

Parish: Sandhutton
Ward: Thirsk
9

Committee date: 12 October 2017
Officer dealing: Laura Chambers
Target date: 19 October 2017

17/01247/OUT

Outline application for 5 dwellings and associated infrastructure all matters except access are reserved

**At Three Tuns Garage, Brentwood House, Sandhutton
For Johnsons Properties Thirsk**

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is a vehicle repair garage and sales site, on the eastern side of the A167 at the southern extent of the village of Sandhutton. The buildings on the site are former agricultural buildings of corrugated sheet construction.
- 1.2 The site lies outside of the Sandhutton Conservation Area. There are no designated Development Limits to the village but the site is part of the village form, albeit at the edge of the village with open countryside beyond.
- 1.3 Outline approval is sought for demolition of the existing buildings on the site and redevelopment for five dwellings.
- 1.4 The matters for approval at this stage are the principle of development and access only, the remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved, although an indicative layout showing the proposed access and how dwellings could be accommodated on the site has been submitted.
- 1.5 Improvements have been secured in the form of additional details of the intended future operation of the existing business on the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/02105/FUL – Change of use of agricultural buildings and land to Class B1 and Class B8 uses; Granted 9 May 2005.
- 2.2 05/02130/FUL – Change of use of disused agricultural building to an MOT test centre and light vehicle repair garage; Granted 18 November 2005.
- 2.3 15/02223/FUL – Extension to car parking to the front and hard standing areas to front and side including change of use of agricultural land to car parking; Granted 29 July 2016.

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 CP12 – Priorities for employment development
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 DP6 – Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP12 – Delivering housing on “brownfield land”
Development Policies DP17 – Retention of employment sites
Development Policies DP13 – Achieving and maintaining the right mix
Development Policies DP30 - Landscape character
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – Requests additional information relating to sewerage, street lighting, and electrical supply capacity. Neither supports or objects.
- 4.2 Highway Authority – No objection subject to conditions relating to constructional details of the access, closure of the existing access, provision of parking and turning, construction site management and advice to the developer relating to the protection of the adjacent Public Right of Way.
- 4.3 Environmental Health Officer – No objection subject to condition relating to mitigation of contaminated land.
- 4.4 Yorkshire Water – No comments to make.
- 4.5 Ministry of Defence – No safeguarding objection.
- 4.6 Ramblers Association – No objection.
- 4.7 Public Comments – Following public consultation two comments have been received, one in support and one objection. The points raised are summarised as follows:
- Potential loss of privacy depending on the site layout;
 - Highway safety;
 - Existing issues with water supply and sewerage;
 - Disruption during construction; and
 - A request that the proposed dwellings are single storey.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) access and highway safety; (iii) loss of an employment use; and (iv) design.

Principle of development

- 5.2 The site falls outside of Development Limits, Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "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).

- 5.3 To ensure appropriate and 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.
- 5.4 In the updated settlement hierarchy accompanying the IPG, Sandhutton is defined as a secondary village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.5 The site is positioned on the southern edge of the village, however there are no defined Development Limits around Sandhutton and as such all developments in the village are a departure from the development plan. As such, if the site were developed it would not be isolated from the village, result in the coalescence of settlements or be detrimental to the open character of the surrounding countryside.
- 5.6 The application proposes five dwellings and would therefore meet with the IPG requirement for residential development to be of a small scale.

Access and highway safety

- 5.7 The existing access from the A167 is positioned to the south of the site, it is proposed to relocate the access further north to form a central access road serving five plots, although the specific details regarding internal layout would be determined as part of a reserved matters application should this be approved. The proposal shows a pedestrian route using the Public Right of Way (footpath) that is to the east of the site linking the village to the countryside to the south. This route whilst providing an amenity to the development, is not publicly maintained as a bound surface and would not benefit from a high degree of natural surveillance. A footway along the A167 should therefore be provided to link the site northwards to the village footways. The agent has been invited to show a footway on the access plan.
- 5.8 The Highway Authority raises no objection to the proposed access subject to conditions, including that the existing access is stopped up prior to the proposed access being brought into use. Concerns raised by an objector to the application suggests that five access points would be introduced to the A167; that is not the case with this application and any additional access points would therefore require separate planning permission.

