

Parish: Alne
Ward: Easingwold
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Committee Date: 5 January 2017
Officer dealing: Caroline Strudwick
Target Date: 21 September 2016
Date of extension of time (if agreed): 10th February 2017

16/01614/OUT

**Outline planning application with details of access and layout (all other matters reserved)
for residential development**

At land adjacent Church House, Church Wind, Alne

For Mr R G Hirst and Mrs C M Clift

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This 2,710 sq m piece of land lies on the west side of Church Wind. To the north of the site is Holly Tree Cottage, west is Alne pre-school play group and south the Grade I listed Church of St Mary the Virgin. The site lies within the Alne Village Conservation Area and outside Development Limits.
- 1.2 The site was last used for agriculture, for the grazing of animals. It is well screened by mature trees and hedges on the south and east boundary, with limited screening on the western boundary.
- 1.3 This is an outline application for the layout and access for the development of two houses, shown as 3 to 4 bedroom double storey detached properties, with detached garages. One dwelling would front Church Wind and the other would lie behind it, with its principal elevation facing south, towards the Church. The dwellings are pushed towards the northern boundary, to maintain a buffer between the church and development. The total footprint of each dwelling is proposed to be approximately 200 sqm. There is an access to Church Wind in the approximate centre of the road frontage; the proposal would close this and create a new one further south, which would lead to a turning and parking area serving both dwellings in the centre of the site. Details of scale, appearance and landscaping are reserved for later approval.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 79/01408/OUT - Outline application for residential development at part of former OS 328, Church Wind, Alne; Granted 27 September 1979.
- 2.2 95/50042/P - Construction of 2 detached dwellinghouses and domestic garages; Refused 12 March 1996.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Development Policies DP28 - Conservation
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP2 - Access
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
National Planning Policy Framework

4.0 CONSULATIONS

- 4.1 Alne Parish Council - No objection to the proposal but would want substantial input if the scheme were to change in any significant way.
- 4.2 North Yorkshire County Council Heritage Officer - The proposed development site lies in an area of archaeological interest and potential, within the historic core of the former medieval village of Alne. Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. In order to secure the implementation of such a scheme of archaeological mitigation recording conditions on any permission recommended.
- 4.3 Conservation Officer - This site lies within the Conservation Area and adjacent to the Grade I listed church. Church Wind is characterised by the significant tree cover forming the approach to Main Street. It will be important to maintain this tree cover to the front of any development, therefore clarification as to which trees are to be removed and details of the landscaping to the front will be important.

The Church of Saint Mary the Virgin is not particularly prominent within the street scene, there are glimpses through the trees and through the existing gateway of the proposed site. Trees and fencing line the site boundaries and there are views towards the graveyard from the site and over the site from the graveyard. An existing property at Holly Tree Cottage is visible from the graveyard.

The site is at a similar level to the graveyard and does not in my opinion form a significant part of the setting of the church. Whilst there is an obvious correlation between the peaceful setting of the graveyard and the open site to the north, this could to some degree be maintained by setting the properties to the far side and incorporating a high quality landscape scheme.

The siting of a single dwelling within the site would allow for a larger, more spacious plot, however as stated above, by siting them to the far side they would be no more visible than existing development at Holly Tree Cottage.

- 4.4 Council for British Archaeology - It is acknowledged that the application if for outline permission and that specific details other than access and layout are to be determined at the full application stage. However, the CBA has concerns regarding the proposal submitted as part of the outline permission, which should be addressed prior to submitting a full application:
- The significance of the application site has not been addressed in accordance with the National Planning Policy Framework (NPPF 2012) paragraph 128;
 - The CBA strongly recommends a programme of archaeological investigation to inform any decision at the outline permission stage; and
 - Development of the application site has the potential to impact on the setting of a Grade I Listed Building and a Conservation Area and could cause harm to the significance of these designated heritage assets.
- 4.4 Highway Authority - Conditions recommended.

4.5 Yorkshire Water - No objection.

4.6 Public comment - Four objections have been received, on the basis that:

- The proposal is against BD5 land, relabelled as part of the LDF as lying within the Conservation Area.

[Officer note: Policy BD5 Spaces of 'townscape' Importance was a policy in the Hambleton District Wide Local Plan, which was replaced with policy DP28 Conservation, in the Hambleton Local Development Framework in 2008.]

- Contrary to CP6, point 3 that no affordable housing is proposed;
- The proposal will have a detrimental effect on the natural, built and historic environment and so not compliant with the IPG;
- Contrary to policy DP28 Conservation;
- The proposal will reduce highway and pedestrian safety on Church Wind;
- There will be a loss of privacy through overlooking of Church House, Church House Annex and Holly Tree Cottage; and
- The proposal will impact unacceptably on the biodiversity of the site.

Two submissions of support have been received, on the basis that:

- The site has the potential to be an eyesore if it is not developed; and
- Support, so long as safeguarded measures are put in place to ensure that children at the playgroup are not overlooked.

