

**15/01559/OUT**

**Outline planning application for the re-development of land for housing development (Use Class C3), following the demolition of a range of modern sheeted agricultural buildings at Village Farm, Catton Village Street, Catton for Potter's Buildings Limited**

**1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 This site is located at the southern end of Catton village and to the west of the Main Street dissecting the settlement.
- 1.2 The site extends to 0.65 hectares and comprises agricultural buildings and the storage of agricultural machinery and materials.
- 1.3 The proposal includes the demolition of the modern (and largely disused) agricultural buildings and the removal of the agricultural machinery and materials. The traditional brick buildings to the south-eastern corner of the site are proposed to be retained.
- 1.4 The scheme has been amended on 23 December 2015 to reduce the number of proposed dwellings in the indicative scheme from 7 to 5. The area to the east of the proposed dwellings would be retained as an open 'green' space area.
- 1.5 Catton village falls within the 'Other Settlements' grouping in the revised HDC Settlement Hierarchy introduced alongside the Interim Policy Guidance in April 2015. It has no defined Development Limits in the Allocations DPD Annex 5: Proposal Map, as it had previously been considered to be in the open countryside for the purposes of policy CP4 of the Core Strategy.
- 1.6 The site is not in a Conservation Area.
- 1.7 The site is within Flood Zone 1.
- 1.8 This outline application reserves all matters for consideration with the exception of access.
- 1.9 Access to the site is proposed to be via two entrances to the east of the site linking to Main Street.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/87/027/0024 - Conversion of existing agricultural buildings to 3 holiday chalets; Refused 28 February 1989.
- 2.2 2/88/027/0027 - Outline application for the construction of 4 detached dwellings; Refused 1 February 1989.
- 2.3 2/89/027/0029 - Continued use of existing agricultural building as a dwelling; Refused 30 June 1989.
- 2.4 2/94/027/0029A - Use of disused agricultural building for the storage of food produce in connection with a retail delivery business; Granted 1994.

- 2.5 2/95/027/0039 - Construction of a grain storage bin; Granted 20 May 1995.
- 2.6 10/00139/CAT3 - Unauthorised caravans; Case closed 2 May 2012.
- 2.7 11/00091/OUT - Outline application for the construction of an agricultural workers dwelling; Withdrawn 28 April 2011.
- 2.8 11/00079/CAT3 - Agricultural buildings in use for plant hire business; Case closed 3 September 2013.
- 2.9 11/02641/CLE - Application for a certificate of lawfulness to use the site as a plant hire business; Refused 24 April 2012.

### **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 CP5A - The scale of new housing by sub-area  
 Core Strategy Policy CP6 - Distribution of housing  
 Core Strategy Policy CP8 - Type, size and tenure of housing  
 Core Strategy Policy CP9 - Affordable housing  
 Core Strategy Policy CP15 - Rural Regeneration  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP19 - Recreational facilities and amenity open space  
 Core Strategy Policy CP20 - Design and the reduction of crime  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policy DP1 - Protecting amenity  
 Development Policy DP2 - Securing developer contributions  
 Development Policy DP3 - Site accessibility  
 Development Policy DP4 - Access for all  
 Development Policy DP8 - Development Limits  
 Development Policy DP9 - Development outside Development Limits  
 Development Policy DP10 - Form and character of settlements  
 Development Policy DP13 - Achieving and maintaining the right mix of housing  
 Development Policy DP26 - Agricultural issues  
 Development Policy DP30 - Protecting the character and appearance of the countryside  
 Development Policy DP32 - General design  
 Development Policy DP33 - Landscaping  
 Development Policy DP37 - Open space, sport and recreation  
 Development Policy DP43 - Flooding and floodplains  
 Interim Guidance Note - adopted by Council on 7th April 2015  
 National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Meeting – The Chairman advises that at the village meeting in June 2014 there was a very clear majority of residents who supported the principle of a small residential development.

