

Parish: Alne
Ward: Easingwold
1

Committee date: 14 September 2017
Officer dealing: Mrs C Strudwick
Target date: 22 September 2017

17/01532/OUT

Outline application for 2 dwellings with garages and associated infrastructure all matters except access are reserved for later approval
At Land off Back Lane, Village Farm, Main Street, Alne
For Mr T W Clark

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 application site is a rectangular, 0.12Ha, parcel of land located towards the north western corner of the village of Alne, within the Alne Conservation Area. The land is positioned between Jack Hole, the western end of Main Street, and Back Lane. Between the application site and Jack Hole is a development of converted agricultural buildings. To the north of the site is Back Lane and beyond a hedge a grass paddock. The site was last occupied by agricultural buildings which have been demolished, and partly removed.
- 1.2 Immediately to the south of the application site is the redeveloped farmyard of Village Farm consisting of 3 dwellings, 2 within converted barns and 1 within a reconstructed 'barn' style building along with a refurbished barn used for garaging and domestic stores. This application was approved under planning permission ref 15/00153/FUL.
- 1.3 In this area of Alne development is predominantly linear, with dwellings fronting onto Jack Hole and Main Street, with long rear curtilages extending to Back Lane. There has been some residential development to the south of Back Lane through conversion of buildings and new buildings but none are recent.
- 1.4 This outline application seeks permission for two 2 storey detached dwellings, with garages and access off Back Lane. It is anticipated by the agent that the built form will accommodate approximately 23% of the application site.
- 1.5 The matters for approval at this stage are access. The remaining matters of appearance, landscaping, layout and scale would be for a later application if this is approved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/01513/FUL Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014 and 5th November 2014; withdrawn 20 January 2015.

Note: the Ministerial Statement of 28 November 2015 that increased the threshold for the provision of affordable housing from that set out in the LDF policy from 2 to 10 units was significant in the case and lead to the withdrawal of the application.

- 2.2 15/00153/FUL Conversion and replacement of existing buildings and demolition of 2 barns to form 4 dwellings as amended by plans received by Hambleton District Council on 24 March 2015; Permission Granted April 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
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 (NPPF)
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – the parish council remain neutral in regard to a recommendation for his application but request that the following matters are taken into consideration:
- Disappointed to see this proposal for development on an area that has been designated as being a paddock in the previous applications for development of the entire site 15/001513/FUL; 15/011761/FUL concerned that the proposed houses appear to be so large as to be out of proportion to those in the immediate vicinity;
 - Concern that land contamination is addressed, that the Back Lane is too narrow to sustain increasing amounts of traffic
 - Finally notes that the proposed development lies outside the existing Development Area of the village and within the Conservation Area.
- 4.2 Highway Authority – Recommends conditions relating the parking and turning and construction management
- 4.3 Environmental Health Officers – No objection to the scheme
- 4.4 Contaminated Land – Recommends conditions relating to the remediation of contaminated land.
- 4.5 Public comments – 9 comments of objection have been submitted, for the following reasons

- Incremental growth which will impact negatively on local amenity.
- Extended period of the inconvenience of ongoing building work locally
- The application site was shown as grass paddock in permission 15/00153/FUL, and should have been restored as such. The condition has not been met. The design and access statement offers this development as an improvement to the current state of site, however it was supposed to become a grassed paddock, which would have improved the condition.
- Unacceptable impact on neighbouring residents, including over shadowing and overlooking onto an outside seating area.
- Proposed pedestrian link from Jack Hole is across private property
- No information on the size of the dwellings
- No affordable housing contribution despite ongoing infilling on this site.
- The site is likely to be contaminated from decades of agricultural machinery being stored on site.
- Back Lane is narrow, with poor visibility. The lane is used extensively for recreational purposes. A pedestrian footpath along Back Lane should be provided.
- The site is in a poor state. Further deterioration of the site should not be used to enhance the application.
- Site is outside development limits. The new building line of Alne may be extended to the west to the agricultural workers dwelling.
- Negative impact on the conservation area. Loss of character as a green, leafy lane with a countryside feel.
- Set a precedent for back land development, and the unacceptable cumulative effect of this.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character and the character and appearance of the Alne Conservation Area; (iii) access issues; and (iv) the impact on residential amenity.

Principle

- 5.2 Alne is categorised as a secondary settlement in the Settlement Hierarchy published in the 2007 Core Strategy and therefore has prescribed Development Limits, however this site lies to the north of the development limits. For that reason any new housing in this location is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The village continues to be designated a Secondary Village in the updated Settlement Hierarchy published with the Council's Interim Policy Guidance (IPG), which allows small-scale development to be considered within the village.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "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".

- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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:
- Development should be located where it will support local services including services in a village nearby.
 - Development must be small in scale, reflecting the existing built form and character of the village.
 - Development must not have a detrimental impact on the natural, built and historic environment.
 - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 - Development must conform with all other relevant LDF policies.
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the north edge of the village of Alne. The IPG allows for development on land that is outside the Development Limits of settlements. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development, complying with the first criterion.
- 5.6 The development is small in scale at 2 dwellings. The development will occupy land that was previously a farmyard. It is acknowledged that the site was within the red line application boundary of application 15/00153/FUL and the approved plans showed this site as grassed paddock. The agricultural structures on site have been taken down but some timbers remain on site. The land has not been laid to grass or return to use as a grassed paddock.
- 5.7 By reference to other dwellings that stand on the south side of Back Lane it is reasonable to consider that the site is capable of accommodating 2 dwellings, and that the style and design of development could reflect the built form and character of the village. Given that this is a former farm yard careful consideration should be given to the design of the dwellings to reflect the former use of the land. The layout, massing and detailed design of dwellings are important considerations for example it would not be appropriate for a pair of traditional double fronted houses, which whilst suitable on a Main Street would be inappropriate in this Back Lane context.

