reference 21/00397/OUT approved on 5<sup>th</sup> January, 2023, at which time the access details were also approved. Therefore, the only material considerations for this Approval of Reserved Matters Application relate to: appearance, layout, scale and landscaping.
- 10.2 This application has been submitted in accordance with the timescale requirements of the Outline Planning Permission.
- 10.3 This reserved matters consent is for one dwelling, whereas the Outline consent is for two dwellings. Technically, there is no reason why the application for the second dwelling cannot be submitted separately. However, we do need to ensure this application would not prevent the second dwelling being able to come forward.

### Access

- 10.4 Access was approved as part of the Outline consent. The access position has been checked and is in the same position as approved (32m from the south-west most corner of the site).
- 10.5 The internal access arrangements are suitable for the second dwelling to come forward, via a shared internal private drive.

### Layout

- 10.6 The layout plan is considered satisfactory and demonstrates that the plot is sufficiently large to accommodate the proposed 4-bedroom dwelling, allowing: a relatively small but adequate amenity/garden space; the required access, manoeuvring space and parking area; and attached double garage for the associated dwelling, without compromising the proposed shared access to the adjoining plot to the north.
- 10.7 Impact on neighbours was taken into account at the outline stage, and has been further considered during the process of this current Approval of Reserved Matters application. Notwithstanding the objections that have been maintained about the potential loss of amenity and privacy to neighbours, in my view, the amended plans have satisfactorily overcome this particular issue in terms of separation distances and direct impact.
- 10.8 Parking and access was dealt with at outline stage. In relation to Conditions 7, 8 and 9 of the outline planning permission the applicant has liaised with the Highway Authority in preparation for installing the approved access, and associated trees in the highway verge were removed to facilitate this work and create the required visibility splays. Approval was given by the Highway Authority for the dropped kerb on 4<sup>th</sup> March, 2024. Further details in this regard will be addressed in detail when a Discharge of Conditions application is subsequently submitted for approval.
- 10.9 Concerns have been raised in respect of drainage and flooding. This is not a reserved matter and has been dealt with at the outline Stage. Any drainage scheme will need Building Regulations approval.

### Scale, Appearance and Materials

- 10.10 Condition 4 of the outline planning consent limits the scale of the dwellings to two-storeys which the application complies with. When first submitted this proposed dwelling was larger



than two storey and included accommodation in the attic space which has since been removed.

- 10.11 Condition 5 of the outline planning permission requires one of the dwellings to provide two bedrooms minimum and three bedrooms maximum. This therefore means the second dwelling will need to be smaller 2-to-3-bedroom dwelling, and larger dwelling could not be approved.
- 10.12 Whilst the dwelling is relatively large, the height to highest eave is 7.2m and therefore will not appear taller than other properties on the street. It's massing is visually broken down by the projecting front element and stepping down to garage and rear single storey element. Visual interest is achieved through different roof forms, chimney, traditional high quality materials (coursed rubble and blue slate roof), Dressed Quoins (corner details) and stone cill and lintels. Overall, the design has several traditional references and is overall good quality and matches the materials of the new dwellings to the west.
- 10.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

#### Heritage

- 10.14 To the west of the proposed dwelling is two Grade II Listed Buildings, Hill Top (opposite) and Outbuilding approximately 8 metres south of Hill Top (to the south-west). Hill Top is late C18 to early C19 house, with coursed dressed sandstone and stone late roof. Of the two listed building Hill Top has the clearest visual relationship with the application site.
- 10.15 The layout, design, massing and appearance of the proposed dwelling is considered to not result in a negative impact to the setting of the Listed Building. In particular, the dwelling is set back from the road, majority of trees are retained, massing is broken down by different roof forms and traditional materials and detailing is proposed.

#### Landscaping

- 10.16 The proposed layout plan does not include details of any soft landscaping, other than lawn. Condition 13 requires compliance with an Ecology Report which includes landscaping recommendations. It is recommended a detailed landscaping scheme is a pre-commencement requirements.
- 10.17 The boundary definitions have not been specified, although it is indicative on the layout plan that the eastern boundary may be a retained fence and the southern and western boundaries may be retained walling. A condition to agree boundary treatments is therefore recommended.