- 4.2 Highway Authority - Conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, visibility splays, details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.
- 4.3 Environmental Health Officer - Considered the potential impact on amenity and likelihood of the proposed development to cause a nuisance and consider that there will be no negative impact, however the Environmental Health Service would like to view and consider the foul and surface water drainage provision details prior to full planning permission being granted.
- 4.4 EHO Scientific Officer - Recommends a contaminated land condition.
- 4.5 Ministry of Defence - No objections.
- 4.6 Yorkshire Water – A condition is recommended regarding discharge of surface water.
- 4.7 Neighbours notified and site notice posted; 8 responses from 6 addresses in summary mainly regarding:
- A Pragmatic solution to "eyesore" on outside of village.
  - Support in principle for small residential development.
  - The site is outside development limits and needs to be assessed as an exception site.
  - Cumulative impact on village character and services needs to be considered.
  - No environmental report for site to assess contamination.
  - No allowance for commuted sum payments to improve village facilities.
  - Need for affordable housing.
  - Improvement of local highway infrastructure and impact on highway safety.
  - Massing and scale of development should be in keeping with village.
  - Initial proposal of 7 dwellings is too many.
  - What is the land surrounding and to the rear of the dwellings to be used for?
  - Concern regarding the annexe to be positioned adjacent Caelum House.
  - No village bus facility.
  - There is already housing available in the village.
  - Threat of increased crime during development.
  - Increased noise levels during and after development.
  - Reduction in privacy to existing residents.
  - No new services proposed to support the village.
  - No demand for new homes.
  - Not in keeping with existing village built form.
  - What are the proposed boundaries on site?
- 4.8 Re-consultation and further publicity are ongoing regarding amended details received on 23 December 2015.

## **5.0 OBSERVATIONS**

- 5.1 The main issue with this proposal are the principle of the development in the village, taking into account the impact of the removal of the existing buildings and agricultural use and the change due to the new residential use and appearance of the dwellings upon the character and amenity of the village. It is therefore necessary to consider whether, on balance, the scheme can draw exceptional support from Core Policies CP1, CP2 and CP4.

- 5.2 Also to be considered are the likely impacts on residential amenity, flooding, and the capacity of local services and the provision of the required contribution towards affordable housing.

#### Principle

- 5.3 Catton is a small village consisting of around 35 dwellings. It has no shops or services and the village is not served by public transport. There are no surfaced footpaths or footways into and out of the village. It has no development limits and is therefore classed as being situated in the open countryside for planning purposes.
- 5.4 Policy CP4 of the Core Strategy sets out specific criteria for development in such locations. Development is only supported when an exceptional case can be made for the proposals which relate to policies CP1 and CP2 (which relate to sustainable development and minimising the need to travel). In this instance the exceptional case relates to the necessity of development on the land “to secure a significant improvement to the environment” (criterion ii).
- 5.5 Considering Core Strategy Policy CP1 it is found that the largely disused agricultural buildings make no significant contribution to the local economy and, without this, their environmental impact is negative. Their replacement with appropriately scaled and designed housing would secure a substantial improvement in the appearance of the village, particularly in views when approaching the village from the south. The comments of residents reported above highlight this issue. This gain is considered to achieve enhancements in terms of criterion ix (the character and quality of local landscapes and the wider countryside) and x (the distinctiveness, character, townscape and setting of settlements) of policy CP1. These issues are considered further below and it would be necessary for the details of any reserved matters submission to demonstrate significant enhancement in this regard.
- 5.6 Policy CP2 relates to reducing the need for travel. The buildings if in economic use would have been likely to generate journeys. The use has all but ceased. The formation of dwellings would increase the number of journeys. However, by virtue of its location, the gains identified under policies CP1 and CP4 can only be realised on the site.
- 5.7 Returning to Policy CP4, to understand the potential for environmental gain that could be achieved through residential dwellings it is important to understand the site context. The buildings and the storage are visible from the village street particularly from the south. The site is less prominent when viewed from the north as it is screened by mature hedgerow adjacent the highway. The storage of machinery and materials is generally at a lower level and therefore are when the hedge is in leaf are not so prominent in the landscape. The buildings are far more prominent due to their design, height, and materials and visibility from public road on the site frontage. The removal of the buildings and storage would bring about a significant improvement to the appearance of the site and the environment of the southern part of Catton. Criterion ii of policy CP4 is considered satisfied on this basis in addition to criteria ix and x of CP1.
- 5.8 Reference is made in the submission documents to the scheme taking benefit from the Interim Policy Guidance (IPG) relating to small-scale housing in villages. It has been found (and reported elsewhere on this agenda) that Catton does not achieve the requirements of the first criterion of the IPG as it lacks services and is unable to form a cluster that would constitute a sustainable community within the IPG’s definition. However, the preceding analysis indicates that the development can benefit from an exception under Core Policy CP4 and as such there is no need to consider the IPG in respect of this application.

