

Parish: Hackforth
Ward: Bedale
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Committee date: 10 January 2019
Officer dealing: Mrs H Laws
Target date: 15 January 2019

18/02379/FUL

Construction of a detached dwelling and detached domestic garage/carriage house & log store

At: Elm House, Hackforth
For: Mrs G McKinlay

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 site lies at the southern end of the village, on the eastern side of the main village street leading southwards to Crakehall. The site, which covers an area of 0.09 hectares, is currently a paddock with an L-shaped timber stable block, used in association with Elm House. Access into the plot is from the Crakehall Road.
- 1.2 To the west of the site lies Mill House, with The Greyhound Inn Public House and its car park to the North West; open countryside lies to the south. Elm House and its garden bound the application site to the north and east.
- 1.3 Planning permission was granted in December 2017 to remove the stable block and construct a four bedroom dwelling with the first floor accommodation within the roof space. The dwelling would have a central ridge with gabled offshoots to the front and rear. An integral garage would lie at one end of the proposed dwelling.
- 1.4 The dwelling would be finished in rendered blockwork with natural stone quoins, water tabling, headers and cills with a clay pantile roof.
- 1.5 A new access was approved to the south of the existing access. It was proposed to retain the existing hedges and post and rail fence.
- 1.6 It is now proposed to construct a two storey dwelling, again with the first floor accommodation in the roofspace but served by dormer windows to front and rear. The dwelling would be on a smaller footprint with three bedrooms, all proposed at first floor. The dwelling would be finished in rendered blockwork with a stone plinth, stone headers and cills and a clay pantile roof.
- 1.7 A detached, open-fronted garage is proposed to be sited adjacent to the eastern boundary of the site, finished in timber boarding with a clay pantiled roof. A log store is proposed for the side elevation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/02175/FUL - Construction of a detached dwelling and domestic garage. Permission granted

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 – Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
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 – no comments received (expiry date for representations 3/12/2018)
- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Yorkshire Water – no comments
- 4.4 MoD – no safeguarding objections
- 4.5 Yorkshire Wildlife Trust – no comments
- 4.6 Natural England – no comments
- 4.7 HDC Environmental Health (contaminated land) - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.
- 4.8 Public comments – no comments received (expiry date for representations 2/1/2019)

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) design; (iv) the impact on residential amenity; and (v) highway safety.

Principle

- 5.2 The site falls outside of the Development Limits of Hackforth, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. 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 NPPF. Paragraph 79 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 appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 settlement hierarchy contained within the IPG, Hackforth is no longer defined as a Secondary Village but as an 'Other Settlement'. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. The dwelling would lie within 300m, which is walking distance, of all of these facilities. Additionally, Hackforth is close to Langthorne which has previously been accepted as forming a cluster village with Hackforth. Hackforth is also within cycling distance (3km) of Crakehall where there are further facilities although this should be given only marginal weight due to the distance. Given the form and variety of services and facilities in the village and in nearby Langthorne, which equate to those that might be found in a small Secondary Village, in this case it is considered that criteria 1 would be satisfied.
- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. It is considered that the construction of a single dwelling on this site would not overwhelm the village in respect of scale, form or character and would be acceptable.

Character and appearance of the village and the rural landscape

- 5.6 The land is domestic in character and not considered to be of special visual or historic merit. The development as proposed would not encroach beyond the existing line of development at the edge of the village and would remain in line with the existing built form of the village on the opposite side of the road.
- 5.7 The view of the site, on the approach into the village from the north, is of the existing dwellings and therefore the open aspect of the countryside to the east would not be compromised.

Design

- 5.8 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."
- 5.9 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.

- 5.10 The National Planning Policy Framework Planning 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.
- 5.11 The submitted Design & Access Statement does not include an assessment of local character nor does it explain why the proposed design was selected. It concludes that it would not harm the form and character of the village and the building materials complimentary to the properties surrounding the site.
- 5.12 The statement does not include any evidence of other development options being considered.
- 5.13 The dwellings in this part of a Hackforth are a mix of sizes, styles and materials. The proposed dwelling is of a bungalow style with dormer windows serving the first floor accommodation. This less traditional style is not uncommon within the village and the use of render and pantiles reflects the materials on other buildings in the immediate vicinity; the stone detailing respects the common use of stone on many of the existing dwellings in the village.
- 5.14 The proposal is therefore considered to be in accordance with LDF Policies CP17 and DP32.

Residential amenity

- 5.15 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 proposed dwelling lies more than 25m from its nearest neighbour, which is Elm House. It is considered that this is adequate separation distance to ensure there is no loss of amenity for existing or proposed residents.
- 5.16 The proposed development would not adversely impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

Highway safety

- 5.17 The Highway Authority has no objection to the creation of a new access onto the main road.

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. 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.

3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
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 until the access to the site has 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; (d) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number 133:16/01 Revision B; and (e) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. 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 90 metres measured along both channel lines of the major road from a point measured 2.0 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.
7. 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 drawing number 133:16/01 Rev. B). Once created these 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. 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.
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. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 133:16/01B received by Hambleton District Council on 5 November 2018 unless otherwise approved in writing by the Local Planning Authority.

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. 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.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies DP1 and DP6.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
6. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
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 in accordance with LDF Policies CP2 and DP4.
10. 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 DP32 and DP1.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this informative.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European

Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

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

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

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