

Parish: Topcliffe
Ward: Sowerby & Topcliffe
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Committee date: 26 July 2018
Officer dealing: Miss R Hindmarch
Target date:

18/00859/FUL

**Construction of two dormer bungalows and three houses
At Anchor Dykes, Station Road, Topcliffe
For Crossfield Homes Ltd**

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 application site is to the north of the village of Topcliffe, beyond the Development Limits and the northern extent of the Topcliffe Conservation Area, on the east side of the A167 between the Primary School to the south and Anchor Dykes, a dwelling to the north. The site is currently used as a grazing paddock.
- 1.2 The site is primarily bounded to the west and south by hedgerow, with post and rail fencing to the east and north, with a further section at the south west corner. There are a number of mature trees along the western boundary that are subject to Tree Preservation Orders.
- 1.3 An access to the A167 to the north of the application site is proposed in order to create a private drive serving five dwellings. Three two-storey, four bedroom dwellings would front the highway, taking pedestrian access only from the front, while there would be two three bedroom dormer bungalows to the rear (east) of the site.
- 1.4 Plots 3, 4 and 5 would be served by detached garages and hardstanding while plots 1 and 2 have an attached garage with driveway parking.
- 1.5 The site layout indicates a portion of the paddock would become part of the garden area to the host property, Anchor Dykes, however this is outside the application site.
- 1.6 Improvements have been sought for the scheme as the proposal originally requested permission for six dwellings at the site, this was not considered acceptable due to the proposed layout and visual amenity and the scheme was reduced to five dwellings.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00953/OUT – Outline application for six dwellings; Refused 21 July 2004.
- 2.2 04/01604/OUT – Outline Application for two dwellings; Refused 30 September 2004.
- 2.3 17/00153/FUL – Four detached houses and ten parking spaces for school staff; Withdrawn 28 March 2017.
- 2.4 17/00807/FUL – Four detached houses; Granted 22 September 2017.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
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 DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
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 – Wished to see the original scheme for six refused on the basis of overdevelopment of the site. (Officer note: no comments have been received to date on the reduced scheme of five units although it is noted that the Parish Council did not object to four dwellings in previous applications).
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to conditions relating to land contamination.
- 4.4 Yorkshire Water – No objection subject to conditions.
- 4.5 Ministry of Defence – No comments received for this application however there were no safeguarding objections for the previous applications.
- 4.6 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the housing mix; (iii) highway safety; (iv) design and layout; and (v) landscaping.

Principle

- 5.2 The site falls outside of Development Limits of Topcliffe and policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted in such locations "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in policy CP4, so 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).
- 5.3 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 includes an updated Settlement Hierarchy.

- 5.4 In the Settlement Hierarchy contained within the IPG, Topcliffe is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site is positioned between other buildings that, although also beyond Development Limits, are closely related to the village. As such, if the site were developed it would not be isolated from the village. Neither would it result in the coalescence of settlements or be detrimental to the open character of the surrounding countryside. In view of the size of Topcliffe and the number of dwellings proposed, it is considered that the development would result in small scale growth appropriate to the character of the village.
- 5.6 Furthermore, the site has an extant permission for four dwellings and the principle of residential development on this site has therefore been accepted.

Housing mix

- 5.7 Policy CP8 of the Core Strategy requires proposals for housing to take account of local housing need in terms of size, type and tenure. The Council has an up to date Strategic Housing Market Assessment that identifies the principal need across the district is for smaller two and three-bedroom dwellings, particularly bungalows, with a lesser requirement for larger homes.
- 5.8 The proposal includes a range of house types with two three-bedroom dormer bungalows and three four-bedroom two-storey houses. This mix would introduce variety to the appearance of the development while also addressing the identified housing needs of the area.

Highway safety

- 5.9 Public concerns were raised during the consideration of the previously approved application with respect to the proximity of the site to the primary school to the south and whether the introduction of an additional access point and increased vehicle movements would exacerbate existing parking and highway safety considerations, particularly at peak drop off and collection times for the school.
- 5.10 While acknowledging that the school brings traffic and parked cars to the vicinity, this is for short periods twice a day during term time and does not impact on the highway at other periods or at weekends and during school holiday periods. The introduction of a new access point to serve the development would reduce the availability of on-street parking for parents but would not preclude on street parking entirely and the Highway Authority is satisfied it can be formed without detriment to highway safety.
- 5.11 It is acknowledged this application includes an additional dwelling however the Highway Authority is satisfied with the proposal subject to the conditions detailed below. Overall the proposal is considered acceptable in highway terms.

