

Parish: East Harlsey
Ward: Osmotherley & Swainby
2

Committee date: 23 August 2018
Officer dealing: Mr P Jones
Target date: 28 August 2018

18/01362/OUT

**Outline planning permission with some matters reserved (access and layout to be considered) for the construction of five dwellings with associated access
At Rose Villa East Harlsey
For Mr Victor Wood**

This application is referred to Planning Committee as the proposed development is potentially a Departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site covers 0.4 hectares and extends approximately 140 metres from the north side of the main village street in East Harlsey, at the rear of Rose Villa, which is a two storey house. The Village Hall and adjoining children's play area are located on the east boundary of the site and Hilltop, a two storey house, is located at the southern end of the west boundary. To the north of the site there is open countryside characterised by agricultural fields.
- 1.2 The main part of the site is dominated by the existing wood yard business and related buildings of an agricultural and industrial character. The majority of these buildings are redundant except for a large workshop at the north end of the site. The boundaries of the site are generally well screened. On the east and west boundaries of the site there are mature trees and hedges.
- 1.3 The site is accessed from the village street, between Rose Villa and the Village Hall, on the south boundary of the site.
- 1.4 A Topographical Survey has been submitted with the application which indicates that the site rises approximately 2.0m from the highway into the site adjoining the Workshop, and then falls to the north boundary approximately 5.0m. The site is virtually level between the west and east boundaries.
- 1.5 The main form of the village is linear in character although there are limited examples of in-depth development.
- 1.6 The application is made in outline with matters for approval at this stage being access and layout. The remaining matters, i.e. appearance, landscaping, and scale would be for a later application if this is approved.
- 1.7 The proposed layout envisages an initial linear form of development with the access running along the east boundary of the site and plots one and two set centrally within their gardens on the west side of the access. Plot 3 forms a stop end to this part of the development, which then forms a discreet character area. Whilst scale and therefore the height of the proposed dwellings is not considered within this application, the indicative drawings suggest that part of this section of the development, which is at the highest point of the site, would be single storey.
- 1.8 A second character area is then formed in the lower section of the site with plots 4 and 5 facing one another around what is effectively a courtyard space reminiscent of a traditional farmyard, framed by the houses and garaging.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/02952/OUT - Outline application for a residential development; Refused 9 February 2007.

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 Policy CP12 – Priorities for Employment Development
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 DP17 – Retention of Employment Sites
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 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection.
- 4.2 Highway Authority – The design standard for the site is Manual for Streets and the required visibility splay is 2.4 metres by 43 metres. Adequate visibility is currently available to the east of the existing access. To the west of the access the existing visibility is sub-standard. However, it is within the applicant's control to improve this. A 2.4 metres by 43 metres visibility splay would be achievable here if the existing front boundary wall were to be partly demolished and realigned, as stated in the Design and Planning Statement, and an existing bush trimmed back. Consequently the Local Highway Authority recommends that conditions are attached to any permission granted.
- 4.3 Natural England – No comments.
- 4.4 Environmental Health – No objections, subject to conditions on contamination.
- 4.5 Public comments – 20 representations have been received, 18 in support and two objecting.

The points made in support are summarised as:

- This would be brownfield development and not would not take farmland;
- It will improve the appearance of the site;
- There is a need for more housing in the village and to see the village grow;
- The proposal has been developed with community involvement;

- The proposal is a good mix of housing with much needed family accommodation;
- The development will help to support local services;
- The mixture of one and two storey buildings will lead to an attractive development;
- The site is well screened by mature boundaries and so unlikely to set a precedent for further in-depth development;
- The site represents a logical in-fill; and
- The existing use of the site is inappropriate in this location in the middle of the village.

The grounds of objection are summarised as:

- The development may set a precedent for a second tier of development;
- The absence of affordable housing; and
- The site is not a preferred option in the emerging Local Plan and as such should be refused.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings 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 loss of the existing business use; (vi) the implications on the public sewer; and (vii) highway safety.

Principle

- 5.2 East Harlsey does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.
- 5.3 Core Policy CP4 sets out the exceptional cases where development will be considered outside Development Limits. In this case criterion ii is considered to be relevant.
- 5.4 Criterion ii states that development may be supported where *“it is necessary to secure a significant improvement to the environment”*.
- 5.5 In this case the question is two-fold in terms of the impact of the current use of the land and the impact of the buildings associated with it.
- 5.6 In this case, the buildings are of an agricultural nature, of a type often found within village environments, and are not readily visible from public spaces in the village. Their scale does not result in a form that dominates or harms the character of the village or the setting of nearby heritage assets (the Grade II listed buildings of The Old Vicarage and Priory View). However, the existing use as a wood yard, whilst currently low key in nature has the potential to result in a loss of amenity to neighbouring occupiers. As such the proposed development is considered to gain support from Core Policy CP4.
- 5.7 This and the further analysis in respect of policy DP17 later in this report suggests that residential redevelopment of this site may be supported under Development Plan policies. However, it is wise to also consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in July 2018. Paragraph 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

- 5.8 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 new housing in villages.
- 5.9 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.
- 5.10 In the Settlement Hierarchy reproduced in the Interim Policy Guidance East Harlsey is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.11 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. The proposed development is for five units and in the context of East Harlsey is considered to be small in scale and as such meets the requirements of criterion 2.

Character and appearance

- 5.12 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 environment and built form. This is consistent with other policies in the Local Development Framework.
- 5.13 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."
- 5.14 In terms of design, 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.