Loss of employment use

- 5.9 Policy DP17 seeks the retention of existing employment sites, but does allow for exceptions including where there would be substantial planning benefit in permitting an alternative use. Prior to the existing B2 use, the site and buildings were in agricultural use, with the style of architecture reflecting this earlier use. While the changes in use over time as part of the employment use have sought to make better use of an existing situation, the comprehensive redevelopment of the site for residential purposes would offer the opportunity to introduce a higher quality architectural style and form. Replacement buildings would be of a higher quality than the existing and would enhance the environment in a particularly prominent site when entering the village from the south.

- 5.10 The existing tenant operating from the site is actively seeking relocation within the Thirsk area. It is noted by officers that prior to operating from Sandhutton the tenant had operated from Chapel Street in Thirsk. Relocating to Thirsk would be a sustainable location for an employment use, and would allow the business to continue without reducing employment opportunities in the local area.

Design

- 5.11 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."
- 5.12 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.
- 5.13 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:
- "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably."
- 5.14 The Council's Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.15 The Statement describes the character of the surrounding area as a 'tight knit' village of a principally linear form focussed on the A167 running north-south and Sandhutton Lane east to west. Historically the form of the village was certainly linear along Sandhutton Lane; this has changed somewhat as the village has developed over time, with expansion north and south along the A167. The proposed development would reflect this gradual outward development of the village along the A167.
- 5.16 No site features worthy of retention are identified and the statement does not detail any public consultation on the proposals being carried out to inform the application.
- 5.17 The statement does not include details of any other development options being considered but outlines the opportunities and constraints presented by the site and how these have informed the resultant proposals. These include the level of site coverage being marginally greater than the existing situation and that the proposed density of residential development would be in keeping with the surrounding area.
- 5.18 As the application is in outline only, detailed matters of scale, appearance and layout are not for consideration at this stage, however it is apparent from the indicative layout submitted that five plots can be laid out taking access from a single main access point. The potential for overlooking of existing neighbouring properties will be dependent on the finalised scale, layout and window arrangements, these would be considered in due course. The dimensions and shape of the site and the separation

distances to neighbouring dwellings suggest a layout that respects the character of the settlement and protects neighbour amenity could be achieved.

- 5.19 The supporting statement refers to the proposed properties being four and five bed dwellings; this would not accord with the requirement for a mix of house types that address local need, which is principally for smaller two and three bed properties. Again, this would need to be addressed at reserved matters when the design details have been finalised, but such a suggested preference for larger homes would not undermine the broad principal of the site being suitable for residential development limited to five units. While acknowledging there is an identified need for bungalows in the district, there are a range of house types in the village and so a mix of house types on the application site would reflect this, there is no reason to suggest that residential development on the site could only be acceptable if it were entirely single storey, as such a condition to require this is considered unnecessary.
- 5.20 Yorkshire Water has advised that they have no comment to make on this application. One of the public comments received indicates there are existing issues with water supply and sewerage in the area. It would not be reasonable for a new development to overcome existing issues, but it would be appropriate for details of a suitable scheme for drainage to be submitted via condition. A condition is therefore recommended in respect of both water supply and a drainage scheme.
- 5.21 Overall the proposed development is a small-scale and logical extension to residential development within the village of Sandhutton, which is a sustainable secondary village and there are no material planning considerations that would indicate the proposals should be resisted.

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. 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 landscaping of the site.
 3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 05/06/17 and the proposed site access plan submitted on 30/08/17 unless otherwise agreed in writing by the Local Planning Authority.
 4. The number of dwellings shall not exceed 5.
 5. 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.

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. 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 access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and details that have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8. No part of the development shall be brought into use until the existing access on to the A167 has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.

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 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; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved access, vehicular parking, manoeuvring 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.

10. 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.

11. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway ii) 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.

12. 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.

13. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

14. The development shall not be brought in to use until a footway has been formed across the site frontage parallel with the A167 from the vehicular access point to connect to the footway to the north.

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 that the design of the buildings are appropriate to the context and provides for the amenity of the future occupiers and neighbours without harm to highway safety and complies with the Local Development Plan particularly Policies CP1, DP1, CP17 and DP32.
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 Policy(ies) CP1, CP2 and CP4.
4. To limit the scope of the permission to that sought in the application.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
6. In accordance with Policy CP2 and in the interests of highway safety.
7. In accordance with Policy CP2 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.
8. In accordance with Policy and in the interests of highway safety.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with Policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with Policy 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.

12. In the interests of a satisfactory form of development.

13. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

14. In the interest in providing safe and suitable pedestrian linkages from the site to the village for all users in accordance with Local Development Framework Policies CP1 and DP4.

Informatives

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

2. 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.

3. 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 this condition.

4. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.