### Character and amenity

- 5.9 As well as considering the impact of replacing the large disused agricultural buildings with housing, it is necessary to consider the intrinsic merits of the proposed development. The layout of the site is a matter that is reserved for later approval. However, illustrative details show a recessed position of new dwellings forming a small green with scope to orientate dwellings within the site in a way that would continue the character of the evolved settlement of Catton.
- 5.10 The submitted details illustrate a scheme that would respect the setting of the adjacent Caelum House (the original Village Farmhouse) and enhance views along Catton Village Street in both directions. The inclusion of a green space on the road frontage would also allow a significant tree to be retained.
- 5.11 The density of the development would compare favourably with the remainder of the settlement. The spacing between each dwelling and the relationship to existing residential property adjacent the site are such that there would not be a harmful erosion of neighbour amenity.

### Flooding

- 5.12 The site is at the lowest risk of flooding and consequently the scheme is not at a harmful risk in this regard. No localised drainage issues are known that would impact this development.

### Service Capacity and Access

- 5.13 The existing highway network is able to support the proposed development, with appropriate accesses to be formed in accordance with the Highway Authority's recommended conditions. The development could be adequately privately drained; sufficient land is available within the control of the applicant to achieve a system such that there is no reason to conclude that the scheme would place a significant burden on any existing local drainage system.

### Affordable Housing

- 5.14 The applicant has agreed to the provision of 40% affordable housing to satisfy policy CP9's requirements of schemes of 2 dwellings or more outside of Service Centres. The final details of affordable housing provision would be subject to negotiation at a reserved matters stage taking account of viability and the economics of provision.

### Community consultation

- 5.15 In response to neighbour comments not previously addressed:
- A contaminated land report can be required by condition to assess and mitigate for any contamination.
  - The Local Highway Authority has assessed the extent of the development and found no need for off-site improvements.
  - Land surrounding the dwellings is proposed as domestic curtilage and beyond this as a paddock - alternative uses for the paddock area would need to be assessed on their own merits if requiring permission if and when they are proposed in the future.
  - An annexe is indicated on the indicative layout drawing and would be further assessed at the reserved matters stage which would further investigate the final design of the dwellings.

- The availability of existing housing in the village is not a material planning consideration in the determination of this application.
- Secured by Design measures can be requested by condition to be included in the final design of the proposed dwellings at the reserved matters application stage.
- The potential for disturbance during demolition and construction are recognised. Conditions can be imposed on the licence for demolition and measures are available to the EHO office under separate legislation to address the impacts of construction noise.
- The boundary types could be controlled by planning condition to protect visual and neighbour amenity.

## 6.0 RECOMMENDATION

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (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. 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.
4. No part of the existing boundary hedge along the eastern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5m other than to achieve the visibility splays required by condition 15 or other than in accordance with details that have been submitted to and approved by the Local Planning Authority.
5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development.
6. Prior to commencement of development an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, shall be submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted to and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report

detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

7. 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 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.
8. 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.
9. 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 8 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.
10. The site shall be developed with separate systems of drainage for foul and surface water.
11. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.
12. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
13. 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.
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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements a. The details of the access shall have been approved in writing by the Local Planning; b. The accesses shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 4.5metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1.
15. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until

splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 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.

16. 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: a. vehicular and pedestrian accesses b. vehicular parking c. vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
17. 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.
18. 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. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
19. Prior to the commencement of development a method statement detailing the proposed demolition of the structures on site shall be submitted to and approved by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.
20. The development hereby approved shall not be commenced until details of the foul sewage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter the works for the provision of foul sewage shall be undertaken in accordance with the approved details.

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 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 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.
4. To safeguard the visual amenity of the street scene in accordance with policy DP1 of the Hambleton Local Development Framework.
5. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
6. To safeguard the amenities of future occupiers of the residential property.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
10. In the interest of satisfactory drainage and to avoid pollution of the water environment.
11. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
12. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
13. In the interests of highway safety.
14. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
15. In the interests of highway safety.
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
17. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
18. In the interests of highway safety.
19. To protect the amenity of the neighbouring residents
20. To ensure that the site is properly drained

#### Informative

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.