

**Parish: Well**  
Ward: Tanfield  
**15**

Committee date: 22 June 2017  
Officer dealing: Mrs H Laws  
Target date: 30 June 2017

**16/02527/OUT**

**Outline application for the construction of a detached dwelling (all matters reserved)**

**At: The Old Byre, Well**

**For: Mr & Mrs P Tolmie**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is currently vacant agricultural land that lies at the eastern end of the village of Well on the northern side of Church Street. The site is bounded by the road to the south; by the dwelling known as The Old Byre to the west; by the beck to the east; and other agricultural land to the north. The village play area lies on the opposite side of the road to the south.
- 1.2 The site covers an area of 0.1ha. A mature, well established hedgerow lies along the roadside boundary. The eastern side of the application site, closest to the beck, lies within Flood Zones 2 and 3, which are the areas of highest flood risk.
- 1.3 It is proposed to construct a single detached dwelling at the western end of the application site, on land within Flood Zone 1, the area of lowest flood risk. All matters are reserved and would be for a later application if this is approved.
- 1.4 Illustrative details have been requested and received to show the position of the proposed dwelling in relation to the Flood Zones. A surface water storage pond is proposed at the eastern side of the site.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None

**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 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 objection but comments as follows:

Although flood risk assessment, concerned that there remains a danger – much care should be taken in this respect. No objection to development in this area but concern over possible flood risk to land and would prefer it if land to be developed was for more affordable properties rather than one large house.

- 4.2 Highway Authority – No objection, recommends conditions.
- 4.3 Environment Agency – The applicant has provided a layout plan confirming that the dwelling is located outside of flood zones 2 and 3. Based on this further information we are now in a position to remove our objection provided that all built development is located in flood zone 1, and subject to a condition.
- 4.4 Ministry of Defence – No safeguarding objections.
- 4.5 Environmental Health Officer - No objection; the risk of contamination affecting the development or end users is considered to be low.
- 4.6 Public comments - An objection has been received from residents of Church Street, which is summarised as follows:
- Church Street is narrow and struggles at times to cope with traffic at present;
  - The infrastructure needed to support additional housing is not in place; specifically the ability to pump sewage to the treatment plant; and
  - The site is near to a Conservation area where householders have limited rights to build - why should this application be viewed as any different?

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) the effect on neighbour amenity; (iv) flood risk; and (v) highway safety.

### Principle

- 5.2 The site lies just beyond the defined Development Limits of Well. 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 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 IPG Well is defined as a Secondary Village, which is considered a sustainable location. It is therefore considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

#### Character and appearance of the village and landscape

- 5.6 IPG criterion 2 requires development to be small scale. The development is for the construction of a single dwelling and therefore is small scale.
- 5.7 Criteria 3 and 4 require development to respect the built form of the village and the open character and appearance of the countryside. This part of Well is characterised by linear, frontage development and the site of the dwelling lies immediately adjacent to an existing dwelling and opposite the village play area. The character of the site is agricultural as it is currently an undeveloped field but, as it lies opposite the play area it does not appear to extend beyond the village in respect of its character and proximity and is not identifiable as open countryside. An area of undeveloped land, which is within Flood Zones 2 and 3 lies between the position of the proposed dwelling and the beck, maintaining the separation between the village and the group of dwellings and farm buildings on the eastern side of the beck.
- 5.8 As such it is considered that the development proposed, without the loss of rural landscape, as it is sited adjacent to and opposite existing built development, would appropriately respect the general built form of the village.

#### Neighbour amenity

- 5.9 The full effects of the proposed dwelling on the amenity of existing local residents would be properly assessed at the reserved matters stage but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwelling at The Old Byre, and would not therefore be contrary to LDF Policy DP1.

#### Flood risk

- 5.10 The application site falls within an area of flood risk but a large portion of the western side of the site lies within Flood Zone 1 and an illustrative layout has been received, which suggests that a dwelling can comfortably be accommodated outside of Flood Zones 2 and 3, where housing should normally be resisted. A flood risk assessment has been received, which concludes that a full drainage design will be submitted for approval prior to work commencing on site, including details of a storage pond.
- 5.11 Conditions are recommended to ensure that ground levels are not raised within the part of the site at risk and to ensure the work is undertaken on accordance with the submitted flood risk assessment.

### Highway safety

- 5.12 The Highway Authority has no objections and does not consider that the proposed development would adversely affect highway safety; conditions are recommended.

## **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. 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.
  3. 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.
  4. 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 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.
  5. 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 1000mm, other than with the prior approval in writing by the Local Planning Authority.
  6. 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.
  7. There must be no raising of ground levels in Flood Zone 3. Prior to placing any material within the floodplain a scheme shall be submitted in writing to and approved by the local planning authority, setting out the location and amount of any spoil storage along with the timescales for that storage and the method of final disposal of the material. The development shall then be carried out in accordance with the approved scheme.

8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities, including the attenuation pond, have been submitted and approved in writing by the Local Planning Authority. Thereafter the use of the development shall not be commenced until the facilities have been constructed and brought into use in accordance with the approved details.
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 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 access shall have been approved in writing by the Local Planning Authority; and (b) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. 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 measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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.
11. 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: (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 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.
12. 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.
13. 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.

14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 7 February 2017 unless otherwise 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 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.
3. 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
5. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To ensure that the proposed development does not increase or exacerbate flood risk to others (i.e. does not result in the displacement of flood flows) in accordance with LDF Policies CP21 and DP43.
8. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with LDF Policies CP21 and DP43.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
10. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
13. 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.
14. 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.

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](http://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.