

Parish: Thornton le Moor
Ward: Bagby & Thorntons
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Committee date: 31 May 2018
Officer dealing: Mrs H Laws
Target date: 8 June 2018

18/00591/OUT

Outline application for the construction of two dwellings (with access and layout to be considered)

At The Hollies, Thornton le Moor

For Mr & Mrs G Hide

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies at the western end of the village, on the southern side of the main village street. It is currently a vacant paddock area attached to the residential curtilage of The Hollies, which is a detached bungalow that fronts onto the main village street. The application site covers an area of approximately 0.03 hectares.
- 1.2 The site is currently a paddock area immediately adjacent to the garden of The Hollies and the neighbouring garden of Holme Farm House. A mature hedgerow forms the boundaries to all sides.
- 1.3 A farm gate provides access onto the village street across the highway verge. Open countryside lies to the west of the site; the village playing field lies to the south.
- 1.4 It is proposed to construct two dwellings on the site. The matters for approval at this stage are access, and layout. The remaining matters, i.e. appearance, landscaping and scale would be for a later application if this is approved.
- 1.5 The proposed layout shows two dwellings positioned to face the front of the site, and generally following the building line of The Hollies. The rear gardens would extend towards the rear boundary with the playing field. The dwellings have been illustrated as single storey properties although this is indicative only.
- 1.6 Access would be shared from the position of the existing gateway with a driveway serving both plots. Parking would be available to the sides of the dwellings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 – Development outside Development Limits

Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Domestic Extensions Supplementary Planning Document
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Concerns were raised that this application is outside of the village limits, with a change of use required and with the sight line on a bad corner. Concern was also raised regarding the ability of the sewerage system to cope with the extra input.
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Swale & Ure Internal Drainage Board - any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.
- 4.4 Public comments – no comments received (expiry date for representations 21/5/2018).

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the impact on the character and appearance of the surrounding countryside and the village; (iii) the effect on residential amenity; and (vi) highway safety.

The principle of development

- 5.2 The site falls outside the Development Limits (Thornton le Moor does not have defined limits and is identified as an 'Other Settlement') as defined within Policy CP4 of the Core Strategy where 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 National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:
- 5.3 "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".
- 5.4 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.5 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and

details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

- 5.6 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community AND where it meets ALL of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.7 South Otterington, which is a Secondary Village, is the largest settlement in close proximity at approximately 1.5km. Newby Wiske (an Other Settlement) is located a little further to the west. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Thornton le Moor can be viewed as an example of a cluster village with South Otterington and Newby Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development is therefore acceptable.

The impact on the character and appearance of the surrounding countryside and the village

- 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. 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.*
- 5.9 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings; however that does not automatically mean that five dwellings would be appropriate in every settlement. In this instance a net increase of two dwellings is proposed, which is considered to be an acceptable scale. The question of the cumulative growth of the village also requires consideration. Planning permission has been granted for a single dwelling on a site to the north west of the current application site and planning permission for two dwellings on the site immediately to the north. These sites will be seen in the same context, but taken as a whole are not considered harmful to the overall character or form of the village. There have been no other dwellings approved in the village since the adoption of the Interim Policy Guidance.
- 5.10 The application site itself is not domestic in appearance but is more in-keeping with the character of the village than the adjacent rural landscape. The view of the site, on the approach into the village from the west, is of the existing dwellings and therefore the open aspect of the countryside to the east would not be compromised.

Residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The relationship of the proposed dwellings to each other and to The Hollies and Holme Farm House is such that there would be adequate separation distance to avoid any overlooking or overshadowing that would harm the amenity of existing or proposed residents.
- 5.12 The proposed development would not therefore be contrary to LDF Policy DP1.

Highway safety

- 5.13 No objections have been raised from the Local Highway Authority regarding the proposed access from the site. It is not considered that the proposed development would adversely impact highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No 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.

6. 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.
7. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (c) The existing access shall be improved by construction in accordance with Standard Detail number E6; and (e) Any gates or barriers shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular parking; and (b) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered RDC/3121/02 and 03 received by Hambleton District Council on 19 March 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the 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.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
7. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
9. 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.
10. 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.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

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

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

3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.