Design and layout

- 5.12 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new

developments are appropriate in terms of scale and location in the context of settlement form and character.”

- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- “Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”
- 5.15 The Council’s Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design. The submitted Design and Access Statement does not refer to public consultation, which would have been discretionary, but does highlight changes that have been made to the improve the housing mix and now includes an additional three bedroom dormer property which meets the identified need within the District.
- 5.16 The character of the village is principally defined by the use of facing brickwork and pantiles, although a small number of properties utilise materials such as render and slate roofing. There is a range of house types and styles but these are unified by the use of common materials. The majority of properties front the public highway with a small number of cul-de-sacs.
- 5.17 The proposed layout fronting the highway with additional dwellings behind is appropriate within the context of the village and although there is a not a single architectural style within the village, the proposed use of projecting porches and chimneys reflects some existing properties in the vicinity. The dwellings would therefore appear sympathetic to the character of the wider area.
- 5.18 The scheme for six dwellings brought an increased level of development along the frontage with three properties close to the front boundary, this level of development in close proximity to the front of the site and therefore highly visible from the street scene was not considered appropriate, the scheme was reduced to five and the two dwellings that were proposed to the northern boundary were reduced to one and the dwelling set back in line with the previous approval at the site. The revised layout is considered to retain a more open frontage which better reflects the existing open character of the site and the location beyond the main built-up part of Topcliffe.
- 5.19 The layout to the rear has changed from the previous approval at the site. Plots 4 and 5 provide two three-bedroom dormer bungalows with a smaller footprint than the previously approved bungalow within this part of the site. The two dwellings have a greater combined footprint, however they do provide two dwellings that are smaller overall. This part of the site is also set back from the front boundary and will not dominate views of the site. The changes proposed are on balance considered acceptable.
- 5.20 The application form indicates the use of facing brickwork and a range of roofing materials, while noting there are examples of different materials in the area and that

those proposed may individually be acceptable, there is no clarity as to which materials are proposed. Should permission be granted the use of suitable materials could be effectively managed via a condition requiring samples and a schedule to be submitted for approval.

Landscaping

- 5.21 The boundary of the site contains a number of landscaping features; trees to the front of the site are protected by a Tree Preservation Order. The scheme for six dwellings conflicted with the trees in terms of siting within root protection areas and potential pressure for future removal due to the close proximity to one tree. The reduction of the scheme to five dwellings has reduced the concern as the dwellings are set further away from the tree and in a similar position to the previously approved scheme.
- 5.22 Given there are protected trees along the front boundary it is considered appropriate to request an Arboricultural Method Statement detailing the specific protection measures that are required to ensure there is no damage to the trees during the construction phase. The preparation and submission of this prior to commencement of the development will be controlled through condition. A landscaping scheme and boundary treatment details will also be requested via condition.
- 5.23 Overall, the proposed development is considered to represent small scale growth within a sustainable village location, in line with the aspirations of the NPPF and IPG.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and proposed site layout 8086 230 C, floor plans and elevations received by Hambleton District Council on 06/07/2018, unless otherwise approved in writing by the Local Planning Authority.
 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. 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: (d) The crossing of the highway verge and footway shall be constructed in accordance with the approved details and Standard Detail number E6VAR; (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; and (h) 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. 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 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will 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.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Proposed Site Plan 230 revision c). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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.
8. 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: (i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) 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.
9. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
10. Details of the proposed landscaping and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented on site prior to the first occupation of any of the dwellings hereby approved.
11. Notwithstanding the proposals detailed in the application no development shall commence until an Arboricultural Method Statement and Tree Protection Plan is approved in writing by the Local Planning Authority for trees within and adjacent to the application site. This must be in close accordance with: (a) BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations; and (b) NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) – Operatives Handbook 19th November 2007. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

12. No development shall commence until a Ground Gas Investigation and Risk Assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL3)
13. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
14. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)
15. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (See Note for Applicant CL5)

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
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.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

9. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.
10. 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 the Development Plan Policies CP17, DP32 and DP33.
11. To protect the all existing trees on and immediately adjacent to the site (within 10m) that the Local Planning Authority consider provide important amenity value in the locality.
12. To ensure safe development of the site and to protect human health and the environment.
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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. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk
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 condition 4.

4. Contaminated Land Notes for Applicants:

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL3 - Ground gas investigations should have regard to current best practice and the advice and guidance contained in British Standard BS8485, Construction Industry Research and Information Association (CIRIA) "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665) and NHBC "Guidance on Evaluation of Development Proposals on Sites where Methane and Carbon Dioxide are Present" (NHBC, 2007).

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 (YALPAG 2017), and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.