Heritage assets

- 5.8 As the site is within the Alne Conservation Area there is a requirement under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for the

Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Alne Conservation Area.

- 5.9 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.
- 5.10 On assessment of the application it is considered that provision of two dwellings and garages with vehicular access from Back Lane would lead to less than substantial harm to heritage assets. Through a carefully design scheme, and by use of sympathetic material, details of which can be controlled by condition the scheme has the potential at least to preserve or enhance the Alne Conservation Area.

Impact on Local Character

- 5.11 As noted above there is an opportunity on this site to produce a high quality scheme which contributes to the Alne Conservation Area and to the local distinctiveness of Alne. The comments from local residents that the indication in the previous planning application was that this piece of land would be grassed are noted and currently this has not happened on site.
- 5.12 All applications are judged on the merits of the case, this land was not conditioned as public open space and there is no access from the new development to the south to allow the residents to use this space for recreation. The Local Authority cannot prevent the submission of a planning application for the site.
- 5.13 The location of the site on the south side of Back Lane, where other parcels of land are used variably as gardens to dwellings fronting Jack Hole or which are occupied by dwellings fronting on to Back Lane, is such that the land has a largely domestic or residential character. Development of the site would not have a detrimental impact on the open character of the surrounding countryside.

Access

- 5.14 The design and access statement claims that there may be an opportunity to provide a pedestrian link to Jack Hole, however this would involve passing through private property; the development to the south. Consultation comments have summarised that permissive access would not be allowed. As such pedestrian access to the facilities in the village would be via Back Lane (along which there is no defined pedestrian footway) and Mitchell Lane, a 375m walk to the bus stop, 450m to the pub, and 600m to primary school. With a pedestrian access south onto Jack Hole the walking distance o the school could be reduced to 140m, however without the cooperation of third party landowners this may not be possible.
- 5.15 Comments from Alne residents have included that Back Lane is popular with leisure walkers and horse riders. Concerns have been raised regarding increased traffic on Back Lane posing a danger to non-vehicle users. Indeed, Back Lane is shown as "other route with public access" on the 1:25 000 Ordnance Survey map of the area.
- 5.16 It is noted that no objection has been raised by the Local Highway Authority or Rights of Way officer to the development.
- 5.17 This site was previously part of the wider farmstead at Village Farm, with a variety of modern steel framed buildings. The access off Back Lane was previously used by large agricultural vehicles which were stored and re-fuelled here. It is reasonable to conclude that the impact of vehicle movements associated with 2 dwellings will not

exceed the impact of movements associated with the farmyard as the vehicles accessing the site will be significantly smaller than those associated with the farm.

- 5.18 NYCC Highways have no objection to the scheme, subject to the attachment of recommended conditions.
- 5.19 There is no evidence to suggest that the capacity of the infrastructure would be exceeded by the development of two dwellings. Accordingly the scheme meets the requirements of the IPG.

Residential amenity

- 5.20 The nearest dwellings to the application site are the properties on the site to the south. A very simple indicative layout plan has been included in the design and access statement, this shows that adequate separation distances can be achieved and that the site is sufficiently large to accommodate parking, turning and garden space in addition to the siting of the dwellings themselves. Amendments to a design that would position the dwellings closer to Back Lane, and which may be more appropriate in terms of the layout of spaces within the Conservation Area would increase the separation distances.

Conclusion

- 5.21 It is considered that the proposal would meet the requirements of the IPG and subject to a high quality of design would not give rise to harm to the character or appearance of the Alne Conservation Area. There is no scope to require affordable housing to be provided on the scheme following the Ministerial Statement however the development would be liable to CIL to provide for infrastructure to support communities to build the capacity to accommodate housing growth.

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 which ever 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall. This decision grants permission for not more than 2 dwellings.
 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. 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
a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.
b. 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.
c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
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:
a. vehicular, cycle, and pedestrian accesses
b. vehicular and cycle parking
c. vehicular turning arrangements
6. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
a. the parking of vehicles of site operatives and visitors
b. loading and unloading of plant and materials
c. storage of plant and materials used in constructing the development
d. measures to control the emission of dust and dirt during construction
e. a scheme for recycling/disposing of waste resulting from demolition and construction works.
7. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
8. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
9. 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.
10. Prior to development commencing, as a minimum, a Phase 1 Preliminary Risk Assessment must be submitted and approved in writing by the Local Planning Authority in order to obtain a good understanding of the history of the site, its setting and the potential to be affected by unacceptable levels of pollution. The Phase 1 assessment should comprise a desk study, site walkover and conceptual site model and should also provide recommendations for any further works.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. 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 the Local Development Framework Policies CP1, DP1, CP17 and DP32.
8. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
9. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
10. In order to understand any potential contamination on site.

Informative for Waste bins

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 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 or 0845 1211555.