

Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
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Committee date: 11 January 2018
Officer dealing: Mr K Ayrton
Target date:

17/01514/OUT

**Outline application (all matters reserved) for the demolition of dwelling and construction of three detached dwellings
At Chilton House, Low Worsall
For Mr Adil Ditta**

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 located in the settlement of Low Worsall, which is at the northern edge of the District, close to the boundary of Stockton-on-Tees Borough. The village is defined as an Other Settlement in the Council's Settlement Hierarchy. The historic market town of Yarm is approximately 4.5 km away and can be accessed via a roadside (B1264) footway, which also links to a cluster of services and facilities located approximately 3 km away.
- 1.2 The site is located on the southern edge of the village, by the main road into the village off the B1265. The plot is L shaped, wrapping behind a pair of semi-detached properties, and accommodates a large 1.5 storey detached dwelling and garage. The dwelling was significantly extended approximately ten years ago, which involved the demolition of an adjacent property (Corner House) and the incorporation of the plot.
- 1.3 The boundary treatments around the site comprise mature landscaping, which offers a degree of screening, particularly on the eastern boundary, which adjoins a field. The southern and western boundary fronts the entrance to the village. The landscape boundary provides an attractive entrance. It is also noted that the front part of the site accommodates a war memorial.
- 1.4 The surrounding area includes a mix of dwelling types and sizes. Those in the immediate context are two storey, with some single storey properties located to the east on Tofts Close, which extend back from the main street frontage.
- 1.5 There is an existing access into the site off Village Road.
- 1.6 The proposal is in outline form for three dwellings with all matters, i.e. access, appearance, layout and scale, reserved for a later application if this is approved.
- 1.7 The application is supported by an illustrative layout plan. This indicates three detached dwellings, with the access to the site in a similar position to the existing one. The plan indicates that the access into the site would need to be widened.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 75/1547/OUT - Two detached dwellings; Refused 27 March 1975.
- 2.2 75/1548/OUT - One detached dwelling; Granted 27 March 1975.
- 2.3 82/1180/OUT - Detached dwelling; Granted 30 September 1982.

- 2.4 85/0829/OUT - Renewal of outline consent for a detached dwelling; Granted 2 September 1985.
- 2.5 01/00469/FUL - Detached dormer bungalow and domestic garage; Granted 6 November 2001.

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 CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – The application should be refused (no reason given).
- 4.2 Highway Authority – No objection subject to conditions. The application site contains one property however the application is for three dwellings in the same space. The existing property access is close to the 30mph speed limit signs at the entrance to the village. The design standard for the site is Manual for Streets and the required visibility splay is 2.0 metres by 43 metres.
- 4.3 Northumbrian Water - The developer should develop their surface water drainage solution by working through the following, listed in order of priority:
- Discharge into ground (infiltration)
 - Discharge to a surface water body
 - Discharge to a surface water sewer, highway drain, or another drainage system
 - As a last resort, discharge to a combined sewer
- 4.4 Environmental Health Officer - No objection.
- 4.5 Public comments – Four letters of objection received making the following comments:
- The development would result in the loss of a perfectly sound dwelling;
 - Development would result in mess and disruption;
 - The grounds are prone to flooding; more house would cause more flooding;
 - The proposed widening of the access will conflict with the requirement of the previous consent that the boundary hedge is retained;
 - Could set a precedent for other sites in the village;

- This is a third application for housing in Low Worsall. There is also large scale housing development close to Yarm with no benefits for the local community; and
- Impact on infrastructure (e.g. broadband).