- 5.15 The National Planning Policy Framework supports this approach and, at paragraph 130, 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 128 sets an expectation that applicants engage with the Council and the local community about the design and style of emerging schemes at an early stage. The applicants supporting statement states that consultation was carried out by the applicant with the neighbours at Hilltop and also the Village Hall Committee and East Harlsey Parish Council. It is clear from letters of support for the development that the applicant in designing the scheme has responded positively to this consultation.
- 5.16 The Design and Access Statement sets out the logic behind the proposed layout of the site and states that "*The proposed development concept is the result of a considered and thorough site appraisal and development process and has followed the clear principles of achieving high quality design.*" It goes on to say that "*as the site is long and relatively narrow the proposed layout of the site has been divided into two distinct character areas, one linear and the second more of a courtyard arrangement, with the intention to reduce the impact of an apparent overall linear form*".
- 5.17 Pre-application advice from officers had suggested that the development could be designed to reflect a selection of traditional farm buildings. It is considered that the proposed layout achieves this by providing the basis for a development of different sizes and heights, including a farm house, generating a form of development that would be appropriate to the site location and the character and form of the village. The depth of proposed development is not in keeping with the prevailing pattern of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration.
- 5.18 Although scale is not included for consideration at this stage the layout is, and the applicant has stated that they propose to build one two bedroom unit, two three bedroom units and two four bedroom units.
- 5.19 This mix is considered to be acceptable in this location and in line with the Councils Supplementary Planning Document and Development Policy DP13 in terms of housing mix. It is recommended that a condition be added to any permission in order to ensure that this mix is achieved at the Reserved Matters stage. To accompany and support the application a proposed three dimensional impression are have been submitted to show the concept of the proposals.

Residential amenity

- 5.20 Given the relationship to the neighbouring property at Hilltop to the west of the site and Rose Villa to the south, which is in the ownership of the applicant, it is considered that the layout offers the ability to develop a scheme at Reserved Matters stage that will protect the amenity of neighbouring occupiers.
- 5.21 It has been identified that there is a potential risk to occupiers of the site from the historical storage of fuel on site. It is recommended that a contamination survey condition is attached to the decision, should permission be granted.

Heritage assets

- 5.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

- 5.23 Priory View, located to the east of the Village Hall and the Old Vicarage on the south side of the road opposite the Village Hall are Grade II listed buildings. Whilst in relatively close proximity to the site they are separated from the application site by intervening buildings and are not seen in the same context as the application site. St Oswald's Church is a Grade I listed building located approximately 400m to the southeast of the site.
- 5.24 On assessment of the application it is considered that it would not lead to harm to the setting or significance of any of these listed buildings.

Loss of the existing business

- 5.25 Development Policy DP17 seeks to protect existing employment uses but does allow alternative uses to be approved if any one of four criteria is met. In this case the level of employment currently on the site is relatively minimal in that the site is only operated at a low level and on a part time basis. However, the use as set out in earlier paragraphs is considered to be potentially harmful to nearby residential properties owing to noise and dust disturbance from the wood-yard operations, although this is not currently a major issue owing to the relatively small proportion of the site that is used and the low key nature of current operations. Nevertheless, criterion iii of DP17 complements criterion ii of CP4 by allowing employment land to be used for alternative purposes where "there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours".
- 5.26 The harm caused by the loss of employment land is considered to be more than offset by the benefit of the removal of the potentially un-neighbourly use in this instance, as allowed for by policies CP4 and DP17.

Local infrastructure

- 5.27 The small scale nature of the proposed development is unlikely to result in significant harmful pressure on local infrastructure, in particular surface and foul water drainage. However, consultation responses are awaited from the pertinent agencies.

Highway matters

- 5.28 The Highway Authority has raised questions about the visibility splay at the access point from the Highway. In order to improve the visibility a wall at Rose Villa needs to be removed or altered. This is in the control of the applicant and the alteration is set out in the design and access statement. The Highway Authority is satisfied that the necessary visibility splay can be achieved on land within the control of the applicant and has recommended conditions accordingly.

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.
10. Prior to the commencement of development, detailed levels shall be submitted in writing and approved by the Local Planning Authority. The levels shall be taken from a known local datum, showing the proposed ground levels, finished floor levels, eaves and ridge levels across the site. The development shall be implemented in accordance with the approved details.
11. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL1). This shall be followed by a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, to be submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)

No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required. (see Note for Applicant CL4)

No further development shall commence until the approved remediation scheme has been implemented.

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 outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances 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)

12. The development of the site shall be limited to no more than 5 dwelling units.
13. The reserved matters application(s) shall comply fully with the requirements of Development Policy DP13 and the Council's Supplementary Planning Guidance on the Size, Type and Tenure of new Homes adopted September 2015 or any successor document.

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.
10. In order to ensure that the heights of the proposed ground levels and built levels are appropriate in terms of the character and appearance of the area and the amenity of neighbouring occupiers and to ensure compliance with policies DP1 and DP32.
11. To ensure safe development of the site and to protect human health and the environment in accordance with Development Policy DP1.
12. In order that the scale of development is acceptable and compliant with the requirements of the Interim Policy Guidance and Development Policy DP32.
13. In order that the size and type of dwellings meet the identified local need for new housing and comply with the requirements of Development Policy DP13.

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.
3. Contaminated Land Notes for Applicants

CL1 - Preliminary Risk Assessments should have regard to current best practice and the advice and guidance contained in CLR11 Model Procedures for the Management of Land Contamination (Environment Agency, 2004). Further advice is contained in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018.

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.

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.