

Parish: Exelby, Leeming and Newton
Ward: Bedale
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Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 10 February 2017

16/02514/OUT

**Outline application (all matters reserved) for the construction of 3 dwellings
At land west of Exelby Grange, Exelby
For Mr G Clark**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the northern side of the main village street. The site extends to an area of 0.14 hectares. The site is currently part of an agricultural field bounded by a hedgerow to the south fronting onto the street, with hedgerows and post and wire fencing to the other boundaries. Exelby Grange, which is currently the last property at the western end of the village on this side of the road, lies to the east; an agricultural building now used for non-agricultural storage lies to the west.
- 1.2 It is proposed to construct three dwellings on the site. The application is an outline application with all matters reserved. An illustrative layout has been submitted with the application depicting three two storey detached dwellings with garages with individual accesses onto the village street. It is proposed to retain the existing hedgerow other than for the creation of accesses. A timber post and rail fence is proposed along the proposed rear boundary.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None on the application site; however, the following applications relate to land at The Old Forge opposite:
- 2.2 15/02819/FUL – Detached dwellinghouse and associated parking; Granted 4 March 2016.
- 2.3 16/01787/FUL - Dwellinghouse and attached double domestic garage and the formation of new access; Granted 14 October 2016.

2.0 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 DP9 - Development outside Development Limits
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 Parish Council - no objection in principle.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Yorkshire Water - There is a sewage pumping station (SPS) and a combined sewer overflow (CSO), under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the existing SPS to the site may mean a loss of amenity for future residents. In order to minimise the risk of any loss of amenity, industry standards recommend that habitable buildings should not be located within 15 metres of the existing SPS. To reduce the visible impact of the installation, the erection (by the developer) of suitable screening is advised.

The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals. Alternatively, the developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water.

- 4.4 Swale & Ure Internal Drainage Board - the proposed method of SW drainage is acceptable if demonstrated to be feasible. Please attach a condition that effect.
- 4.5 NYCC Heritage - The proposed development site is within the former medieval village of Exelby. The present village retains the original medieval form of two opposing rows with long plots to the rear. The proposed development has the potential to encounter archaeological remains of one or more medieval house plots associated with the former village. A condition is recommended for a watching brief followed by analysis, reporting and archive preparation.
- 4.6 Environmental Health Officer - The environmental health service has considered the above application and has concerns about the close proximity of agricultural buildings (former chicken sheds) which, if they revert to operational use, could impact on the amenity of residents living immediately next door to the site.

I can confirm that the environmental health service has not received any complaints about the activities carried on in these premises and I have also spoken to the agent, who has confirmed there is no business operating from the site at present. However, should the site revert to operational use there would be no controls in place for the management of dust, noise, odour or flies associated with this type of industry, especially considering the minimal separation distance between the sheds and the proposed development.

Whilst the service does not object to the scheme, these issues should be discussed with the agent so that any potential impact can be effectively managed.

No objection subject to a condition in order to secure the investigation and, where necessary, remediation of any contamination on the site.

- 4.7 Public comment - One comment, summarised as follows:
- We welcome this development as it will help to complete the village to a natural boundary line at the end of the lane serving the village;

- The proposal is a natural organic development of the village and will (with other approvals made in the last year) improve the viability of the village as a distinctive community through the resulting modest increase in its population; and
- We agree that the proposed housing density is reasonable. The layout will slightly improve the outlook for passers-by as a significant proportion of the unsightly former chicken shed will be hidden from view.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of three new dwellings in this location outside Development Limits; (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; and (iv) highway safety.

The principle of development

- 5.2 The site falls outside of Development Limits as Exelby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy CP4 states that all development should normally be within the Development Limits of settlements. 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 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 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 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. 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.
- 5.5 In the settlement hierarchy contained within the IPG, Exelby 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 or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 The site lies within the village of Exelby in which there is a pub and it lies approximately 2km from the edge of Burneston, which is defined as a Secondary Village with facilities including a school, a pub and a church. Other economic benefits of the scheme include the short term boost to the rural economy during construction. It is considered that the proximity to Burneston allows Exelby to form a cluster that represents a sustainable community; this is consistent with the assessment of the

relationship between the two villages when applications 15/02819/FUL and 16/01787/FUL were considered; and therefore the proposed development satisfies criterion 1.

Character and appearance of the village and the rural landscape

- 5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village and forms part of a larger field beyond the built up boundary of the village. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.9 The application site is undeveloped but its position immediately adjacent to and opposite residential development suggests it has more in character with the built form of the village than the rural landscape beyond. The application site would share a boundary with existing residential development; would follow the line of the existing development down the village street, retaining the remaining part of the field to the rear; and would not protrude significantly into open countryside. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment and is in accordance with these aspects of the IPG.
- 5.10 Since the introduction of the IPG a dwelling has been approved, and is under construction, on the land opposite the application site. Another single dwelling has been approved on the southern edge of the village (16/2010/OUT). It is considered that the cumulative impact of a further three houses would not be excessive for the village of Exelby.

Effect on residential amenity

- 5.11 The closest neighbour to the proposed dwelling would be the existing property at Exelby Grange, which is currently the final property at the western end of the village. The application is in outline but an illustrative footprint has been included within the submission, to demonstrate that the dwellings could be positioned to reflect the general building line of the road.
- 5.12 It is considered that there is adequate space available within the application site for there to be some consideration given to protecting the existing outlook whilst providing adequate amenity space for the proposed residents. There would be adequate separation between the properties to protect the amenity of both sets of residents.

- 5.13 Concern has been expressed by the Council's Environmental Health Officer and by Yorkshire Water due to the proximity of the adjacent agricultural building and the sewage pumping station to the application site, which it is suggested, could both result in disturbance to the future residents of the proposed house at the westernmost end of the site. Although the neighbouring building has not been in agricultural use for more than 25 years it would be possible to re-use it for agricultural use without the need for planning permission in the future. The agricultural building is within the ownership of the applicant and is therefore currently within his control. A condition is recommended to ensure that no livestock is housed within this building once the dwellings are occupied.
- 5.14 Yorkshire Water recommends that no dwelling be sited within 15m of the sewage pumping station; the edge of the SPS lies approximately 10m from the boundary of the application site so the recommended distance could be achieved through details of siting at the reserved matters stage.
- 5.15 It is considered that the requirements of LDF Policy DP1 for development to adequately protect amenity, including privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight, could be achieved by the proposed development.

Highway matters

- 5.16 The Highway Authority has no objections to an additional dwellings being served from the village street subject to appropriate 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 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 layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been 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. No above ground construction work shall be undertaken 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. No part of the existing boundary hedge along the southern boundary of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1 metre other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
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. No livestock shall be housed within the building highlighted in orange on drawing number 1676/4 received by Hambleton District Council on 24 January 2017.
9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
10. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.
11. No demolition/development shall take place/commence until a Written Scheme of Archaeological 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) the programme and methodology of site investigation and recording; (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. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation. 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 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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 until the access 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 accesses shall have been approved in writing by the Local Planning Authority; and (b) the crossings of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. 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 in a north-easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the access roads. 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.
14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved access, parking 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.
15. 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.
16. 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.
17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 1676/1 received by Hambleton District Council on 14 November 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 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 buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
8. To protect the amenity of future residents in accordance with LDF Policies CP1 and DP1.
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 and in accordance with the Hambleton Local Development Framework Policy CP21.
10. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
11. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
12. In accordance 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.
13. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
14. In the interests of highway safety in accordance LDF Policies CP2 and DP4.
15. 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.
16. 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.
17. 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.

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.