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 Low Worsall does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances 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 is intended to bridge 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 Low Worsall is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a

Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.6 The nearest settlement is that of Yarm, which is located within Stockton Borough. This would be the equivalent of a Service Centre. Yarm's main centre is located over 4km away from the application site. However, there is a local shopping centre at the northern edge of Yarm, which is located just over 3km away. There are also other services and facilities including a railway station and school, located a similar distance away. These are all accessible by a surfaced footway adjacent to the main road between Low Worsall and Yarm.
- 5.7 The IPG notes that in order to form a sustainable community, a village must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Yarm is not a Service Village or Secondary Village, its (equivalent) status as a Service Centre indicates that it is able to provide amenities to Low Worsall. The distance between Low Worsall and Yarm exceed the guidance in the IPG.
- 5.8 Whilst the guideline distance is not met, the recent appeal decision relating to the Ship Service Station is an important material consideration. The Planning Inspector recognised that the distances set out in the IPG were exceeded. However, they were still content that the appeal site (which is located a short distance to the south of the application site) has convenient access to the services and facilities in Yarm for it to be considered a sustainable location in the terms of paragraph 55 of the National Planning Policy Framework.
- 5.9 Considering that the appeal decision was recently made, the Council would struggle to arrive at a different conclusion to that of the Planning Inspector. Therefore it is concluded that Low Worsall can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.
- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. Consideration also needs to be given to the recent approval (16/02674/FUL) of five dwellings on land to the rear of Manor Close, located on the field to the north east of the current application site. Therefore the cumulative impact of consented developments needs to be assessed.
- 5.11 In this instance, whilst the consented development is close by, the application site is not viewed in the same context and has been at least in part occupied by existing development. The site is contained by the boundary landscaping and viewed in the context of the development along Village Road. Therefore the cumulative impact of development would not in itself be a reason for refusal. The development is considered to be small scale as it would only result in a net increase of two dwellings.

Character and appearance

- 5.12 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 environment and physical built form. This is consistent with other policies in the LDF. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access.
- 5.13 Whilst the dwelling on the site is relatively new, it is of no particular architectural merit and there is no planning justification to resist its demolition. Arguably the dwelling is a little out of character with those around it due to its large size.

- 5.14 The site is considered to be capable of delivering three dwellings along the front part of the site. It is noted that the site previously accommodated two dwellings. This leaves consideration to be given to whether the site is capable of delivering a third dwelling.
- 5.15 The site is relatively as large at 0.3 hectares and has strong boundary landscaping. It is also L shape, which is in contrast to other plots to the north, which are generally linear in form. It is considered that three dwellings could be supported at this outline stage, without causing harm to the character and appearance of the area.
- 5.16 However, officers have highlighted to the applicant, the need for any reserved matters scheme to accord with the Council's housing mix policy DP13, which encourages a mix of dwelling sizes and the inclusion of two and three-bedroom dwellings as well as a requirement to respond positively to the character and form of the village. It should also be noted that some of the boundary planting would have to be removed in order to facilitate the required visibility splay. However, given the context and form of the site this is not considered to be a justification for refusal in this instance.

Residential amenity

- 5.17 There is scope within the site to deliver suitable separation distances to achieve an acceptable level of amenity for current and future occupiers. Key to this will be the relationship with the pair of semi-detached properties.

Highway Safety

- 5.18 The site contains one property, however the application is for three dwellings in the same space. The existing property access is close to the 30mph speed limit signs at the entrance to the village. The required visibility splay is 2.0 metres by 43 metres. The Highway Authority raises no objections to the proposal subject to conditions.

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 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.
 3. Prior to development commencing (except for the purposes of demolition), full details of both surface and foul water management and disposal shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
 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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (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; and (c) the final surfacing of any private access within 2m metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

5. 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 43m measured along both channel lines of the major road Village Road from a point measured 2.0m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
8. 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) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; (e) wheel washing facilities; (f) measures to control the emission of dust and dirt during construction; (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (h) HGV routing.
9. Prior to the commencement of any above ground works a landscaping scheme, including boundary treatments and both hard and soft landscaping, shall be supplied in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reasons:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. In order to ensure that the materials used in the proposed development are appropriate in terms of the character and appearance of the area and the proposed development and to accord with the requirements of Development Policy DP32.
3. To ensure that satisfactory foul and surface water management is constructed for the proposed development and to accord with the requirements of Development Policy DP6.

4. In accordance with policy DP3 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In accordance with policy number DP3 and in the interests of road safety.
6. In accordance with policy DP3 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In accordance with policy DP3 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
8. In accordance with policy DP3 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.
9. In order that the boundary treatments and landscaping are appropriate to the location and accord with the requirements of 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.