

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons
2

Committee Date : 5 December 2016
Officer dealing : Mr Kevin Ayrton
Target Date: 25 October 2016
Date of extension of time (if agreed): 9 December 2016

16/01700/OUT

Outline application for 5 dwellings, with access from Hunters Ride, with all other matters reserved

**At land and buildings at Village Farm, Front Street, Appleton Wiske
For Mr Robert Atkinson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a parcel of land approximately 0.41 hectares in size, located on the eastern edge of Appleton Wiske. It forms part of a wider holding. The southern boundary of the application site accommodates mature landscaping, which separates it from a turning area at the head of Hunters Ride and the detached two-storey dwellings, which have their gable ends facing the application site. Hunters Ride is a long cul-de-sac, which also serves The Paddocks.
- 1.2 The west, north and eastern boundaries of the site adjoin fields, with the north and eastern boundaries defined by existing hedgerows. However, development wraps around the adjoining countryside to the west and north, creating a sense of enclosure from the more open countryside to the east.
- 1.3 The application is in outline for five dwellings. All matters other than access are reserved. Access to the site is proposed off Hunters Ride, which would require an opening to be formed in the landscaping at the road end.
- 1.4 The site is located in Flood Zone 1, an area with the lowest probability of flooding from watercourses. However, the front central part of the site falls within a high risk area in terms of surface water flooding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no planning history that relates specifically to the application site. However, the following application relates to the wider holding and is considered relevant:
- 2.2 99/50071/P - Layout of land and construction 33 dwelling houses; Refused 19 July 1999, appeal dismissed August 2000.

3.0 RELEVANT PLANNING POLICIES

The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements

Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
Appleton Wiske Draft Neighbourhood Plan
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Public comment - 18 letters of objection have been received, which include the following comments:

- The land is rated high for flooding by the Environment Agency;
- The access to the new houses would significantly increase traffic along Hunters Ride, which is a safety hazard and a nuisance to those current residents;
- The development sits outside the village boundary;
- It has been previously deemed that this land was not profitable to build 10 new properties so financially, it doesn't make sense that 5 properties can be economically viable;
- The village does not need any more large expensive housing as was evidenced by the recent housing needs survey;
- The housing needs survey has been addressed by the recent approval for 11 dwellings at The Shorthorn Inn;
- The site forms part of a much larger parcel of land for Village Farm and it is clearly the intention of the landowner to seek approval for a small portion before submitting further applications for further development;
- The site was the subject of a public inquiry, where the appeal was lost;
- Doubt that the ransom strip at the end of Hunters Ride now belongs to NYCC;
- There are no services to support a development on this site;
- If permission is granted for houses to the east of Village Farm, it should be conditional upon access via the Shorthorn site. This is because it is likely that residents would commute to work on Teesside. To do so, they need to drive north east, via Picton or Rounton, to the A19. The Shorthorn site exits directly onto the Picton and Rounton roads;
- The hedgerow on the southern boundary is an important feature of the village and its landscape and must be retained;
- There is a proposal to build approximately 14 houses, including affordable houses, to the west of the village adjacent to Smithy Green; and
- The existing main sewer along Hunters Ride is regularly cleared by Yorkshire Water. Additional sewage from beyond the existing end of Hunters Rise would inevitably have an adverse effect on this problem.

4.2 Parish Council - No observations; complies with interim planning guidance.

4.3 Highway Authority - No objection subject to conditions.

4.4 Environmental Health (Contaminated Land) – No objection subject to conditions.

4.5 Swale and Ure Drainage Board - The application states SW drainage to soakaway but provides no proof of feasibility. It does not demonstrate any consideration of exceedance flows which may cause flooding to neighbouring properties as required by NNPF. Please condition a thorough flood and drainage strategy to be submitted and approved prior to commencement.

4.6 Corporate Facilities Manager: The proposed development is located in a flood zone one area, so the lowest area of flood risk related to river as estimated by the

environment agency, with all land in England being classified as flood zone one (lowest risk), two or three (highest).

The Environment Agency estimate that a significant part of the proposed development is located in an area susceptible to surface water flooding. The surface water flooding information produced by the Environment Agency has strengths and limitations, this estimated surface water flood risk information does not have the same weight as the flood zone information and as such is not sufficient on its own to preclude development.

Consultation responses state that the proposed development land is subject to surface water flooding, with overland flows a contributory factor. The topography of the site has the low ground to the centre of the proposed development site adjacent to the existing Hunter Ride highway, the existing site ground level is at a lower level than the existing development and then there is higher ground to the other three sides.

The applicant has stated that they propose the use of soakaways to manage surface water, though has not submitted information to indicate that site investigation work has been undertaken to verify that soakaways will be appropriate in this location.

