

Parish: South Otterington

Ward: Morton-on-Swale

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Committee date: 09 January 2020

Officer dealing: Ann Scott

Target date: 11 January 2020

19/02006/OUT

Application for Outline Planning Permission with all matters reserved for the construction of 5no dwellings

At Land South West Of Mill Farm, Station Road, South Otterington

For Mr & Mrs M Harland

This application is referred to Planning Committee as the proposed development is a Departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application proposes outline planning permission for the construction of 5 dwellings on land at Station Road South Otterington. All other matters are reserved for a later application.
- 1.2 The site is situated on land to the North side of Station Road between existing residential properties to the south and west and an existing farm to the east. The land is presently used for agricultural purposes for grade 3, good to moderate agricultural land. Submitted with the application is a flood risk assessment, site plan and indicative block plan showing one pair of semi-detached dwellings and three detached dwellings with access onto Station Road. The site is situated in flood zone one.
- 1.3 The landscape falls gently away to the north toward a local watercourse. The area is mainly agricultural in character on the edge of the village. A small linear housing development is located to the south of the site, on the opposite side of Station Road and an extensive range of buildings located to the east of the site, at The Mill.
- 1.4 The site is situated outside the development limits for the settlement of South Otterington, a Secondary Village as defined in the settlement hierarchy.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 75/0690/OUT - Outline erection of three dwellings - refused.
- 2.2 75/0693/OUT - Outline erection of three detached dwellings – refused

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 CP5 - The scale of new housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Practice Guidance
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council -The Maunby, South Otterington and Newby Wiske Parish Council wish to make the following observation.

That Station Road at this location is very narrow. There is only a footpath opposite the former Council Houses, but not on the same side of the road as those existing houses. The proposal involves another four driveways emerging onto the highway in a short stretch of road opposite the existing houses.

- 4.2 Highways – No objection subject to conditions.
- 4.3 Environmental Health- This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance, there is no history of complaints and therefore we consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.
- 4.4 Yorkshire Water - no reply received.
- 4.5 Drainage Board- The developments red line boundary is at a distance greater than 9m from any IDB strategic main water Carrier, therefore not contravening bylaw 23. The development proposes to dispose of surface water via soakaway.
- 4.6 North Yorkshire County Council Archaeology Team - The proposed development site contains known earthworks recorded on the Historic Environment Record after being noted by two separate members of staff since 2003. There is an area of ridge and furrow and along the southern side of this is an area of possible building platforms, which fall within the application site. The earthworks can also be seen on Google Earth Street View. There is potential for the earthworks to be the remains of buildings of possible medieval or post medieval date.
Recommend that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the proposal upon their significance. In the first instance, I would advise that this evaluation should comprise an earthwork survey, to be followed by trial trenching, as appropriate.
- 4.7 EHO Contamination - Given the [former agricultural/industrial/commercial land use and the associated potential sources of contamination] [proposed vulnerable end use], the applicant is required to submit a Phase 1 Preliminary Risk Assessment. Ideally this information should be submitted prior to determination, however, if you are minded to approve the application then I would recommend a condition in order

to secure the investigation and, where necessary, remediation of any contamination on the site.

4.8 Third party representations – 7 Objections have been received summarised below:

- Detrimental impact on highway safety from an increase in traffic
- Loss of residential amenity and quality of life from increased development in the village
- Increased burden on village infrastructure
- Flood risk, site has flooded in the past
- No provision for affordable housing in the proposal
- Loss of privacy
- Proposed development is not in keeping with the character of the village.

5.0 ANALYSIS

5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) design and the impact on the character and appearance of the village and surrounding countryside; (iii) highway safety; iv) surface water flooding and; (iv) the effect on residential amenity

Principle of Development

5.2 The site falls outside the Development Limits of South Otterington. 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). 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. The IPG has brought in some changes and details how Hambleton District Council will consider development in and around smaller settlements and has included an updated Settlement Hierarchy.

5.4 The guidance states that small scale housing development will be supported 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 to all other relevant LDF policies.
- Development in open countryside

- 5.5 In the settlement hierarchy contained within the IPG, South Otterington is defined as a "secondary 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".
- 5.6 To satisfy criterion 1 of the IPG the proposed development must provide support to local services including (where necessary) services in a village nearby. The site lies within the village of South Otterington, which as a Secondary village is considered to be a sustainable location. It is considered that the proposed development satisfies criterion 1.

