

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons
2

Committee Date: 27 June 2019
Officer dealing: Mrs H Laws
Target Date: 28 June 2019

19/00834/OUT

Outline application with details of access (all other matters reserved) for the construction of two dwellings

At: Land to west of Smithy Green, Hornby Road, Appleton Wiske

For: Mr I Stansfield

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

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site forms the north eastern corner of a field towards the north western corner of the village, on the southern side of Hornby Road. A hedgerow forms the roadside boundary to the site, which covers an area of 0.12 hectares. The application site has no other boundary markers. A ditch lies within the highway verge on the northern side of the hedgerow. A public right of way lies immediately to the east between the application site and the bungalows at Smithy Green. These bungalows lie within a cul de sac arrangement with the rear elevations of numbers 9, 10 and 11 facing westwards towards the application site.
- 1.2 The application is for outline permission to construct two detached dwellings on the site.
- 1.3 The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.4 An indicative site layout plan has been submitted, which shows the two dwellings fronting onto Hornby Road and each with an individual access and driveway.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- 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 DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received (expiry date for representations 10/6/2019)
- 4.2 NYCC Highways - Concern must be expressed with regard to the lack of footways in the area and as such the pedestrians associated with the development must walk along the carriageway until they can reach a suitable footway if they wish to walk into the village. The situation however is the same for a number of existing dwellings in the area and as such a refusal based on this issue would be difficult to sustain. Conditions are recommended.
- 4.3 Yorkshire Water – no comments received.
- 4.4 Swale & Ure Internal Drainage Board – no comment as the application site does not lie within 9m of a watercourse identified as a strategic main carrier for the district, therefore not breaching Section 23 of the Land Drainage Act 1991 (prohibits obstruction etc.). After consultation with the Developer the plan is to discharge surface water to an onsite soak away, therefore not breaching the LDB (1991) Section 66 (Byelaw).
- 4.5 HDC Environmental Health Officer – this service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.6 HDC Senior Scientific Officer (contaminated land) – reply awaited
- 4.7 HDC Facilities Manager (drainage) - The applicant's states that foul discharge will be to public sewer and surface water to soakaway. My understanding of the subsoil in this area is that it is clay based so will not support disposal of surface water by means of soakaway. Has the applicant undertaken any ground investigation to determine whether soakaways will function on the proposed development site? Following further discussions about drainage options, the Council's Facilities Manager is satisfied that the site can be adequately drained and the matter of drainage conditioned.
- 4.8 Site notice/local residents – comments have been received from the residents of two adjacent properties, neither of whom have objections to the proposal but would not wish to see further development on this site.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case include (i) the principle of new dwellings in this location outside Development Limits; (ii) the effect of the proposed development on the form and character of the village; (iii) the effect on the amenity of neighbouring residents; (iv) surface water drainage and (v) highway safety.

The principle of development

- 5.2 The site falls adjacent to but outside of the Development Limits of Appleton Wiske, 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 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 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 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's 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.

Impact on form and character of village and rural landscape

- 5.7 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."
- 5.8 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.
- 5.9 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, 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.
- 5.10 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.11 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies adjacent to and opposite the built up part of the village. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.12 The application site, although undeveloped and part of a larger field, does form part of the village as much as it does the surrounding countryside and therefore the construction of two dwellings within this plot would continue the existing form of built development along this side of the village street without encroachment into the rural landscape.
- 5.13 It is considered that the small scale development of two dwellings adjacent to the Smithy Green development to the east and existing housing opposite to the north would not result in a significant change in the character of the village or the countryside.
- 5.14 Due to the wide verge and therefore adequate visibility, the proposed development would not require the removal of the front boundary hedge other than the creation of gaps for the accesses. The existing hedgerow is well established and mature and contributes to the character of the locality. The mature oak tree within the same field but to the south east of the application

site boundary is the subject of a Tree Preservation Order. This tree would be unaffected by the proposed development or construction works.

Residential amenity

- 5.15 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally.
- 5.16 The closest neighbours to the proposed dwelling would be the existing bungalows at Smithy Green. The indicative layout illustrates the position of the proposed dwellings across the public right of way. Albeit an outline application with no details of siting to be approved at this stage it is likely that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1.
- 5.17 Any additional vehicle movements to serve the two dwellings would not be excessive and would not detract from the amenity of the existing residents.

Drainage

- 5.18 Policy DP6 states that new development must be capable of being accommodated by existing or planned services and must not have a seriously harmful impact on existing systems. Policy DP43 states that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 5.19 It is proposed to drain the site by soakaway but tests are being undertaken to ensure that percolation is satisfactory. Should these tests show that soakaways would not be effective; there is an alternative option, agreed in principle with the Swale & Ure IDB for restricting the run off rate into the drainage ditch by installing a holding tank. These details could be the subject of a planning condition to be addressed at the reserved matters stage. This matter has been discussed with our own drainage engineer and the approach is considered to be satisfactory.
- 5.20 The proposed development, subject to conditions is capable of compliance with the requirements of Policy DP6, DP43 and the requirements of the Interim Policy Guidance.

Highway matters

- 5.21 Policy DP4 states that all proposals must ensure that safe and easy access is available to all potential users.
- 5.22 The Highway Authority has no objections to the creation of two accesses to serve the additional dwellings subject to appropriate conditions. The proposed development is considered to result in no detrimental impact on road safety.

Planning balance

- 5.23 The proposal would create two additional dwellings in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. 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 development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. Overall the scheme is found on balance to be acceptable.

6.0 **RECOMMENDATION:**

That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
3. The detailed plans required by condition 2 above shall indicate two dwellings only.
4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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. 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.
6. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. No part of the existing boundary hedge along the northern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

8. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
9. 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.
10. 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 43m measured along the southern carriageway edge from a point measured 2.4m down the centre line of the accesses. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until:
 - a. full technical details relating to the culverting of the ditch/watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority; and
 - b. the ditch/watercourse to the front of the site has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
12. 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 vehicular access, parking and turning have been submitted to and approved in writing by the Local Planning Authority.
13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12 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.
14. 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.

15. 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.
 - 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.

16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3158/03 and HDC/3158/02B (in respect of access) received by Hambleton District Council on 11 April 2019 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
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. 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.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
7. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
8. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.

11. In accordance with LDF Policies CP2 and DP4 and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
12. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
13. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. 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.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.
In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.
If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977
2. It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991. Details of the consultations shall be included in the submission to the Local Planning Authority. The structure may be subject to the Highway Authority's structural approval procedures.
3. The proposals required by condition 12 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