

Parish: Raskelf
Ward: Raskelf & White Horse
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Committee date: 13th December 2018
Officer dealing: Miss Ruth Hindmarch
Target date: 19th December 2018

18/01939/OUT

Description: Outline application with some matters reserved (to consider access and layout) for residential development of 3 detached dwellings

At: Land to the West of Scatterpenny, The Green, Raskelf

For: Mr & Mrs D Rutherford

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located in The Green which is to the south of the main part of Raskelf village. Scatterpenny is located to the western edge of The Green on the northern side of Hag Lane. The site forms part of the curtilage of Scatterpenny and is currently enclosed by mature hedging and fencing to the west and south and timber fencing to the north. There are a number of timber structures and a barn currently within the site that have been used as part of an animal sanctuary previously run by the applicants. On the opposite side of the highway, to the south of Hag Lane is grassland.
- 1.2 The village of Raskelf is principally a linear settlement centred on North End; however a small cluster of properties, known as The Green, is located to the south on Hag Lane. It is considered that this area is associated with and accessible from the main part of the village, although it is beyond Development Limits. This assessment is consistent with the approach taken in the consideration of other recent applications for residential development at The Green.
- 1.3 The proposal seeks consent outline consent for three dwellings. 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. The applicant has stated the proposed dwellings would consist of two 3 bedroom properties and one 4 bedroom property.
- 1.4 Improvements have been secured as follows: the number of dwellings has been reduced from 4 to 3 to provide greater spacing between properties and allow for supplementary planting to the western edge of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning or enforcement history on the site.

Land to the south and elsewhere in The Green

- 2.2 Land to the south, opposite the application site has outline planning permission for residential development of 3 detached dwellings. Application number 18/00271/OUT granted 4th May 2018.
- 2.3 Outline consent granted for one detached dwelling at Pond Corner. Application number 18/00060/OUT granted 6th April 2018.

- 2.4 Outline and Reserved Matters consent granted for 3 detached dwellings on land to the west of Green Acres. Application 16/02803/OUT granted 28th April 2017 and 17/02536/REM granted 19th January 2018.
- 2.5 Outline and Reserved Matters consent granted for 5 dwellings on land to the north east of Dove Cote. Application 17/02358/OUT granted 31st January 2018 and 18/01041/REM granted 31st October 2018.
- 2.6 Outline consent granted for residential development on land to the north east of The Cottage. Application 17/02240/OUT granted 15th January 2018.

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
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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework – July 2018
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Environmental Health Services (Contaminated Land) – will require a contaminated land Phase 1 preliminary risk assessment, conditions recommended
- 4.4 Yorkshire Water – no objections subject to a condition regarding surface water. It is noted there is a public foul sewer that crosses the site and the presence of this infrastructure shall be taken into account in the design of the scheme however given its location Yorkshire Water would look for this matter to be controlled by Building Regulations.
- 4.5 Public comments – neighbouring properties consulted and site notice displayed, no comments have been received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) housing size, type and tenure, (iii) the impact on the character of the surrounding area, including the character and appearance of the village (iv) residential amenity; (v) highway safety and (vi) drainage issues, including the surface water sewer.

The principle of development

- 5.2 The site falls outside the Development Limits of Raskelf. Policy CP4 states that all development should normally be within the Development Limits of settlements. 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).
- 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 includes an updated Settlement Hierarchy.
- 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 settlement hierarchy contained within the IPG, Raskelf remains unchanged from the Core Strategy state as a Secondary 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.
- 5.6 However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 450 metres (by road) beyond Development Limits.
- 5.7 The village of Raskelf has two distinct parts; the main village and The Green. The proposed development is within The Green area to the south of the main village and this area is beyond Development Limits. Notwithstanding that, this area is associated with the main part of the village being approximately 450 metres apart at its closest point and linked via a lit footpath (on the north west side of Hag Lane, opposite the site) that enables residents to access services, including the recreation ground which

is located between the two parts of the settlement. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Housing size, type and tenure

- 5.8 The proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Policy CP8 and the Supplementary Planning Document.

