

**Parish: Hackforth**

Ward: Bedale

**7**

Committee Date: 18 August 2016

Officer dealing: Mrs H Laws

Target Date: 26 August 2016

**16/01330/MRC**

**Application for the removal of condition 10 of 16/01656/FUL (affordable housing provision) relating to the construction of 4 new dwellings and associated access road and parking.**

**at land adjacent 4 - 5 Brookside, Hackforth  
for Mr Graeme Newton**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 Planning permission was granted in December 2015 for the construction of 4 dwellings on this site including (as required by LDF Policy CP9) the provision of affordable housing. The current application requests the removal of condition 10 relating to this provision. Since the decision was made in December last year, the ministerial statement (originally issued in November 2014) has removed the burden for developers to make contributions on housing developments of 5 units or less within specially designated rural areas and 10 units elsewhere. The aim of the statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing. The measures, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought. A 40% affordable housing contribution would usually be required by LDF Policy CP9 for developments of 2 or more dwellings. This contribution can no longer be requested and over-rides the requirements of the Council's adopted policies. The following report is as previously presented to Members at the Planning Committee meeting on 10 December 2015 (with an updated Consultations section 4.0 and Conditions section 6.0) and seeks to remove the condition attached to the previous approval, which required an affordable housing contribution.
- 1.2 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.
- 1.3 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.
- 1.4 It is proposed to construct 4no. two storey dwellings on the site, which includes 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.

- 1.5 The proposed cul-de-sac access road retains access into the adjacent field. An area of public open space and four visitor car parking spaces are proposed close to the entrance into the development in the south eastern corner of the site.
- 1.6 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.
- 1.7 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.
- 1.8 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.

## **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.
- 2.5 15/01656/FUL - Construction of 4 new dwellings and associated access road and parking; Granted 18 December 2015 subject to condition 10 requiring the provision of at least one affordable dwelling.
- 2.6 15/01656/DCN - Discharge of conditions attached to application 15/01656/FUL; Granted 27 July 2016.

## **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

#### **4.0 CONSULTATIONS**

4.1 Hackforth Parish Council - The Parish Council have no objection to the removal of Condition 10 but the Parish Council wish to be consulted on all further changes to the Planning Application

4.2 Public comments - none received.

#### **5.0 OBSERVATIONS**

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

##### Principle

5.2 The greater part of the application site lies outside the Development Limit boundary. Policy DP9 states that development will only be granted for development outside Development Limits "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 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 defined as an Other Settlement. 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. These facilities and those nearby in Crakehall are considered capable of supporting additional development.

##### Character

5.5 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". The proposed scheme has already been granted planning permission including an affordable housing contribution. The only change to the scheme is the proposed omission of the previously applied condition requiring an affordable housing contribution, which, as set out above, is no longer required.

##### Neighbour amenity

- 5.6 The in physical terms the application is identical to the scheme approved previously when the details of the layout, access, design and materials were considered and deemed acceptable, including their likely impact on neighbours. There have been no changes to the scheme, neighbouring properties or planning policy that would affect the decision relating to these matters.

#### Highway safety

- 5.7 The Highway Authority has confirmed that their recommendation is unchanged and has no objections to the proposed development subject to appropriate conditions.

#### Affordable housing

- 5.8 The removal of affordable housing from the scheme is regrettable but fully in line with national policy and therefore is accepted.

### **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 before 18 December 2018.
2. Details and samples of the materials to be used in the construction of the external surfaces of the development shall be in accordance with the details approved by the Local Planning Authority under reference 15/01656/DCN. The development shall be constructed of the approved materials in accordance with the approved method.
3. No dwelling shall be occupied after the end of the first planting and seeding seasons, unless those elements of the landscaping scheme approved by the Local Planning Authority under reference 15/01656/DCN 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. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved by the Local Planning Authority under reference 15/01656/DCN. 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.
5. 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 by the Local Planning Authority under reference 15/01656/DCN and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
6. 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.
7. 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.

8. 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.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. 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 that have been approved by the Local Planning Authority under reference 15/01656/DCN; (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.
11. 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.
12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted other than in accordance with the full details of the following that have been approved by the Local Planning Authority under reference 15/01656/DCN: (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 approved details.
13. 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.
14. There shall be no access or egress by any vehicles between the highway and the application site other than in accordance with the 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 that have been approved by the Local Planning Authority under reference 15/01656/DCN. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site other than in accordance with the details approved by the Local Planning Authority under reference 15/01656/DCN: (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.
16. 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. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
6. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
7. 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.
8. To protect the amenity of adjacent residents in accordance with LDF Policies CP1 and DP1.
9. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. 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.

11. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
12. 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.
13. 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.
14. 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.
15. 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.
16. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.