Design, Character and Appearance

- 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 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.
- 5.10 Additionally Policy DP10 relates to the form and character of settlements and seeks to ensure that development will only be permitted where it protects or enhances the intrinsic qualities of open areas that have particular importance in contributing to the identity and character of settlements. This includes green wedges of townscape importance between and extending into settlements.
- 5.11 Policy DP30 seeks to ensure that new development protects the character and appearance of the countryside, and the open-ness, intrinsic character and quality of the landscape must be respected.
- 5.12 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.
- 5.13 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. There have been 19 new dwellings approved in South Otterington including 9 at Walker's garage and 9 at Porch House (pending issue of decision for S106 agreement) and 1 further dwelling at Crosby Lodge on the south side of the village. Whilst this number of new units is potentially significant in the context of a small village such as South Otterington, this

site is not seen in the context of earlier approvals. It is considered that the proposed development will not have a significant impact on the character of the village in terms of cumulative impact.

- 5.14 It is important to consider the likely impact of the proposed development with particular regard to criteria 2 and 4 of the IPG. 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."

- 5.15 The village exhibits varying development forms, including mainly linear forms along the main road, in-depth modern estate form to the west of the main road and other smaller areas of in-depth development. To the east of the village, Station Road extends out into open countryside past The Mill. There is a short block of houses on the land to the south of the site. On the north side of station road there is no significant development other than The Mill and a single dwelling immediately to the west of the application site.

- 5.16 The dwellings opposite the site are situated within Development Limits. The proposal encroaches into open countryside and forms an open area of land to the North of the village. This side of the village is largely undeveloped other than for the dwelling close to the junction with Station Road and the A167.

- 5.17 The introduction of additional residential development in this location would erode the gap between the farm and the junction with the A167 on this part of Station Road. The site presently contributes to the rural character of the locality and provides an important visual gap to the North of the settlement which would be eroded by development in this location, contrary to Policy DP10, DP30 and the requirements of the Interim Policy Guidance.

Highway Safety

- 5.18 Policy CP2 (access) and DP3 (site accessibility) are relevant to this proposal. The proposed access to the dwellings is by introduction of separate vehicular access for three of the five units with a shared access for the fourth and fifth unit. There are no objections in principle to this from the Highway Authority subject to appropriate conditions in relation to the provision of crossing points/access over the footway. The proposal is not considered to adversely affect highway safety.

Flooding and Drainage

- 5.19 Policy DP6 (Utilities and infrastructure) and Policy DP43 (Flooding and floodplains) relate to this development. The site is located in Flood Zone 1 which is an area at the lowest risk of flooding. The site is proposed to be drained by means of soakaways. It is intended that the disposal of foul water would be into the existing sewage network, although if this is not possible a package treatment plant would be used. The submitted Flood Risk Assessment concludes that the proposed drainage will not increase the risk of flooding elsewhere in the locality and that full details of drainage will be submitted with any further application.

Residential Amenity

- 5.20 Policy DP1 Protecting amenity seeks to ensure that new development must adequately protect amenity particularly with regard to privacy, security, noise and disturbance. New development must make provision for the basic amenity needs of occupants and must not unacceptably reduce the amount of amenity space about buildings or unacceptably affect the amenity of residents or occupants. The proposal is presently in outline only and further consideration of the amenity impacts of the proposal would need to be considered when more details are available. Third party comments have been received raising concerns about the impact of additional traffic generation in terms of noise disturbance. Given the location of the proposed development and its relationship to neighbouring properties it is considered that a layout and design could be achieved that would protect residential amenity and accord with the requirements of Development Policy DP1.

Archaeology

- 5.21 Policy DP29 of the Hambleton Development Plan relates to archaeology and seeks to ensure that the preservation of archaeological remains and their settings will be supported taking account of the significance of the remains. Comments have been received from the County Archaeology Department who advise that the site is in an area characterised by ridge and furrow and the possible remains of medieval buildings, as such, should the application be approved a condition should be imposed in relation to the provision of an archaeological assessment to include an earthwork survey, to be followed by trial trenching, as appropriate.

Land Contamination

- 5.22 The Environmental Health Officer recommends a condition in relation to contamination to ensure that the site is not adversely affected by ground contamination due to the agricultural nature of the site and its location to nearby uses for agriculture. Again, should the application be approved, a condition is recommended to secure an appropriate investigation along with any necessary remediation.

Planning Balance

- 5.23 The proposed development is situated in open countryside and lies outside the Development Limits of South Otterington. The question here comes down to the balance between the benefit of the development of new housing in this location which would help to support the provision of local services and provide new housing, against the detrimental impact on the landscape and village character. On balance it is considered that the development would have a harmful impact on the open countryside adjacent to the village which is not considered to be sufficiently offset by the benefits of the proposals to warrant a recommendation for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The proposed development is in Open Countryside outside Development Limits, with no clear justification for the development in terms of the exceptions set out in Core Policy CP4.
2. The proposed development is considered to have a harmful impact on the landscape character of the countryside surrounding the village contrary to

the requirements of the Interim Policy Guidance and to Core Policy CP17 and Development Policy DP30 and DP32.