

Parish: Appleton Wiske
Ward: Appleton Wiske and Smeatons
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Committee date: 7 February 2019
Officer dealing: Aisling O'Driscoll
Target date: 11 January 2019

18/02161/OUT

**Outline Planning Application with some matters reserved (considering access & layout) for a development of 2 detached dwellings
At Ingram Grange Farm, Appleton Wiske
For Addis Charles**

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 towards the southern end of Appleton Wiske. The site fronts the public road, Front Street, with an existing access located approximately halfway along the frontage. The site is just outside of the development limit and backs onto open countryside. To the south of the site is the River Wiske.
- 1.2 There are a mix of uses in the vicinity. To the north east of the site is Appleton Wiske Primary School. Immediately opposite the application site is residential development and the Village Hall is located to the west. A little further out to the south east of the site is a playing field and associated play equipment.
- 1.3 The historic core of Appleton Wiske is predominantly linear in form and comprises attractive buildings, several of which are terraced, located close up to the highway edge. There is more modern development, with detached properties set back from the road frontage with greater spacing between the buildings, at the southern end of the village.
- 1.4 The site currently forms part of a field, with an established hedge on the north east boundary to the road and gates serving the site. The south western side of the site is also bounded by a hedge which appears to separate the site from the open countryside beyond.
- 1.5 Approximately half of the site is located within Flood Zones 2 and 3. The front strip, where the proposed dwellings are proposed is located in Flood Zone 1.
- 1.6 A previous application for five dwellings at the site was refused for the following reasons:
 1. "Due to the positioning on site, and extent of development, the proposed development would have a detrimental impact on the character and form of the village and that of the open countryside beyond. The proposed development is contrary to Development Plan policies relating to the distribution of development and is considered to fail to accord with the requirements of the Council's Interim Policy Guidance in these terms, in particular criteria 2, 3 and 4."

And

2. "The loss of the hedge to the front of the site would further erode the character of the village street. The proposed development is considered to fail to accord with the requirements of Development Policy DP32, which seeks high quality development which respects the setting of the development."

- 1.7 The application was subsequently dismissed at appeal with the Inspector stating that:
“the proposal would represent a marked incursion into the countryside on the periphery of the settlement with the extent of the proposal and it’s positioning in a linear form extending along the road. As a consequence, the site’s contribution to the character would be unduly diminished.”

And that:

“it would not be a natural extension of the village”

- 1.8 The only matters for approval at this stage are access and layout, with appearance, landscaping and scale reserved for a later application if this one is approved.
- 1.9 The application is supported by a site plan, which identifies the siting of the dwellings and access to the highway. This shows two dwellings located to the front of the site, with their footprints avoiding Flood Zones 2 and 3.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/02471/OUT - Outline planning application for residential development and associated infrastructure with details of access and siting (all other matters reserved) ; Refused and Dismissed at appeal.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies 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 Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Welbury Parish Council – No comments.
- 4.2 Appleton Wiske Parish Council - Does not support the application on the following grounds:
- Impact and character and form of the village
 - Flood risk
 - Position of site
 - Impact on hedges

- The parish Council does not support any further housing development in the village
 - The site was not submitted in the call for sites.
- 4.3 Highway Authority – No objections subject to conditions relating to surface water discharge, access construction requirements, visibility splays, highways safety improvement works, vehicle turning and parking, precautions to prevent mud on the highway and a construction management plan. A number of informatives are also recommended in relation to licences, explanatory notes, agreements under section 278 of the Highways Act 1980 and parking standards.
- 4.4 Drainage Board – has returned standing advice, however, their response on the previous application indicated that the application site is not in their area.
- 4.5 Yorkshire Water – No objection subject to conditions.
- 4.6 Public comments – Four letters of representation were received raising the following issues:
- Impact on highways safety/congestion;
 - Site is outside of development limits;
 - Visual impact;
 - Flooding;
 - Increased number of cars;
 - There are bats in the area; and
 - There is no local need for housing.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) flood risk; (iv) highway safety; and (v) the impact on residential amenity.

Principle

- 5.2 The site is located beyond the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in 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.”
- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by

maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
2. Development must be small in scale, reflecting the existing built form and character of the village.
3. Development must not have a detrimental impact on the natural, built and historic environment.
4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
6. Development must conform with all other relevant LDF policies.

5.5 In the Settlement Hierarchy reproduced in the IPG Appleton Wiske 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 would be located where it can support local services.

5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan. The Neighbourhood Plan designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site elsewhere in the village. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.

Character and Appearance

5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. In this instance the proposal is for two dwellings, which accords with this criterion. In forming this view it is recognised that other residential schemes have been approved (Shorthorn Public House, development at the end of Hunters Ride and Little Hornby Farm). However, the application site is not viewed in the same context with significant separation distances between the sites.

5.8 The application is for outline permission with layout and access considered. It is apparent that a significant constraint on any form of development is the extent of Flood Zones 2 and 3. The Environment Agency has previously been explicit in directing that no built development should occur in these areas unless supported by a sequential test. This restricts development to the front strip, within Flood Zone 1. The two dwellings have both been located in this area to the front of the site. The Environment Agency has raised no objections to the proposals and it is therefore considered that the current siting of the dwellings is acceptable.