The character of the village

- 5.9 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for three dwellings and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.10 The piece of land that is the subject of this application falls within the 30mph speed limit. The site has existing buildings on it which are associated with Scatterpenny, one of which will remain. The dwellings would be laid out in a linear arrangement fronting the highway which reflects the pattern of development in the immediate surrounding area.
- 5.11 The application site will utilise the existing western boundary hedge which forms an important landscape feature when on approach to this part of the village from the west. Further planting is proposed to strengthen this boundary together with a supplementary planting along the rear of the proposed dwellings is proposed. This planting would join up to existing planting that is present to the rear of Scatterpenny and Hideaway Cottage.
- 5.12 The site would extend the built form of the village on the northern side of The Green but would be well enclosed by the existing landscape boundary that would be supplemented. Opposite the site there is an area of open grassland, this site was given outline planning consent for 3 dwellings earlier this year, the development would extend the built form in line with this approval however the site has not yet progressed beyond the outline stage.
- 5.13 It is considered that given the linear nature of the proposal, the characteristics of the site and as it is well contained by landscaping that will be supplemented, the proposal is acceptable, respects the built form and character of this part of the village.
- 5.14 Consideration has been given to whether the proposal would allow for a gradual and organic growth as intended within the IPG where the “cumulative increase generally results in the creation of unique character and helps contribute towards a sense of place”(explanatory text, 2. Scale). The cumulative impact of the proposed development is assessed with reference to the recent planning approvals for development on 5 separate sites in The Green. The approved sites are generally to the east of the current application as noted in the Planning History above. The views would be in the context of the established dwellings and gardens of the village as well as the newly approved dwellings and the impact of the new dwellings would not result in a significant harmful visual impact when considered in isolation or cumulatively. It is considered that the development would continue to build on the unique character of the small but growing settlement of The Green.
- 5.15 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. By virtue of the siting of the proposed dwellings and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon

the character or appearance of the natural or built environment. There is no recorded heritage or ecological interest in the site.

- 5.16 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. Given the existing landscape boundary to the west and with the 30mph speed restriction falling just beyond the application site, the proposals are considered to be a logical extension to the existing built form of The Green, Raskelf. The layout and building line of the proposed dwellings reflect that of the existing dwellings within the locality and will not appear at odds with the existing built form.
- 5.17 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Residential amenity

- 5.18 It is considered that the site is capable of accommodating three dwellings without prejudicing residential amenity, particularly that of Scatterpenny by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.19 With adequate boundary treatments and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.20 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage and the surface water sewer

- 5.21 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development (in respect of drainage or any other matter) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Planning balance

- 5.22 The proposal would create three further homes in a sustainable location, without causing harm to the appearance of the settlement and without harm in terms of highway safety or the capacity of local infrastructure. The scale and rate of growth of the settlement as a consequence of this and previously approved developments is a cause for concern but as found above the cumulative impact would not be severe.
- 5.23 The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the additional development is neutral or slightly negative due to the scale and rate of change. Overall the scheme is found on balance to be acceptable.

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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Location Plan received 11.09.2018 and Revised Site Layout Plan 01 Rev B received 23.11.2018 unless otherwise approved in writing by the Local Planning Authority.
3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site and (c) the scale (including the number) of buildings overall.
4. 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.
5. 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. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
7. No part of the existing boundary hedging and planting along the south western site boundary shall be uprooted or removed or reduced in height without the prior written consent of the Local Planning Authority. The planting along this boundary shall be retained for the life of the development hereby approved.
8. This decision grants permission for no more than 3 dwellings. The size of each dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.
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 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 crossings of the highway verge shall be constructed in accordance

with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

10. 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 until:
 - (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

Provision of a footway across the site frontage linking the dwellings with the existing footway to the east of the site.

- (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
12. 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.
13. 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.
14. 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.
15. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 10.

Provision of a footway across the site frontage linking the dwellings with the existing footway to the east of the site.

16. 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 and pedestrian accesses
 - b. vehicular parking
 - c. vehicular turning arrangements

No part of the development shall be brought into use until the approved vehicle access, 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

17. The following land contamination investigation, remediation and verification conditions must be addressed sequentially. 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)
18. No development shall commence until a land contamination '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.
19. No development shall commence until a land contamination 'Phase 2' intrusive site investigation and risk assessment, 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 1' Assessment shows that further investigation is not required.
20. No development shall commence until a land contamination '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 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL5)
21. In the circumstances that remediation has been required the development shall not be occupied until a land contamination Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with 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 Hambleton Development Plan Policies DP1, DP28 and CP17
3. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
4. 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.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
6. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network
7. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33
8. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure SPD.
9. 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 Hambleton Local Development Framework Policy CP2.
10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development, in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2 and to ensure an appropriate housing mix is retained in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure of New Homes Supplementary Planning Document.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
13. 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 Hambleton Local Development Framework Policies CP1, DP1 and CP2.
14. In the interests of road safety in accordance with Hambleton Local Development Framework Policies CP1 and CP2.
15. In the interests of the safety and convenience of highway users
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

17. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
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