

Parish: Hornby
Ward: Appleton Wiske & Smeatons
4

Committee Date: 2 February 2017
Officer dealing: Mrs H Laws
Target Date: 15 February 2017

16/02681/OUT

**Outline planning permission with details of access (all other matters reserved) for construction of 3 dwellings and associated vehicular access
At Hall Farm, Hornby
For Mr T Elsdon**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the eastern edge of the village on the northern side of the main village street. The site covers an area of 0.2 hectares with a frontage onto the village street of approximately 70m and a depth of approximately 25m. The land is currently used as a paddock for grazing; a stable block lies at the western end of the site.
- 1.2 The site lies immediately to the east of a cul-de-sac of detached dwellings. Several detached dwellings lie on the opposite side of the main village street.
- 1.3 It is proposed to construct three dwellings on the site. The application is an outline application with all matters reserved except for the access. An illustrative scheme has been submitted, which shows three detached dwellings fronting onto the existing village street. It is proposed to retain an existing access in order to serve two of the dwellings. A new access is proposed towards the east to serve the third dwelling.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 16/00902/OUT - Outline application for the construction of five dwellinghouses and associated vehicular access with all other matters reserved; Withdrawn 18 October 2016.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 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
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - no observations.

- 4.2 Highway Authority - no objection subject to conditions.
- 4.3 Northumbrian Water – No objection. Public sewers cross the site and may be affected by the proposed development. NW will contact the developer to establish the exact location of its assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. The proposed development is located within 90 metres of Hornby sewage treatment works, which can produce odour and noise during daily operations. This advice is given for information only.
- 4.4 Environmental Health Officer - Expresses concern about the close proximity of the development to the Hornby sewage treatment works. Sewage treatment works can from time to time give rise to amenity issues with respect to odour and it is unlikely that such issues could readily be resolved. Should permission be granted, no property should be located closer to the treatment works than is acceptable to the responsible water authority.

No objection on land contamination grounds subject to the proposed phase 2 intrusive investigation with contamination screening, ground gas monitoring, risk assessment and reporting, to be secured by condition.

- 4.5 Public comment - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of new dwellings in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

The principle of development

- 5.2 The village of Hornby does not have any Development Limits, recognising its relatively small size. LDF 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 IPG Hornby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub and village green. Therefore it would need to form a cluster with a Secondary or Service Village or with one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 Great Smeaton and Appleton Wiske, which are both Secondary Villages, are the largest settlements in closest proximity and are approximately 1.6km and 2.5km respectively. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. It is therefore considered that Hornby can be viewed as an example of a cluster village with Great Smeaton and Appleton Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Impact on character of village and surrounding countryside

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement. In this instance three dwellings are proposed, which must be considered cumulatively with the planning permission recently granted for one dwelling at the western edge of the village (16/01885/OUT). Based on 2014 figures there is a total of 48 dwellings within the village; an additional four dwellings would be an increase of 8%. The cumulative number of four dwellings is considered to be at the upper end of an acceptable scale for a village as small as Hornby, although in mitigation it is noted that as the three dwellings currently proposed are in a different part of the village they would not be seen in conjunction with the fourth dwelling and as such there is limited cumulative impact on the character of the village.
- 5.8 With regard to the impact on the rural landscape, the site has much in common with the character of the village due to its proximity to existing dwellings. It is not considered that the development would adversely affect the open rural character of the surrounding countryside.

Effect on residential amenity

- 5.9 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The main impact to consider is in relation to the occupiers of the adjacent dwelling, Laurel House, to the west and to the dwelling that fronts onto the cul de sac development, Silver Fern.

- 5.10 A mature hedgerow boundary lies between the application site and the dwellings to the west, which would provide a significant degree of privacy between the existing and proposed dwellings. The effects of the proposed dwellings on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwellings at Laurel House and Silver Fern.
- 5.11 The site lies far enough from the dwellings on the opposite side of the road for there to be no impact on the amenity of those residents. The proposed development would not therefore be contrary to LDF Policy DP1.
- 5.12 Northumbrian Water (NW) has noted the proximity of the application site to the sewage treatment works (90m) and the Council's Environmental Health Officer has recommended that the dwellings be located no closer than NW would accept. The water authority has not raised the matter as an objection but merely for information; it is possible that odour could occur but it is not considered that the distance is such that it would not be contrary to LDF Policy DP1 on residential amenity.

Highway matters

- 5.13 There is an existing access to the front of the site, which the scheme proposes to retain for the use of two of the dwellings; a second access would be formed to serve the third dwelling. The accesses would lie on the outside of the bend at this end of the village and therefore would be able to achieve the required visibility.
- 5.14 It is considered that the site is capable of accommodating suitable access arrangements and the Highway Authority has raised no objections.

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 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 part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the boundary treatment for that dwelling has been implemented in accordance with the approved details and thereafter retained.
7. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
8. 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.
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. No part of the development shall be brought into use until the existing access on to the C1 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.
11. There shall be no access or egress by any vehicles between the highway and the application site until full technical details and supporting calculations relating to the bridging/culverting of the watercourse/ditch adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority.
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 buildings or other works hereby permitted until full details of the vehicle access, turning and parking arrangements have been submitted to and approved in writing by the Local Planning Authority.

13. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 12 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.
14. 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.
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 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.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered S278 (PL) 001 and 004 (in respect of accesses) received by Hambleton District Council on 7 December 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

6. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
7. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
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 and in accordance with the Hambleton Local Development Framework Policy CP21.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
11. In accordance with LDF Policies CP2 and DP4 and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
12. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
13. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. 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.
15. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
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.

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.