5.0 OBSERVATIONS

5.1 The issues to consider in this application are (i) the principle of development in this location outside Development Limits; (ii) the impact on local character and heritage assets, specifically the Conservation Area and nearby listed buildings; (iii) the impact on residential amenity; and (iv) the impact on highway safety.

Principle

5.2 The site lies outside the Development Limits of the village, where development is strictly controlled. The applicant does not claim any of the exceptional circumstances identified in Policy CP4. However, the Council has adopted Interim Policy Guidance (IPG) Note which allows the Planning Authority to be more flexible in determining applications for small scale, incremental residential development, well related to villages. This proposal is located adjacent to Development Limits and would relate well to the existing pattern of development in the village, however there are other elements of the IPG to consider.

5.3 Alne is designated as a Secondary Village in the IPG settlement hierarchy. The proposed development is therefore located on a site where it will support local services. At two dwellings the development is small in scale. The built form of the dwellings is not for consideration as part of this outline application, and this would need to be given careful consideration at the reserved matters stage.

Character and heritage assets

5.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134

requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.5 There has been considerable concern regarding the potential for detrimental impact on the natural, built and historic environment. This particularly centres on the potential for harm to be caused to the Grade I Listed Church of St Mary the Virgin and any buried archaeology on site. An archaeological investigation involving digging three investigation trenches was undertaken on site. This did not provide any evidence of any significant or valuable archaeology and so the likelihood of significant archaeology at a depth which could be disturbed by development has been reduced. It is recommended that a condition is attached to any permission which requires a written scheme of investigate to ensure any archaeology on site is recorded. In terms of the above ground history, it is considered that the limited views of the Church of Saint Mary the Virgin can be protected through a high quality landscaping scheme and carefully designed dwellings, which respect the setting of the Church.
- 5.5 Three trees would be removed to create the access onto the site. Subject to a condition to replace those trees in the gap left by the former access, the overall effect would not be harmful to the character or appearance of the Conservation Area.
- 5.6 The development of two dwellings on this site would not have a detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The dwellings would be sited to the north of the site, close to existing development and the line of the Alne Development Limits.
- 5.7 Given Alne's status as a Secondary Village it is considered that the development is capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.8 The boundary of the site is 10 metres from the northern elevation of the grade I listed Church of St Mary the Virgin, and approx. 175m from the Grade II listed Alne Hall. The application seeks permission for the layout of the site but not for the scale or design of the dwellings. The proposed layout shows that the nearest dwelling would be 37 metres north of the Church. The mature trees and hedges on the south boundary between the site and the Church can be retained to preserve the setting of the Church and the character and appearance of the Conservation Area. Additional planting can also be secured, including additional landscaping to the west and north, and at the current access point off Church Wind.
- 5.9 When submitting a reserved matters application it is advised that the proposed design of the dwellings should ensure that they are in keeping with the eaves and ridge heights of the existing development in the immediate area. The Alne Conservation Area is a good example of linear development along a main street, with agricultural development to the north and south, some of which has been converted into dwellings, with infill modern housing. The site layout shows that development would keep the line of existing development, despite being outside of Development Limits. The linear siting of the two dwellings infill the gap between the Primary School and Still House, on the opposite side of Church Wind. The dwellings have purposely been kept to the north of the site to bring them close to the development limits and to allow a buffer between development and the Church. Whilst it would bring development closer to the Grade I listed Church, reducing that separation between the Church and village development, two dwellings here would not impact unacceptably on the views in and out of the village and of the church, or cause unacceptable harm to the character and setting of the heritage asset.

Residential amenity

- 5.10 Dwelling one is to face east, onto Church Wind and dwelling two to face south, towards to the church, with the garages between the two dwellings. The layout of the site allows for an 11 metre separation between dwelling one and Holly Tree Cottage. Without any detailed plans showing window opening the potential for overlooking cannot be assessed, this will be addressed as part of the reserved matters application. This is equally the situation with the relationship between the proposed dwellings.
- 5.11 Alne playgroup is 7 metres to the west from dwelling two; it recommended that any windows that face this way are restricted to obscured glazing by condition as part of any reserved matters approval to avoid overlooking of the playground.

Highway safety

- 5.12 The Highway Authority has not objected to the application to create an alternative access further south on Church Wind, subject to conditions.

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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: (i) Three 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 456/03/01/A received by Hambleton District Council on 15th July 2016 unless otherwise approved in writing by the Local Planning Authority. The number of dwellings built shall not exceed two.
 3. 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 and garages, (b) design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.
 4. 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.
 5. 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 Authority in consultation with the Highway Authority; (b) Any gates or barriers shall be erected a minimum distance of 4.5 metres

back from the carriageway of the existing highway and shall not be able to swing over the existing highway; (c) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and (d) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing highway. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority.

6. 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.
7. 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: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
9. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
10. 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.
11. 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.

12. (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) Community involvement and/or outreach proposals; (b) The programme for post investigation assessment; (c) Provision to be made for analysis of the site investigation and recording; (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) Provision to be made for archive deposition of the analysis and records of the site investigation; and (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 CP1, CP17, DP28, DP30 and DP32.
3. 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.
4. In the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of road safety.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
9. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this note.
2. 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.