

Parish: Hackforth
Ward: Bedale
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Committee Date: 26 May 2016
Officer dealing: Mrs H M Laws
Target Date: 3 June 2016

16/00219/OUT

Outline planning permission with some matters reserved (includes access and layout) for the construction of a detached two storey dwelling at land adjacent to Village Hall, Hackforth for Mr F Iveson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the south eastern corner of the village adjacent to the Village Hall. The land covers an area of 168sqm on the corner as the roads bends to the south towards Langthorne. The site is currently a vacant paddock with timber post and rail/wire fencing to all boundaries.
- 1.2 It is proposed to construct a detached dwelling on the plot. The application is in outline form but requests approval for access and layout. There is currently no vehicular access serving the site; the amended plans propose to create a vehicular access at the north western corner of the plot adjacent to the village hall access. Visibility splays are proposed to cross the front of the village hall in a westerly direction and to cut across the front of the application site to create visibility in an easterly and south easterly direction.
- 1.3 A new boundary fence is proposed to lie along the line of the visibility splay. Landscaping is proposed along the south and east boundaries of the site.
- 1.4 The proposed dwelling is positioned towards the rear of the plot. An amended layout plan has been submitted, which proposes to site a garage parallel to the boundary with the village hall car park, set behind the front elevation of the dwelling; a parking area is proposed to the front and side of the house.
- 1.5 The new flood map has amended the site from being within flood zones 2 and 3 to zone 1, the area of least risk.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/01490/FUL - Outline application for the construction of a two storey detached dwellinghouse; Withdrawn 4 November 2015.

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 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 DP10 - Form and character of settlements

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no objection, but do have comments, to the outline planning application and wish it to be approved. At the Parish Council meeting to discuss the outline planning application the Secretary of the Village Hall Committee commented on whether noise could become an issue. The Village Hall Licence states that 'noise must not be discernible at the nearest property' and if outline planning permission is given to build the dwelling house then it would become the nearest property. In order to try and mitigate this, the Parish Council suggests that a hedge be planted on the boundary between the Village Hall and the proposed new dwelling.

Following receipt of the amended layout plan the Parish Council wish the application to be approved.

- 4.2 Highway Authority - conditions recommended.
- 4.3 Environmental Health Officer - I've assessed the additional information submitted as part of this application. I would support the amended plans. The proposed mitigation of positioning the garage between the dwelling and existing village hall would provide good acoustic screening to reduce or prevent noise travelling to noise sensitive areas. Along with the limited number of events per year, as detailed, and acoustic glazing to exposed windows - should noise on occasions be heard the impact would be minimal.
- 4.4 Environment Agency - based on the new flood map, this site is now deemed to be located in Flood Zone 1. We therefore have no comment on flood risk grounds. Based on the information submitted, we have no objection to this development.
- 4.5 Yorkshire Water - no comments are required
- 4.6 Ministry of Defence - no safeguarding objections
- 4.7 Public comment - the following comments have been received from the Trustees of Hackforth Village Hall:
- The position of the trustees in relation to this application remains neutral - the same as its position in relation to the previous application. However, I would refer you to our previously expressed concerns that Richard Smith's observations (HDC Environmental Health) on our initial submission does not seem to give any weight to the potential problems for the village hall in the event of a dwelling being built which is nearer than the current nearest dwelling. Mr Iveson understands those concerns and has been positive in his response - we would expect the Licensing and/or Planning Authorities to understand and address those concerns too.

The comments submitted in response to the previous application are as follows:

- The Trustees and Committee were made aware of the key points of the Council's recently introduced Interim Planning Guidance. Although the proposals raised several issues for a number of members, it was agreed that the Committee and Trustees should limit any comments they made to views about the impact such a

development may have on Village Hall activities. The main concern was in relation to the aspect of the Hall's Premises Licence, (issued by Hambleton District Council), that relates to noise from amplified music and sound which requires that it should not be discernible at the nearest noise sensitive premises. Currently the nearest such premises are some distance away and no problems have ever arisen. Clearly the erection of a new residential property much closer to the hall could have implications for the range of activities taking place in the hall (if the license conditions remain the same). It was agreed therefore that these concerns should be brought to the attention of the Planning Authority with a suggestion that some conditions may be attached to any planning approval so as not to restrict the range of activities for which Hackforth Village hall is currently licensed.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) residential amenity; (v) flood risk; and (vi) highway safety.

