

15/01656/FUL

Proposed construction of 4 new dwellings and associated access road and parking at Land Adjacent 4 - 5 Brookside, Hackforth for Newroc Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site, which covers an area of approximately 0.35 hectares, lies in the south-western corner of the village on the western side of the village street. Vehicular access into the site is via a field gate directly from the C-class road, on the northern side of a beck which runs east-west through the village. The site currently forms part of an agricultural field used for grazing.
- 1.2 The site forms an L-shape to the rear of the terrace of dwellings at Brookside. It has a maximum depth of 55m and a maximum length of 75m. The southern boundary is formed by the beck; the western and part of the north-western boundaries are not currently defined on the ground; the north-eastern boundary abuts the curtilage of a terraced dwelling which fronts onto the road and most of the eastern boundary runs along the rear curtilage boundaries of a terrace of dwellings (1-6 Brookside). The frontage area through which access would be taken measures 20m. The land rises generally to the north from the village street, which is at a lower ground level.
- 1.3 It is proposed to construct 4 two storey dwellings on the site, including two detached units (one having five bedrooms and one four bedrooms), and a pair of semi-detached dwellings (one having three bedrooms and one having two). The scheme is identical in layout and design to the scheme approved in September 2014.
- 1.4 The proposed cul-de-sac access road retains access into the adjacent field. An area of public open space and 4 visitor car parking spaces are proposed close to the entrance into the development in the south eastern corner of the site.
- 1.5 Two car parking spaces are proposed for each of the semi-detached dwellings at Plots 1 and 2; Plot 3 has an attached double garage; Plot 4 has a double integral garage with bedroom accommodation above. Plots 3 and 4 also have two parking spaces within the curtilages.
- 1.6 Timber boundary fencing is proposed around the individual plots; the entrance area and public open space is proposed to be landscaped in accordance with a submitted scheme.
- 1.7 It is proposed to finish the dwellings at Plots 1 and 2 in brickwork with concrete roof tiles; the dwellings at Plots 3 and 4 would be finished in stonework and concrete roof tiles. All the dwellings are proposed with white upvc side hung and sliding sash casement windows.
- 1.8 It is proposed to allocate one of the dwellings as affordable housing (Plot 1).

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/01388/OUT - Outline application for the construction of a detached dwelling; Refused 4 October 2004.

- 2.2 07/02433/FUL - Construction of a detached dwelling; Granted 20 December 2007.
- 2.3 13/01606/FUL - Construction of four dwellings; Withdrawn 1 October 2013.
- 2.4 13/02559/FUL - Revised application for the construction of 4 dwellings (including two affordable dwellings); Granted 4 September 2014.

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 CP9 - Affordable 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 DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
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 Hackforth Parish Council - in principle do not object to the planning application subject to the following:
1. Plots 1 and 2: The Parish Council would want these to be stone faced and not just built in brick.
 2. Who is going to maintain the open space?
 3. Part of the site is within the Environment Agency flood risk maps and the Parish Council would want assurance that development of the site would not cause flooding problems for other properties.
 4. Is the road through the development to be built to adoptable standards? Will this be adopted by North Yorkshire Council if not, who will maintain it?
 5. The Parish Council would want all hedges maintained where possible.
- 4.2 Highway Authority - the applicant proposes to provide an adoptable estate road to serve the development. This is not necessary for the scale of development in question and the road should remain in private ownership. Conditions are recommended.
- 4.3 Environment Agency - no objections subject to compliance with submitted Flood Risk Assessment.
- 4.4 Historic England - no comments.
- 4.5 Ministry of Defence - no safeguarding objections.

4.6 Environmental Health Officer - I have no objections to the application but in order to protect the amenity of occupiers of properties adjacent to the application site during the construction phase, I would recommend conditions restricting the hours of work and deliveries etc. to the site:

- No work shall be undertaken at the application site outside the hours of 07.30 - 18.00 Monday to Friday and 08.00 - 12.30 Saturday.
- No work shall take place on Sundays and Bank Holidays
- The removal of materials from the site and deliveries to the site should only take place during the site working hours
- Burning of waste materials should not take place on site

I would also like the following condition to be applied:

- Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the development commencing. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting.

4.7 Yorkshire Water - No objections subject to conditions.

4.8 Site notice/local residents - one comment has been received from a local resident as follows:

As the only seeming change to this application is the loss of the affordable houses, most that needed to be said about the development has been said. However we would like to repeat that we are still concerned about flooding and would like to be reassured that all the issues raised in the flood report will be addressed. Especially the idea of a swale to take the surface water in times of flood, this may stop water being added to the beck by the bridge and prevent it backing up as so nearly happened in 2012.

Between our property and the development site are the beck and a mature hedge. Before this became a development site these were the responsibility of the then landowner, who will now be responsible? The hedge is mature and needs maintenance but is full of wildlife; no mention is made of it on the plans. It would be a loss of amenity if it was grubbed out it only needs some pruning and perhaps in filling to make it a real pleasure to live near for us and the new owners of any houses built.

Of course trees growing near a beck do take water from it and so lower the levels.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to (i) the principle of new dwellings in this location, including an assessment of the likely impact of the proposed dwellings on the character and appearance of the village and the rural landscape; (ii) developer contributions, including the provision of affordable housing; (iii) neighbour amenity; and (iv) the potential effect of the development on highway safety.

