

Parish: Tholthorpe
Ward: Raskelf and White Horse
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Committee date: 30 March 2017
Officer dealing: Laura Chambers
Target date: 6 April 2017

17/00005/OUT

**Outline application with all matters reserved for a residential development
At Land to the East of Flawith Road, Tholthorpe
For Messrs Robinson, Foster & Castlevale Ltd**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the south of the village of Tholthorpe, to the east of Flawith Road; it is part of a field in agricultural use and has no defined boundaries to the south and east. The site is bounded to the west by the grassed highway verge and to the north by a hedgerow, adjacent to a bungalow.
- 1.2 To the south east of the site is a field access, south of which is a two-storey former depot that has been converted to an office building. There is an intervening belt of mature trees and shrubbery between the two.
- 1.3 Outline permission is sought for housing; however the supporting design and access statement and indicative site plan indicate three bungalows are proposed. The properties would follow the linear layout of the properties to the north, fronting the road, from which two access points are proposed, the first serving plots 1 and 2, the second serving plot 3.
- 1.4 It is proposed to retain a mature tree on the frontage of the site and introduce tree planting to the rear of the proposed plots.
- 1.5 The only matter for decision at this stage is the principle of development, with details of access, appearance, landscaping, layout and scale reserved for a later application if this is approved.
- 1.6 Notwithstanding the above, indicative layout details have been provided to demonstrate potential access arrangements. Concerns have been raised by the Highway Authority regarding both the original indicative access arrangements and a revised version, regarding the ability to achieve visibility splays due to an existing tree on the boundary of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 80/1094/OUT – Detached bungalow; Refused 28 August 1980.
- 2.2 84/0924/OUT – Two dwellings with domestic garages; Refused 18 April 1984.
- 2.3 86/1122/OUT – Two bungalows; Refused 1 February 1986.
- 2.4 88/1357/OUT – Four detached dwellings and domestic garages; Refused 1 February 1989.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe Response
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP8 –Development Limits
Development Policy DP9 – Development outside Development Limits
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Development Policy DP43 – Flooding and Floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection in principle but raises some concerns regarding highway safety, drainage, the potential for future development beyond Development Limits and the use of materials.
- 4.2 Highway Authority – Some of the indicatively proposed access points would not achieve visibility requirements and may require tree removal. Conditions regarding visibility, construction details, surface water drainage and off-site works are required.
- 4.3 Environmental Health – No objection.
- 4.4 Public comments – the following points have been raised following public consultation:
- Potential for development beyond Development Limits if this application is approved;
 - The position of the proposed access points and the volume and speed of traffic in the village risk highway safety;
 - Surface water flooding and drainage;
 - Concern over the scale of the proposed dwellings and their impact on neighbours;
 - Previous applications have been refused on the site; and
 - Lack of broadband access.

5.0 OBSERVATIONS

- 5.1 In determining this application for outline approval the matters of access, appearance, landscaping, layout and scale have been reserved, although indicative details have been provided in support of the application to demonstrate how some of these might be achieved. Full details would need to be submitted at reserved matters stage, should this application be successful.
- 5.2 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the area; (iii) highway safety; (iii) flooding; and (iv) residential amenity.

Principle of development

- 5.3 The site falls outside the Development Limits of Tholthorpe. Policy CP4 states that all development should normally be within the Development Limits of settlements.

Policy DP9 states that permission 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).

- 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, Tholthorpe 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 Tholthorpe is within 2km of Flawith and the two villages share services including a public house with associated convenience store, a place of worship and have public transport links to larger settlements, of which Aine is the closest secondary village. On this basis, Tholthorpe can be considered to form a sustainable settlement in accordance with the IPG when clustered with Flawith.
- 5.7 The application site is immediately to the south of the last dwelling within the village and the Development Limits, although beyond that the existing office building to the site would potentially denote the last building within the settlement before moving into open countryside when travelling south. The proposal indicates three dwellings and therefore could be considered small scale development adjacent to the main built form of a settlement resulting in incremental and organic growth.
- 5.8 Should the proposal be considered satisfactory, it would not pre-determine any future applications for development beyond the Development Limits, which would be considered on their own merits.
- 5.9 The previous refusals of planning permission for residential development on the site are noted, however considerable time has passed since these applications were considered and both local and national policy and guidance have changed over the intervening period. Applications must be considered on their merits in relation to current policy.

Character

- 5.10 The character of the village is defined primarily of two-storey brick built dwellings although these range in style and period, reflecting growth over time. To the southern extent of the village the scale of a number of properties is reduced to bungalows, particularly to the east of Flawith Road where the application site adjoins a number of bungalows that vary in style. The proposal is closely related to the edge of the existing settlement and if, as indicated, the new dwellings were bungalows this would reflect the character of this part of the village.
- 5.11 Matters relating to appearance, scale and materials have been raised by the Parish Council and neighbouring residents, while these would be crucial to the success of a reserved matters application, this application is in outline only and there is no reason

to suggest a suitable design could not be achieved if the principle of development is found to be acceptable.

Highway Safety

- 5.12 Objections from neighbouring residents refer to the volume and speed of vehicles passing through the village, as well as their size, causing a safety hazard that would make new access points unsuitable in this location. The proposed plans have been assessed by the Highway Authority; it confirms suitable visibility splays can be achieved for one of access points on the indicative plan, subject to conditions. The other access points would require tree removal, however the LPA have sought to serve a Tree Preservation Order to secure the tree. Finalised details of access arrangements are to be determined at reserved matters stage, it has however been demonstrated that an access can be suitably formed to the site.
- 5.13 The Parish Council has indicated that the speed limit sign could be moved should permission be granted to ensure traffic slows before reaching the village. This would be a matter for the Highway Authority separate from this application.
- 5.14 Indicative details include garages and driveways to each property, which would provide a minimum of two parking spaces per dwelling. This would be suitable to ensure current parking standards for two to three bedroom dwellings in a rural area are achieved.

Flooding

- 5.15 While noting concerns locally about the propensity of the site to flood and generate water run-off into the adjacent road, the site does not lie within a Flood Zone and is not therefore considered at risk of flooding. In addition, a condition requested by the Highway Authority can ensure appropriate measures to prevent surface water discharging onto the highway are introduced.

Residential Amenity

- 5.16 Although layout is not to be determined as part of this application, the indicative plan shows proposed dwellings positioned side by side with the existing property to the north, suggesting a layout that would not impinge on the amenity of neighbouring occupiers could be achieved. There are no neighbouring properties directly opposite at front or rear that would be overlooked by the proposals.
- 5.17 It has been suggested that the proposed dwellings would not be served by broadband access; however this is not a matter in the control of the applicant or a reason to withhold planning permission.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission 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. The number of dwellings approved is limited to 3 and the dwellings shall be bungalows.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 3744-01 and Design and Access Statement received by Hambleton District Council on 21 February 2017 unless otherwise approved in writing by the Local Planning Authority.
4. 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.
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. 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
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 until the accesses 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 in consultation with the Highway Authority; (d) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E6; (e) 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; and (f) That part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. 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 splayboards 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 each of the accesses. 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.

9. 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 until: (i) The details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: Provision of a footway on the site's frontage; and (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
10. 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; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle accesses, 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.
11. 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.
12. 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.
13. 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.

The reasons 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 commences.
3. 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.
4. 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.
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. In the interests of highway safety.
7. In the interests of a satisfactory form of development and highway safety.
8. In the interests of road safety.
9. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenities of the area.

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 condition 7 above.
2. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
3. 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 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 Waste and Street Scene 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.