Principle

- 5.2 The site falls outside of Development Limits of Hackforth, 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 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".

- 5.3 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 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 particularly including services in a village nearby. Hackforth was a Secondary Village in the original CP4 settlement hierarchy but dropped just below the cut-off point in the current settlement hierarchy due to a reduction in the range of services and facilities within the village over recent years. The site lies within walking distance of the centre of Hackforth which has a school, a pub and a village hall. Additionally, Hackforth is close to Langthorne which has a village green which adds to the sustainability of the area (Hackforth not having such a facility). The village is also within cycling distance (3km) of Crakehall where there are further facilities although this should be given

only marginal weight due to the distance. Given the form and variety of services and facilities in the village and in nearby Langthorne, which equate to those that might be found in a small Secondary Village, in this case it is considered that criteria 1 would be satisfied.

Character and appearance

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG and the cumulative impact of additional development in Hackforth. Following the adoption of the Interim Policy Guidance in April 2015 outline permission has been granted for 4 dwellings on land adjacent to Brookside on the western side of the village. The proposal is for a single dwelling at the western edge of the village and would not therefore be of too great a scale. The site lies adjacent to the village hall on a prominent corner at the end of the village and would be clearly visible. The village hall currently forms the edge of the village with countryside beyond. The development of this site would provide an opportunity to round off the edge of the village and provide a landscaped edge between village and countryside. The application includes a basic landscaping scheme that would be planted along the southern and eastern boundaries outside the visibility splay. Further opportunities for review of the scheme would arise through the submission of reserved matters in respect of scale, design, materials and landscaping.

Residential amenity

- 5.6 The proposed dwelling would lie immediately adjacent to the village hall and its car park, where there may be potential for disturbance resulting from activities at the hall. The proposed layout of the dwelling has been amended in an attempt to address the concerns of the Village Hall trustees, to include a garage block running parallel to the boundary with the village hall car park. This would provide a physical barrier between the two sites, thereby reducing the potential for noise to have an effect on the residents of the proposed house. The Council's Environmental Health Officer considers this is adequate to address the issue and has no objections. No further comments have been received from the Village Hall Trustees. It is concluded therefore that the proposed development is unlikely to detract from residential amenity to an unacceptable degree and would not be contrary to LDF Policy DP1.

Other Matters

- 5.7 The previous planning application was withdrawn in November 2015 due to the positioning of the site within flood zones 2 and 3. A new flood map has superseded the details considered last year and the site is now within flood zone 1, the area of least risk. There are no objections therefore to the development of this site on the grounds of flood risk.

Highway safety

- 5.8 The Highway Authority has no objections regarding the amended plans. A large part of the application site is taken up with the visibility splay to the south east. The visibility splay would be fenced separately from the domestic garden of the plot and effectively become part of the highway verge in appearance but an adequate area of application site would remain to provide a suitable garden. The proposed visibility splay to the west goes across the front of the village hall on land that is within highway control. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** planning permission 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 design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 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. 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.
 5. 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.
 6. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the boundary treatment has been implemented in accordance with the approved details and thereafter retained.
 7. 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.
 8. 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.

9. 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: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (d) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number E6;(e) 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; (f) 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 1:15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 63 metres measured along both channel lines of the major road C132 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.
11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: (a) have been constructed in accordance with the submitted drawing (Reference HDC/3080/01 Proposed Site Plan Rev C); and (c) 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.
12. 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.
13. 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; and (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.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered HDC/3080/02 and HDC/3080/01C received by Hambleton District Council on 15 March and 20 April 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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 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 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.
5. 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.
6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
9. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
11. 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.
12. 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.
13. 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.
14. 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.