

Parish: Seamer
Ward: Hutton Rudby
11
16/02470/OUT

Committee Date: 2 March 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 3 March 2017

Outline application for the construction of 3 bungalows with all matters except access reserved

**At OS Field 6300, Tame Bridge, Stokesley
For Mr & Mrs Roche**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located within the linear settlement of Tame Bridge. It is approximately 0.3 hectares in size, forming part of a larger undeveloped parcel of land. The remainder of the undeveloped land broadly mirrors the size and extent of the application site.
- 1.2 The settlement of Tame Bridge is located approximately 0.7 km to the west of the built up area of Stokesley. There is a footpath link the entire length between the two settlements, with street lighting.
- 1.3 The application site has a hedgerow along its front boundary, adjoining the highway. The land adjoining the western boundary accommodates a bungalow sited to the front of the plot, with rooms in the roof space; and the land adjoining the eastern boundary accommodates two chalet bungalows sited to the front and rear of the plot. The land to the north (rear) of the site is open countryside, with a relatively open boundary.
- 1.4 The site is relatively featureless, other than a pond which is sited at the front corner, adjacent to the access.
- 1.5 The predominant characteristic of this part of the settlement is of a linear form of development. The chalet bungalow sited to the rear of the site to the east is somewhat of an anomaly to this.
- 1.6 The application is in outline form for the construction of three dwellings. All matters other than access are reserved. An indicative proposed site plan has been submitted in support of the application. This shows the creation of three access points to serve each individual dwelling, one of which replaces the existing access.
- 1.7 Whilst all other matters are reserved, the indicative proposed site plan indicates three detached dwellings located to the front of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/01869/FUL - Creation of a new vehicular access; Granted 15 December 2006.

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 CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity
Development Policies DP3 – Site Accessibility
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
Affordable Housing - Supplementary Planning Guidance - June 2008
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Ministerial Written Statement – Small-scale developers, November 2014

4.0 CONSULTATIONS

- 4.1 Northumbrian Water - The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration); or where not reasonably practicable
 - Discharge to a surface water body; or where not reasonably practicable
 - Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable
 - Discharge to a combined sewer
- 4.2 Contaminated Land Officer - Given the agricultural use of the land and scale of the development the applicant is required to submit a Phase 1 Preliminary Risk Assessment. Ideally this information should be submitted prior to determination, however, if you are minded to approve the application then I recommend a condition in order to secure the investigation and, where necessary, remediation of any contamination on the site.
- 4.3 Environmental Health Officer: No objection.
- 4.4 Highway Authority – No objection. Amended plans show individual accesses to serve the proposed properties. The advice in Manual for Streets can be applied to this situation. The road has a 40 mph speed limit and it is reasonable to assume that the 85th percentile is 40 mph local to the site and as such the required visibility would be approximately 2.4m by 65m. Visibility splays in excess of 2.4m by 65m are available in both directions at each of the accesses.
- 4.5 Parish Council - No objection. Our only observation is regarding the historical problems of flooding in this area, but assume that this will be addressed whenever the properties are built. Also, landscaping at any development will be much appreciated.
- 4.6 Public comment - Two letters of objection have been received making the following comments:
- Increased surface water run-off affecting neighbouring property. There is no flood risk assessment with the application to support the proposal. The comments of Northumbria Water should be conditioned if the application succeeds, or at a later date when a reserved matters application is made;
 - The proposal is located outside of Development Limits. While the development would share services with Stokesley; however the sustainability of a development of 3 houses in a modest hamlet is questionable. Bungalows will sell to older people who are more car reliant;
 - Potential views into neighbouring property with resultant loss of privacy;

- This field holds standing water and the development will increase the risk of surface water run-off to adjacent property. The current drainage in the area cannot cope and the development would only add to the risk; and
- The entrance to this development would be onto an already busy road where motorists have scant regard for the speed limit so this entrance would be dangerous.

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) impact on ecology; (v) highway safety; and (vi) affordable housing.

Principle

- 5.2 Tame Bridge lies beyond Development Limits defined in the Local Development Framework and 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 Tame Bridge is identified as an Other Settlement. This status recognises its relatively limited range of services and

facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.6 Stokesley, which is a Service Centre, is the largest settlement in closest proximity at approximately 0.7km, albeit the majority of services and facilities are located a little further to the east. 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. Whilst Stokesley is not a Service Village or Secondary Village, its status as a Service Centre indicates that it is more preferable in terms of its provision of services available to Tame Bridge. It is therefore considered that Tame Bridge can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. This would be consistent with appeal decisions in similar situations within the District involving small settlements close to Service Centres.

Impact on character

- 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 is considered to be an acceptable scale.
- 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 plans submitted as part of the application are for indicative purposes only. However, the illustrative site plan demonstrates how it would be possible to deliver a linear form of development on the site, which would be in keeping with the local pattern of development.

Residential Amenity

- 5.10 The main impact to consider is in relation to the two dwellings adjoining the eastern boundary of the site. Due to the size of the site, it is considered that three dwellings can be comfortably achieved without a detrimental impact on their residential amenity.

Ecology

- 5.11 The supporting planning statement describes the site as being of low ecological interest. This view has been informed by a phase 1 habitat survey. However, there is recognition that there are a number of ponds in the general area of Tame Bridge in addition to the application site itself. The statement adds that the larger ponds in the area are stocked with fish and therefore unsuitable for accommodating any newts. It goes on to add that in a pond in a neighbouring curtilage, underneath the pond liner, a single Great Crested Newt was discovered. The ecology consultant is of the view that the presence of a single Great Crested Newt within a nearby domestic curtilage is not grounds for either the application being refused or any European Protected Species License being required to enable the development to proceed. They do however recommend a series of precautionary practical measures being put in place relating to the construction process and these are detailed at Section 6 of their report. There is no reason to disagree with this conclusion and the recommendations can be secured through by planning condition.

Highways

- 5.12 The existing access to the front of the site would be altered to serve the proposed development. This shows the creation of three access points to serve each individual dwelling, one of which replaces the existing access. The Highway Authority considers that suitable visibility splays can be achieved in both directions at each of the accesses and has raised no objection.

Affordable Housing

- 5.13 A ministerial statement has removed the burden for developers to make contributions on housing developments of five units or less within specially designated rural areas and ten units elsewhere. Whilst the extent of the land in the applicant's ownership might deliver a total of five units or more, the application only relates to a part of the site and proposes three dwellings, which is below the Government's threshold. Therefore no affordable housing contribution is required from this application alone.

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 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: (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the public highway.

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 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) vehicle parking and turning arrangements.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 6: 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.
7. 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.
8. 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.
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 shall not be commenced until a site specific ecological method statement has been submitted to and approved by the Local Planning Authority. The statement will include the recommendations set out in the ecology report prepared by Naturally Wild, received by Hambleton District Council on the 18/01/2017.

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 a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
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 appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. 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.
8. 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.
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. To ensure that the proposed development will not significantly impact on protected species in accordance with Local Development Framework Policies CP16 and DP31.

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.