

Parish: South Otterington
Ward: Morton-on-Swale
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Committee Date: 25 April 2019
Officer dealing: Ms Aisling O'Driscoll
Target Date: 14 December 2018
Date of extension of time: 18 January 2019

18/02247/OUT

**Outline application with all matters reserved for the demolition of existing dwelling and buildings and construction of nine dwellings
At Porch House, South Otterington
For Mr & Mrs R Nasby**

The application is brought to Planning Committee as the development is considered to be a Departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the east of the A167 in a central part of the settlement of South Otterington. The application site comprises an existing dwelling (Porch House to be demolished), associated domestic land and an adjoining area of agricultural land. There are a number of buildings on the site including a pigeon coop, detached garage and a former agricultural building. Porch House is located on the road frontage and comprises a two storey rendered dwelling with pantile roof. To the north of the dwelling is the existing access and driveway. To the south of the dwelling is a further dwelling and commercial garage. Permission was granted at the garage in 2017 (16/01511/FUL) for the demolition and removal of existing motor trade premises and associated paraphernalia and construction of 9 dwellings. This has not yet been implemented.
- 1.2 South Otterington is a predominantly linear settlement with some examples of cluster development to the south eastern end at Oaklands and The Laurels and more notably to the west end of the settlement at Scotts Row. This part of South Otterington, however, is traditionally characterised by linear, road frontage development.
- 1.3 The proposal is for the demolition of the existing dwelling, garage, and other outbuildings and the construction of nine dwellings (a net gain of eight).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant Planning History for this site.

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 DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing

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
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 South Otterington, Newby Wiske and Maunby Parish Council – The Parish Council have concerns regarding the approval of another access off the A167.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection but recommends conditions relating to the drainage of foul and surface water and land contamination.
- 4.4 Swale and Ure Drainage Board – No objection but comments that consent would be required from the drainage board should it be proposed to discharge surface water to any watercourse within the drainage district.
- 4.5 Public comments – Seven representations received, three in support of the application. The remaining four raise the following issues:
- Concern over the impact on the A167 and on street parking;
 - Impact of parking to the rear of dwellings on the road frontage;
 - The A167 is busy with cars frequently exceeding the speed limit; and
 - Porch House is over 100 years old and should not be demolished.

5.0 ANALYSIS

- 5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location outside Development Limits; (ii) impact on the character and appearance of the village; (iii) residential amenity; (v) highway safety; and (vi) developer contributions toward affordable housing provision.

Principle of development

- 5.2 Much of the site falls outside of the Development Limits of South Otterington, defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted outside of Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4, so the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF), paragraph 7 of which states: "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".
- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "truly outstanding or innovative design" of the dwelling. None of these exceptions are claimed by the applicant.
- 5.4 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.

- 5.5 In the Settlement Hierarchy contained within the IPG, South Otterington is still defined as a Secondary Village and therefore a sustainable 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 the centre of the village, which has facilities including a school, church and pub. Criterion 1 would be satisfied.

Impact on the character and appearance of the village

- 5.6 Criterion 2 of the IPG states that development must be small in scale reflecting the existing built form and character of the village. The guidance within the IPG states that "small scale development adjacent to the main built form of a settlement will be supported where it results in incremental and organic growth. As a guide small scale would normally be considered to comprise up to 5 dwellings. However, each development must be considered on its own merits taking into the account the scale and unique character and appearance of the settlement".
- 5.7 The development comprises the construction of 9 dwellings but results in a net gain of 8 units. This is above the suggested level set by the guidelines contained for small scale development within the IPG. The application site is, in the majority, located behind the dwellings which front the A167. As noted above the character of the area is predominantly linear. The proposed development, therefore, does not comply with criterion 2.
- 5.8 In relation to criteria 3 and 4 the area of land to be developed is in part considered to be previously developed land comprising hardstanding, pigeon coop and a former storage building. The majority of the site is somewhat separated from the open countryside by existing trees and hedgerow. It is considered that the proposal would not represent a significant encroachment into the open countryside. Given the level of development on the road frontages surrounding the site it is considered that the development of the application site would not result in the restriction of any important views of the open countryside. Criteria 3 and 4 are therefore considered to be satisfied.
- 5.9 Representations have raised concerns over the loss of Porch house, stating that it is over 100 years old. However, porch house has been much altered and is considered not to meet the requirements to constitute a non-designated heritage asset. The loss of this building as a dwelling should otherwise be considered in the planning balance.