This application is for outline permission, if approved, any permission should be conditioned so the applicant will prior to development submit detailed drainage information to demonstrate that the surface water can be managed, this includes surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; (iv) flood risk; and (v) highway safety.

Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Appleton Wiske. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. 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 consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Appleton Wiske is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.
- 5.6 Consideration and reference also needs to be made to the emerging Appleton Wiske Neighbourhood Plan (NP). The Neighbourhood Plan designated area was approved in September 2012 and the Parish Council produced an initial draft plan, which identified a preferred housing site. That site included the application site along with further land to the north and west. However, work on the plan has not progressed since. Considering that the Neighbourhood Plan is at a relatively early stage, it can be given only very limited weight.

Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. In this instance five dwellings are proposed. This is considered to be an acceptable scale in relation to the guidance and the size and form of Appleton Wiske.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form.
- 5.9 In making this assessment it is noted that the application is in outline form only with all matters other than access reserved. The character of the area is influenced by the relatively suburban development on Hunters Ride and the developments to the north and west of the site, which present a mix of rear boundary treatments. The combination of this and the fact that the agricultural land adjoining the application site is wrapped around the development, means that it is not viewed in the context of the more open countryside to the east. As a consequence, the development of the application site would not compromise the open and rural character of the wider countryside.
- 5.10 The position of the site at the end of the cul-de-sac would allow a form of development to be achieved that would respond to the built form along Hunters Ride.
- 5.11 It is noted that the wider site has been identified as a Preferred Option in the emerging Local Plan, which is currently out to consultation. This site identified in the Preferred Options document includes additional land to the north and west. Whilst

there is no guarantee that this will follow through to an allocation, it would be a factor that needs to be considered at reserved matters stage in terms of the detailed layout. However, the Local Plan is at too early a stage to be given any weight in the assessment of this application.

- 5.12 With five dwellings proposed, the density would equate to 12 dwellings per hectare, which is low. This provides a high degree of scope within the application site to form a layout that responds positively to the above challenges, not least by allowing for the possibility of access through to the adjacent land, and allows officers to conclude that the site is capable of accommodating the proposed amount of development in a way that would not have a detrimental impact on the natural and built environment.
- 5.13 Whilst most matters have been reserved it is clear that part of the hedgerow (which also contains some trees) along the southern boundary to Hunters Ride would have to be removed to allow access to the site. Whilst the loss of part of the hedgerow will have some impact on the character and appearance of the area, the site clearly gives scope for a much greater amount of replacement hedgerow/landscaping to be provided, which will more than mitigate against its loss both in respect of its visual contribution and biodiversity benefits. Therefore the loss of part of the hedgerow is not considered to have a detrimental impact in the context of the proposed development.

Residential amenity

- 5.14 The main impact to consider is in relation to the residential properties located at the end of Hunters Ride, which have their gable ends adjoining the application site. Again, because of the size of the site, it is considered that five dwellings can be comfortably achieved without a detrimental impact on their residential amenity. It should be added that any scheme at reserved matters stage should look to retain the existing landscaping along the southern boundary, which will help to retain a degree of privacy.
- 5.15 Whilst it is accepted that the development would result in additional vehicular movements along Hunters Ride, this would not be to the extent that would be detrimental to the existing occupants.

Flood risk

- 5.16 Whilst the site is located in flood zone 1 (lowest probability of flooding) in terms of risk from rivers or the sea, several of the neighbour comments make reference to the site being located within a high risk area in terms of surface water.
- 5.17 The Swale and Ure drainage board has commented on the application and requested a condition for a thorough flood and drainage strategy to be submitted and approved prior to the commencement of development.
- 5.18 There is an identified overland flood issue on this site. However, as per the consultation response from the Internal Drainage Board and corporate facilities manager, it is considered that this can be dealt with by condition.

Highway safety

- 5.19 The local highway authority has considered the application, with the proposed access off Hunters Ride, and raised no objection subject to conditions relating to information required at the reserved matters stage.

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. 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 scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the landscaping of the site.
 3. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
 4. 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 in consultation with the Highway Authority: (i) vehicular and pedestrian accesses; (ii) vehicular parking; and (iii) vehicular turning arrangements.
 5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 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.
 6. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.
 7. 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.

8. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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.
9. Soils shall not be imported or re-used on the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for use on the site. Before importation or re-use commences a soil sampling and analysis scheme, specifying the location, number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis 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.
10. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.
11. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 10 above.

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. In accordance with policy DP3 and in the interests of highway safety.
4. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

7. In accordance with policy DP3 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.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with Hambleton Local Development Framework CP21 and DP42.
10. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
11. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.