5.9 The previous application was refused due to the positioning on site, extent of development and the resulting detrimental impact on the character and form of the village and that of the open countryside beyond. The applicant has reduced the proposed number of units from five down to two. This reduction has allowed for a larger proportion of the front hedgerow to be retained. In addition the agent has confirmed that the hedge will only need to be reduced in depth/thickness to facilitate the required visibility splays.

- 5.10 Using historical imaging it can be seen that the character of this site has changed over time. At one time the site was quite open with views through to the open countryside, now the level of screening has increased, both to the front boundary and to the west boundary where a hedge has grown up. The addition of two houses at the North West end of the site therefore is not considered to have a harmful impact on the character of the village or the open character and appearance of the countryside.
- 5.11 It is considered that the site is capable of accommodating development and relates well to the existing form of the village.
- 5.12 Given all of the above it is considered that, subject to appropriate design at reserved matters stage, the current proposal of two dwellings meets all of the criteria outlined in the IPG.

Flood Risk

- 5.13 As the application includes layout, it can be established that the built development will be located entirely within Flood Zone 1. Should the application be approved it is recommended that permitted development rights be removed to restrict the ability to build within flood zones 2 and 3 without prior approval from the Local Planning Authority.
- 5.14 The National Planning Practice Guidance advises that a Sequential Test does not need to be applied for applications for change of use. In this instance, the proposal involves residential development, which includes the change of use of land. Advice was sought from the EA on the refused application in respect of whether the Sequential Test should be applied. It was unable to confirm either way, although it indicated that as the part of the application site that falls within Flood Zones 2 and 3 relates only to the gardens and therefore change of use, it is considered that a Sequential Test cannot be insisted upon. Officers share this view and confirmed this position with the EA. However, it is noted that the precise extent of Flood Zones 2 and 3 are open to interpretation; the data held by the Council is clearly based upon notional zone boundaries that only follow straight lines aligned north-south and east-west. In view of this concern, officers contacted the EA for clarity. In that discussion it became clear that the EA's main concern is about development within Flood Zone 3 and that the applicant submitted sufficient information in terms of their topographical survey of the site, to satisfy the EA that the buildings would be outside Flood Zone 3. The EA's standing advice for Flood Zone 2 is effectively to have finished floor levels sufficiently high to protect the dwellings from flood water.
- 5.15 The appeal inspector in the decision letter on the earlier refusal for 5 dwellings on the site concluded that; "The proposal would not be unacceptable as regards (amongst other matters) "flood risk"
- 5.16 Given that the previous application was for a larger scale development it is considered that this reduced scheme will not have any greater impact and as such it is concluded that the proposed development will have no detrimental impact in terms of flooding.

Highway safety

- 5.17 The Highways Authority has not raised any objections. However, a number of conditions are recommended relating to surface water discharge, access construction requirements, visibility splays, highways safety improvement works, vehicle turning and parking, precautions to prevent mud on the highway and a construction management plan.

Residential amenity

- 5.18 The relationship with existing properties, most notably on the opposite side of Front Street, would allow for a design to be achieved that would not be harmful to residential amenity. It is concluded, subject to detailed submissions at the reserved matters stage, that the proposed development is capable of compliance with the requirements of Development Policy DP1.

Conclusion

- 5.19 Application 17/02471/OUT was refused due to the siting and scale of the proposed development and the resulting impact on the form and character of the surrounding settlement. The application was subsequently dismissed at appeal.
- 5.20 This revised application greatly reduces the scale of the proposed development and confines it to the north western part of the site. It is considered that the reduced proposal complies with the requirements of the NPPF and Interim Policy Guidance by supporting local services and the vitality of rural communities, without harm to residential amenity or the character and appearance of the village.

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 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 dwellings; (b) the design and external appearance of each building, including a schedule of external materials to be used and (c) the landscaping of the site.
 3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
 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: (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6; and (iii) 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 Front Street from a point measured 2.4 metres down the centre line of the accesses. 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. 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: (a) Provision of a 2 metres width footway along the site frontage, and pedestrian crossing points; (ii) An independent Stage 2 Road Safety Audit for the agreed off-site highway works has been carried out in accordance with HD19/15 - Road Safety Audit, or any superseding regulations, and the recommendations of the Audit have been addressed in the proposed works; and (iii) 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.
7. 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 6: (a) Provision of a 2 metres width footway along the site frontage, and pedestrian crossing points.
8. 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: (i) Vehicular parking; and (ii) Vehicular manoeuvring and turning arrangements.
9. No part of the development shall be brought into use until the parking, manoeuvring and turning areas approved under condition number 8 are available for use, unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.
11. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved

in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) wheel washing facilities; (e) measures to control the emission of dust and dirt during construction; (f) HGV routing; and (g) the restriction of HGV movements around school opening and closing times.

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
13. 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.
14. The development hereby approved shall be for no more than 2 dwelling units.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 the interests of highway safety.
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 ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
7. In the interests of the safety and convenience of highway users.
8. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development.
9. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
10. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. In the interest of satisfactory and sustainable drainage
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network

14. In order that the scale and form of the proposed development is appropriate to the character of the area.

Informatives

1. You are advised that a separate licence will be required from the Local 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 Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. An explanation of the terms used above is available from the Highway Authority.
3. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
4. The parking proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.