Principle, character and landscape

5.2 The greater part of the application site lies outside the Development Limit boundary, 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.

- 5.3 However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 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".

- 5.4 Hackforth is designated as a Secondary Village in the context of Policy CP4 of the Local Development Framework, having a modest range of community services and facilities adequate to cater for additional residential development which would, in itself, sustain and support such facilities. In principle, therefore, Hackforth is a sustainable settlement in both local and national policy terms. However, as noted above, the application site does include a significant proportion of land which is outside the defined Development Limits albeit directly adjoining. It is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 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".

- 5.5 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. 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 village is within cycling distance (3km) of Crakehall where there are further facilities. Criteria 1 would be satisfied.

Developer contributions and affordable housing

- 5.6 The proposed scheme has already been granted planning permission including 50% of the units as affordable houses. That permission was granted before the November 2014 Ministerial Statement "Small-scale developers" which sought to prevent affordable housing being sought in schemes of ten or fewer dwellings (or five in designated rural areas where the Local Planning Authority decides to adopt a lower threshold). The current application was submitted to take advantage of that policy position but in July 2015 the High Court ruled that the Ministerial Statement was unlawful and could not form a material planning consideration. In light of this, and following counsel's advice, the Council has established that it must rely on LDF Policy CP9, which seeks to maximise affordable housing provision or contributions

from all residential developments of 2 dwellings or more outside of Service Centres, subject to negotiation taking account of viability and the economics of provision.

- 5.7 Since the previous permission the Council has adopted the Community Infrastructure Levy (CIL) which requires a payment of £55 for every square metre of new housing, excluding affordable housing. This has replaced the collection of tariff payments for infrastructure (in this case for public open space sport and recreation) under planning obligations. As such, the financial implications for development are now different from when permission was previously granted in September 2014.
- 5.8 The applicant proposes to provide one affordable unit and has submitted viability evidence to support this stance. A report on a basic viability assessment has been undertaken on behalf of the Council by Mouchel, which suggests that there is a viable option to provide just one of the units as an affordable house without a financial contribution for the remaining 0.6 units that would make up 40% of the units.

Amenity and highway safety

- 5.9 The scheme is identical to the scheme approved in September 2014 when the details of the layout, access, design and materials were considered and deemed acceptable. There have been no changes to the scheme, neighbouring properties or planning policy that would affect the decision relating to these matters.
- 5.10 Whilst the Environmental Health officer has recommended restrictions during the construction process, no such restrictions were recommended or imposed on application 13/02559/FUL, for an identical form of development, and it would be inconsistent to impose them now, particularly for a relatively small development. The recommended condition relating to external lighting is not considered necessary for residential development and would be onerous to operate.
- 5.11 The Highway Authority has confirmed that its recommendation is unchanged and has no objection to the proposed development subject to appropriate conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. The development shall not be commenced 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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. 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.

4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions including: (i) The programme and methodology of site investigation and recording; (ii) Community involvement and/or outreach proposals; (iii) The programme for post investigation assessment; (iv) Provision to be made for analysis of the site investigation and recording ; (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) Provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) Nomination of a competent person or persons to undertake the works set out within the scheme of investigation. No development shall take place other than in accordance with the Written Scheme of Investigation approved under the paragraph above The development hereby permitted shall not be occupied until the site investigation and post site investigation assessment has been completed in accordance with the Written Scheme of Investigation approved under the paragraph above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
7. The development hereby permitted shall not be carried out except in complete accordance with the Flood Risk Assessment (prepared by Stevenson Associates dated December 2012: Land rear of Brookside Hackforth) unless otherwise agreed in writing with the Local Planning Authority.
8. The development of the site shall take place with separate systems for foul and surface water drainage. Foul water only shall discharge into the public sewer in Crakehall to Hackforth Road.
9. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general and deliveries to and from the site shall be carried out except between 0730 hours and 1800 hours Monday to Friday, 0800 hours to 12.30 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
10. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The Affordable Housing Scheme shall include:
 - a. The number, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than one of the overall total number of housing units on the site. The affordable housing provision shall accord with the

Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council

- b. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before occupation of 2 open market dwellings on the site;
 - c. The arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - d. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
11. 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.
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 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: (i) The details of the access shall have been approved in writing by the Local Planning Authority; (ii) The access shall be formed as a dropped kerb crossing of the footway, to give a minimum carriageway width of 5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number A1; (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. 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 70 metres measured along both channel lines of the C36 from a point measured 2 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.
14. 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: (i) vehicular, cycle, and pedestrian accesses; (ii) vehicular turning arrangements; and (iii) manoeuvring arrangements. 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 details.

15. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing dhh 096 / 01. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. 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.
17. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) 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.
18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings Ref dhh096/01; dhh096/03; dhh096/04 and dhh096/05 received by Hambleton District Council on 17 July 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

7. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
8. The local public sewer does not have capacity to accept any discharge of surface water from the site in accordance with LDF Policies CP21 and DP43.
9. To protect the amenity of adjacent residents in accordance with LDF Policies CP1 and DP1.
10. To ensure that the development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
11. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
12. 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.
13. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
14. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
15. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
16. 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.
17. 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.
18. 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.