

Parish: Hornby
Ward: Appleton Wiske & Smeatons
4

Committee date: 26 July 2018
Officer dealing: Mr K Ayrton
Target date: 30 July 2018

18/00925/OUT

Outline planning (all matters reserved) application for the construction of one dwelling

**At land north and east of Chapelgarth, Hornby
For Mrs Joan Turnbull**

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 is located on the edge of the village of Hornby, with its frontage onto the main road leading north out of the village. The boundary of the Conservation Area lies a short distance to the south.
- 1.2 The site is approximately 0.05 hectares in size and forms part of a wider field in agricultural use. There is a hedge along the front (west) boundary with a large tree located close to a field gate. Located to the north is a two storey detached dwelling (Chapelgarth).
- 1.3 Planning permission was recently granted for a new dwelling opposite the southern part of the application site. Work has yet to commence.
- 1.4 The application is in outline form for a single dwelling. All matters are reserved. The remaining matters, i.e. access, appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.5 During the consideration of the application, the site area was reduced from approximately 0.09 hectares to address officer comments in relation to the size of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The application site has no planning history. However, the following applications are considered to be relevant.
 - 17/01808/OUT - Outline application for the construction of a dwelling with some matters reserved (access, layout and landscaping included for consideration); Granted 7 December 2017 (OS Field 0051, Hornby).
 - 16/01885/OUT - Outline planning application with all matters reserved for construction of a detached dwelling; Granted 11 November 2016 (land adjacent to Field View House, Hornby).
 - 16/02681/OUT - Outline planning permission with details of access (all other matters reserved) for construction of three dwellings and associated vehicular access; Granted 6 February 2017 (Hall Farm, Hornby).

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 CP8 - Type, size and tenure of housing
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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP13 – Achieving and maintaining the right mix of housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Policy Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No response received.
- 4.2 Highway Authority – Further details are required as to the exact location of the proposed vehicular access. Assuming that the vehicular access is confirmed to coincide with the location of the existing field access, or within the immediate vicinity - as stated in the Planning Statement, both the DMRB and Manual for Streets design standards are applicable to the site. DMRB should be used to the north of the proposed access (for traffic travelling towards the village). The required visibility splay in this instance is 2.4 metres by 160 metres. Manual for Streets can be applied to the south of the proposed access (for traffic leaving the village). The required visibility splay in this instance is 2.4 metres by 43 metres. We would estimate that the creation of these visibility splays would require the trimming back of approximately 30 metres of the existing hedge line to the north of the site access.
- 4.3 Yorkshire Water – No response received
- 4.4 Public comments – Nine objections received making the following comments:
- Hornby has increased in size significantly over the last few years;
 - Concern over the impact on electric and water supplies and sewage systems;
 - Any new housing should be for people on low incomes and young families;
 - Local roads already struggle with traffic;
 - Impact on views of neighbouring residents;
 - The quota of five dwellings has been reached;
 - Development should aim to result in biodiversity gain;
 - There is already speeding traffic through the village;
 - An additional dwelling in this location would result in dominating views when entering the village, in conflict with IPG criterion 2;
 - The development is contrary to CP1, 2 and 4; and
 - Considering the current housing supply, only limited weight should be given to the IPG.

Two further letters were received following a consultation on the reduced site area. They do not consider that the reduction addresses their original concerns.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; (iv) the effect on nearby heritage assets; (v) the implications on the public sewer; and (vi) highway safety.

Principle

- 5.2 The village of Hornby does not have any Development Limits, recognising its relatively small size. LDF Policy DP9 states that development will only be granted for development beyond Development Limits "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:

"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".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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.
- 5.4 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.*

- 5.5 In the IPG Hornby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub and village green. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.

- 5.6 Great Smeaton and Appleton Wiske, which are both Secondary Villages, are the largest settlements in closest proximity and are approximately 1.6km and 2.5km away respectively. 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 Hornby can be viewed as an example of a cluster village with Great Smeaton. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

The character of the village and the surrounding countryside

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. The proposal for one dwelling accords with this requirement. In forming this view it is noted that consent has also been granted for a dwelling opposite and one to the west of the converted chapel. This brings the total dwellings approved under the IPG in this part of the village to three. However, the overall scale is still considered to accord with the requirements of the IPG. There is also a further approved development for 3 dwellings in the eastern part of the village. However, this is not viewed in the same context.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment. In making this assessment it is noted that the application is in outline with all matters reserved.
- 5.9 In this part of the village, the predominant character of the built form is linear. However, there is a small degree of exception to this in the immediate context of the application site. The neighbouring property, Chapelgarth, the dwelling opposite, and the approved dwelling to its north, result in a small finger of development along the main road heading north of the village.
- 5.10 The IPG supports development that is adjacent to the main built form of a settlement where it results in incremental and organic growth.
- 5.11 The application site is relatively prominent when approaching the village from the north. Whilst the finger of development extending away from the village is noticeable, it is not significant. The proposal for one dwelling would extend the line of development and there is potential to create harm both to the built form and openness of the countryside. However, in its favour, the application is for a single dwelling. It is envisaged that a modest, single storey building with a well-considered landscaping scheme would have a limited impact, falling short of being detrimental to the overall character and appearance. A single dwelling would also retain a generous gap from the more isolated dwelling (Craigisla) to the north of the village.

Conservation Area

- 5.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hornby Conservation Area when deciding this application.
- 5.13 The Conservation Area covers a mainly residential area, accommodating dwellings with a predominantly linear built form on either side of the main road passing through the village. Therefore the introduction of an additional dwelling into this setting would preserve the existing character of the Conservation Area, subject to the assessment of the eventual design to be considered at the Reserved Matters stage.

Residential amenity

- 5.14 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 main impact to consider is in relation to the occupiers of the host dwelling.
- 5.15 The position of the site is such that it would allow for a design to achieve satisfactory levels of separation and avoid overlooking. The proposed development would not therefore be contrary to LDF Policy DP1.

Highway safety

- 5.16 Access is a reserved matter. The indicative site plan suggests that the access could be sited at the northern end of the site. The Highway Authority has commented on the application and considers that it should be possible to achieve adequate visibility splays, although this would require some trimming back if the hedge to the north of the access. This can be secured through condition and on that basis the Highway Authority has raised no objection.

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 of the proposed dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.
 3. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
 4. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 3 above.
 5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) vehicular, cycle, and pedestrian accesses; (b) vehicular and cycle parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements.
 6. 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(es) to the site have been set out and

constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (b) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; (c) That part of the access(es) extending 9 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; (d) Provision to prevent surface water from the site/plot discharging onto the existing highway shall be constructed and maintained thereafter to prevent such discharges; and (e) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 160 metres in a northerly direction and 43 metres in a southerly direction from a point measured 2.4 metres down the centre line of the access road. The eye height shall be 1.05 metres, and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
9. 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.

The reasons for the above conditions 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. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

5. In the interests of highway safety
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. In the interests of road safety.
8. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. 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 Hambleton District Council - Waste and Streetscene.

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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.