

Parish: Great Smeaton
Ward: Appleton Wiske & Smeatons
3

Committee date: 22 June 2017
Officer dealing: Kevin Ayrton
Target date: 23 June 2017

16/02124/OUT

Outline application for the construction of five dwellings with all matters except access reserved

At: Land south of Cricket Ground, Hornby Road, Great Smeaton

For: Mr G Tuer

This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located on the north edge of the village of Great Smeaton. The site is in open countryside, but immediately adjacent to the Development Limits of the village. The site is bounded to the south by the Great Smeaton Conservation Area.
- 1.2 East House is a listed building located to the south of the site and fronting onto the green. The building itself is some distance from the site and separated by an existing tree belt within the curtilage of the listed building.
- 1.3 There is a row of bungalows opposite the site, fronting the road. The development would extend approximately 15m beyond the last bungalow but approximately conterminous with the extent of the garden of that property.
- 1.4 There is a slight dip in the road and the land form, when approaching the village from the north. An underground sewage pumping station is to the immediate north of the site.
- 1.5 Whilst indicative plans showing how five dwellings could be laid out on the site have been submitted, the application only seeks determination of the principle of the development and the access. The remaining matters, i.e. appearance, landscaping, layout and scale, would be for a later application if this is approved.
- 1.6 Improvements have been secured to meet the Highway Authority's requirements.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is none relating directly to the site.
- 2.2 An application was approved within the trees to the north of the site for a single dwelling in November 2015 (reference 15/01639/FUL).

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
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 comments received.
- 4.2 Highway Authority – Advice awaited.
- 4.3 Yorkshire Water Services - No objection subject to conditions. Advises that surface water cannot be discharged to the foul drainage system.
- 4.4 Environmental Health Officer – No objection subject to conditions relating to land contamination.
- 4.4 Public comments – Three observations have been received which raise the following issues.
- Question the need for development of housing in the village;
 - Lack of sewage capacity;
 - Impact on road safety;
 - A service road with single access would work better;
 - Buildings here should be single storey;
 - A footpath should be provided; and
 - Lack of local services.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the heritage impact of the development on the setting of the Conservation Area and the neighbouring listed building; (iii) design; (iv) residential amenity; and (v) highway matters.

Principle

- 5.2 The site is located outside, but adjoins the Development Limits of Great Smeaton. Policy DP9 states that development will only be permitted 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 is 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 bridges 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 Great Smeaton is identified as a Secondary Village. This is in recognition of the number of services and facilities within the village. As such Great Smeaton is considered to be a sustainable location for the purposes of the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. However, this does not automatically mean that five dwellings would be appropriate in every settlement. The site is in close proximity to the existing bungalows on the opposite side of the road although extending the development form slightly further into the countryside. Even given the relatively small scale of the village the impact of the proposed development is not considered to change its character or form significantly and is not considered to be harmful.
- 5.7 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, including the historic environment. In making this assessment it is noted that the application is in outline form only with all matters except for access reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses on the principle of development and the likely impact of a development of five dwellings on the heritage assets (considered in paragraphs 5.9 to 5.13 below).
- 5.8 It is recognised that the site would present some design challenges at reserved matters stage given the relationship to the trees to the north of the site forming the boundary of the conservation area and the bungalow development opposite. Any new development would also need to reflect the built form of the village and be of a high quality design. However it is considered that development that would reflect the strong linear form of the village could be achieved on the site. Issues around the historic environment are considered below.

Heritage impact

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed

building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

- 5.10 Section 72 of the same Act requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Great Smeaton Conservation Area.
- 5.11 The proposed development would impact on the setting of the Conservation Area and the setting of the listed building; both are designated heritage assets. The Conservation Area boundary is strongly defined in this location by the tree belt to the south of the site. This tree belt would not be harmed by the proposal and would still form a prominent feature in terms of both the character and appearance of the Conservation Area and the setting of the listed building. The setting of the listed building and the Conservation Area would change, in that the approach to the village would be characterised by new homes, rather than open fields, running up to the Conservation Area boundary. This change is considered to be of some harm.
- 5.12 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.13 On assessment of the application and subject to careful consideration of the detailed design at reserved matters stage, it is considered that it would lead to less than substantial harm to heritage assets and that the small degree of harm would be offset by the benefit brought through the development of small scale new housing in this location.

Design

- 5.14 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.15 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.16 The application is in outline and only indicative drawings have been submitted. In the consideration of any reserved matters application, the scale and design of the buildings need to be carefully considered in the context of the listed building, the conservation area and the neighbouring bungalows, in order to ensure that the development form is not harmful to heritage assets or the character and form of the settlement.

Residential amenity

- 5.17 The proposed development is linear in nature and most of it would be located opposite bungalows on the other side of Hornby Road. There is considered to be adequate potential for reasonable separation distances to be achieved across the road to achieve an acceptable level of amenity for current and future occupiers. There are no other residential properties impacted by the proposed development.

- 5.18 Subject to a satisfactory design and layout, the site is considered to be of sufficient size and form to allow the development of five units whilst achieving a satisfactory level of amenity for occupiers.
- 5.19 There is a small sewage pumping station located adjacent the site, on the road side. This is an underground pumping station and is not considered to be likely to result in any significant loss of amenity to the future occupiers of the neighbouring property.

Highway matters

- 5.20 The application is in outline, but with access being considered at this time. The application proposes separate accesses for the two units closest to the village with a shared access for the further three units and the Highway Authority has raised concerns about vehicle speeds in the locality and visibility splays associated with the development. The applicant has submitted additional information along with an amended site plan to address the concerns of the Highway Authority. The further recommendation of the Highway Authority is awaited.

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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S305 PL 002 received by Hambleton District Council on 25 January 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further 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
 4. Soils shall not be imported or re-used on the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for use on the site. Before importation or re-use commences a soil sampling and analysis scheme, specifying the location, number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis 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.

5. No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the public sewers, located within the site. If the required stand-off distance is to be achieved via diversion or closure of a sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
6. No new tree planting shall be permitted over or within 5.0 (five) metres either side of the centre line of the sewers located within the site.
7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
8. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
9. The development shall not be commenced 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP1, DP3 and DP32.
3. In order to ensure that any contamination issues are properly dealt with, in the interests of the amenity of the occupiers of the site and policy DP1.
4. In order to protect the local environment and in the interests of local amenity in accordance with Policy DP1.
5. In order to allow sufficient access for maintenance and repair work at all times and to protect local services in accordance with policy DP6.
6. In order to protect the structural integrity of the pipe from tree root infestation and ensure that the development accords with the requirements of policy DP6.
7. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to ensure compliance with the requirements of Policy DP6.
8. In order to allow the Local Planning Authority to assess the appropriateness of the proposed materials and to ensure that they comply with the requirements of Development Policy DP32.

9. In order to allow the Local Planning Authority to assess the landscaping proposals for the proposed development and in order to ensure compliance with Development Policy DP32.

Informatives

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 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 Hambleton District Council - Waste and Streetscene.

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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.