#### **Other Matters:**

##### Habitats Regulation Assessment

- 10.18 The site lies outside of the River Tees Catchment Area in terms of nutrient neutrality and the impact of development on the Teesmouth and Cleveland Coast Special Protection Area, Ramsar Site and associated Sites of Special Scientific Interest. As such an Assessment is not required in this case.

##### The Public Sector Equality Duty

- 10.19 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a

relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. This was considered at the outline stage and there is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph.

### Sustainability

- 10.20 Condition 6 of the outline planning permission requires carbon savings in the design of the dwelling to exceed Part L of the Building Regulations. The Carbon Statement submitted with this Approval of Reserved Matters application states that the new dwelling will be built to a standard that exceeds Part L. The statement provides for solar panels, electric heating, avoidance of fossil fuels for heating, and it is stated that consideration will be given to the provision of an air source heat pump system and that such system would likely be a 12kW unit to comply with EN12102, with a maximum decibel level not exceeding 57dB(A) and comply with the requirements set out in MCS020. Further details of these measures would be required to meet the expectations of Condition 6 of the Outline Planning Permission, including SAP calculations to be provided in association with the Building Regulations requirements. Therefore, at this stage, no further consideration of this issue is necessary.

### Drainage

- 10.21 The issue of surface water flooding was considered at the outline stage when it was reported that the two dwellings would be connected to the main sewer and that Yorkshire Water had no objections in principle to the proposal subject to conditions that were imposed on the outline planning approval (Conditions 10 and 11) for separate systems for foul and surface water drainage. These conditions are yet to be discharged. Whilst there is no requirement for the details of drainage to therefore be considered at this Approval of Reserved Matters stage, the layout plan does indicate attenuation for surface water drainage in the back garden. Further details of this will be fully addressed when a Discharge of Conditions application is subsequently submitted for approval.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The principle of the development and access details were approved by the outline planning permission on 5<sup>th</sup> January, 2023.
- 11.2 The proposed details of appearance, scale and layout are considered acceptable. Insufficient landscaping details are provided and are recommended to be conditioned.

## **12.0 RECOMMENDATION**

- 12.1 That Approval of Reserved Matters be GRANTED subject to conditions listed below.

## **13.0 RECOMMENDED CONDITIONS:**

### Condition 1 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below:

- a) Enhanced Block Plan and Street View – Drawing no. CM526/03 Rev. A
- b) Plans Elevations and Block Plan – Drawing no. CM526/01 Rev. D
- c) Construction Management Plan – Received in Planning Office on 29<sup>th</sup> July, 2024.

d) Carbon Statement Rev. A dated 23<sup>rd</sup> April, 2024

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

#### Condition 2 Detailed Landscaping Scheme

Prior to the erection of any external walls of the dwelling as shown on approved plan Enhanced Block Plan and Street View – Drawing no. CM526/03 Rev. A, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority for that dwelling. The scheme shall include: boundary treatments, plants (planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted), planting and installation schedule/timetable and maintenance details.

The landscaping and boundary treatment shall complete with the recommendation of Outline approved document Preliminary Ecological Report version R5 07/03/2022 to ensure compliance with Outline Condition 13.

The boundary treatments and landscaping shall thereafter be installed and planted in accordance with the approved schedule/timetable. The boundary treatments shall be retained and maintained in perpetuity unless replaced like for like.

Reason: To ensure a satisfactory landscaping and boundary treatment scheme of delivered.

#### Condition 3 Materials

Prior to the erection of any external walls of the dwelling as shown on approved plan Enhanced Block Plan and Street View – Drawing no. CM526/03 Rev. A, samples of the materials proposed to be used for the dwellings external walls and roof shall be submitted to and approved in writing with the Local Planning Authority. These shall comply with the materials shown on the approved plans.

Reason: Only such approved materials shall be used for the external walls and roof.

**Target Determination Date:** 29.04.2024

**Case Officer:** Beverly Booth [Beverly.Booth@northyorks.gov.uk](mailto:Beverly.Booth@northyorks.gov.uk)