Residential amenity

- 5.10 The application is for residential development of 9 dwellings with all matters reserved. Scale is therefore not considered at this stage. However, the indicative layout provided, shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties. These matters would be fully tested through Reserved Matters submissions.

Highway safety

- 5.11 The Highway Authority has not raised any concerns. A number of conditions are recommended in relation to discharge of surface water, visibility splays, details of access, turning and parking and construction management. A number of concerns have been highlighted in representations with regard to the junction of the site access

with the A167. These representations have highlighted the potential for parked cars to intervene in the visibility splays and lead to a loss of highway safety as a result. This has been examined by the Highway Authority who are satisfied that the proposed development will not have a detrimental impact on Highway safety.

Developer contributions toward affordable housing provision

- 5.12 Under Section 157 of the housing act 1985 (listed in the Housing (Right to buy) (Designated Rural Areas and Designated Region)(England) Order 2006, SI 2006 No. 1948) South Otterington is considered a designated rural area. In such areas contributions to the provision of affordable housing are required on sites proposing six or more units. South Otterington is considered to come under the Northallerton hinterland area and therefore a contribution of 40% is required. For a development with a net gain of eight units this would equate to 3.2 units of an appropriate size type and tenure. The supporting statement indicates that affordable housing could be provided subject to viability.
- 5.13 During the life of the application it was put to the applicant that the application would not be acceptable as it would not meet the requirements of criterion 2 of the IPG. In response to this the applicant has offered that 4 affordable units will be provided on site rather than as a contribution.

Planning Balance

- 5.14 The proposed development is not wholly in compliance with the Council's Interim Policy Guidance in that the proposals fail to respond positively to the character and form of the settlement. Conversely the proposed development is not considered harmful to the character or openness of the countryside surrounding the settlement.
- 5.15 it is considered that the provision of 4 affordable units of a suitable mix and tenure based on identified local need weighs heavily in the planning balance and in this instance is sufficient to outweigh the harm in terms of the character and form of the settlement.
- 5.16 It should be noted that without this onsite provision of affordable housing weighing in the planning balance, as outlined above, the proposal would not be acceptable. The reserved matters application should not seek to reduce the provision of on-site units nor substitute the on-site units for a financial contribution. It is recommended that the details of the on-site provision be secured by Section 106 agreement.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions and a completed S106 agreement providing for the delivery of affordable housing:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 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 or proposed highway together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

4. 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 43.00 metres measured along both channel lines of the major road A167 from a point measured 2.40 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.60 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. 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: (i) vehicular and pedestrian accesses; (ii) vehicular parking; and (iii) vehicular turning arrangements.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 5 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
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.
8. 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 the following proposals have been submitted to and approved in writing by the Local Planning Authority: (i) an on-site parking capable of accommodating staff and sub-contractors vehicles clear of the public highway; and (ii) an on-site materials storage area on the site capable of accommodating all materials required for the operation of the site . The works shall be carried out in accordance with the approved details and the approved areas shall be kept available for their intended use at all times whilst construction works are in operation.
9. The permission hereby approved shall be for the construction of no more than 9 houses (net increase of 8 dwellings).
10. Prior to the commencement of development, other than the demolition of Porch House and the initial formation of the access, full details of site and finished floor levels shall be submitted to and approved by the Local Planning Authority. These levels shall be taken from a known, fixed, off-site datum point and shall include relevant levels of neighbouring properties. The development shall be implemented in accordance with the approved levels.

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 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.
3. In the interests of highway safety.
4. In the interest of highway safety.
5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In order to ensure that the scale of development is appropriate to the area to comply with the requirements of Development Policy DP32.
10. In order to ensure that the site and finished floor levels are appropriate in terms of the character of the area and the amenity of neighbouring occupiers to accord with the requirements of Development Policy DP1 and DP32.

Informatives

1. An explanation of the highways terms used is available from the Highway Authority at North Yorkshire County Council.
2. Re: condition 5 - The proposal 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.
3. 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