

**Parish: Maunby**  
Ward: Morton on Swale  
**8**

Committee date: 3 May 2018  
Officer dealing: Mrs H Laws  
Target date: 11 May 2018

**17/02114/OUT**

**Outline application for the construction of two dwellings with all matters reserved  
At OS Field 3146  
For Mr James Hill-Walker**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies at the eastern end of the village on the southern side of the road. The site, which covers an area of almost 0.2 hectares forms part of a larger field, which lies at the entrance to the village from Kirby Wiske and Newby Wiske.
- 1.2 The site forms part of a larger agricultural field, within which are sited several mature trees. These are subject to a Preservation Order (TPO 1990/01). Two sycamore trees and an ash tree lie on the frontage of the application site. Five oak trees within the same Order lie outside of the application site to the east. The application is accompanied by a Tree Survey.
- 1.3 The application site covers the north western corner of the field and fronts onto the village street adjacent to St Michael and All Angels Church and churchyard.
- 1.4 It is proposed to construct two dwellings on the site. The application is an outline application with all matters reserved. All of the trees will be retained.
- 1.5 The application is accompanied by a Flood Risk Assessment; the site lies within Flood Zone 1, which is the area of least risk but part of the site is at high risk of surface water flooding. Part of the access road leading to and from the village lies within Flood Zone 3, the area of highest risk.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 90/0169/OUT – Outline application for the construction of 2 dwellings. Permission refused 21/9/1990 for the following reasons:
  1. The proposed development would be contrary to Policy H5 of the Draft Vale of Mowbray Local Plan. That policy defines the village limits outside which development should be resisted in the interests of safeguarding the character of the area, and the proposed site lies outside those limits.
  2. If approved the development would intensify the existing scatter of ribbon development outside the main settlement which would be objectionable on amenity grounds.

## **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  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Landscape Character  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework (NPPF)

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – the parish council is against this proposal. The reasons for this are because the applicant has stated that the proposal is not in a flood zone area however, the flood risk in parts of the development footprint are currently within FZ2 and could potentially increase to FZ3 magnitudes in future due to climate change. Also, the site does have a history of flooding as in 2012, the road was closed due to flooding and it is the only road access in and out of the village.

As well as this, there are 3 TPO trees on the edge of the site and approximately, a further 5 TPO trees adjacent to the site.

The original application ref 90/0169/OUT for outline application for the construction of 2 dwellings in the same area was refused.

- 4.2 Highway Authority – no objections subject to conditions
- 4.3 Yorkshire Water – condition recommended regarding surface water discharge
- 4.4 Swale & Ure Drainage Board – any surface water discharge into any watercourse requires consent from the Drainage Board.
- 4.5 HDC Corporate Facilities Manager (Drainage) - The current flood zone maps provided by the Environment Agency show that the site is located in Flood Zone One, so an area of lowest flood risk as assessed by the EA. All land in England is assessed as being in flood zones one, two or three, one – lowest and three – highest risk. I note that in a number of responses that it is stated that the proposed development site is in flood zone 3 and 2, this is not the case. The EA do assess that part of the proposed development site is subject to the risk of surface water flooding, with the front portion of the site (approximately 30%) in the high risk area so the 1 in 30 chance in any given year (3.3%), a slightly larger area of the site is subject to medium risk so up to 1 in 100 chance (1%) then there are further extents in low risk which is up to 1 in 1000 chance (0.1%).

Further information indicates that the watercourse flooding to the access roads is short lived and still allows careful vehicular access. So whilst not discounting the flood zone three extents, the potential impact on day-to-day activity is limited.

There are two surface water disposal options available to the applicant, soakaway or discharge to watercourse, there is no public surface water sewer in the village or other public piped option. The applicant must ensure that all hard surfaces on the proposed development are adequately served by drainage to ensure that the construction of new hard surfaces does not contribute to the existing surface water flood risk.

- 4.6 MOD – no objection to the principal of the development at this location
- 4.7 Public comments – a total of 19 objections have been received, mostly from residents of Maunby, which are summarised as follows:
- Outside the boundary of the village
  - Outline permission previously refused in 1990 on this site
  - I feel that the proposed dwellings will not benefit the local pub or church
  - The South Otterington Primary School is over 1200m from the village, which means that all children currently attending are normally driven, which does not protect or improve air quality and reduce climate change
  - There are currently (unfortunately due to deaths) 2 un-occupied properties within the curtilage of the village, with another 2 for sale
  - The proposed site sits lower than the main road. This creates a natural collection area for surface water to collect. If this site was developed it would remove this natural defence that helps protect the only road in/out of Maunby from flooding, which has happened in the past
  - Detrimental impact on the character, appearance and environmental quality of the entrance to the village
  - the removal of trees is unacceptable
  - If the houses were two storey rather than bungalows or dormer bungalows they would be totally out of character with the village
  - The trees offer enormous character and value to the entrance to the village and create an aesthetic ambience to the village entry. They predate the bungalows on The Row and are valued by those living in the immediate vicinity
  - The development does not satisfy the sustainability criteria in the HDC's Sustainability of Alternative Sites (HDC Local Plan)
  - The proposed site is subject to flooding relatively regularly and pools of water collect in the field in periods of high or long duration rainfall. The flooding has extended across the highway on several occasions when access to the village has been seriously impeded.
  - The predominant aesthetic character towards the entrance to the village in which the proposed site is located is parkland. Modern housing in the parkland will destroy this character. Other buildings which fall within the village on the parkland side are hidden behind the church, which marks the village boundary.
  - The proposed properties do not meet requirements for HDC's sustainable appraisal of alternative sites March 2017.

## **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) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; (iv) the effect on the trees (v) flood risk; and (vi) highway matters.

### The principle of residential development

- 5.2 The site falls outside of Development Limits, as Maunby does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. 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 NPPF. 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 appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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.

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.

- 5.4 In the 2014 Settlement Hierarchy reproduced within the IPG, Maunby is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies on the edge of the village; facilities in the village itself include a pub and a church. However, settlements smaller than Secondary Villages have to be capable of forming a cluster with nearby villages in order to be considered a sustainable location for development; the IPG indicates that settlements within a cluster should be sufficiently close and provide an appropriate range of facilities and services between them. The IPG indicates that such settlements should be up to approximately 2km apart and either include a Service or Secondary Village, or be a combination of Other Settlements that cumulatively provide the level of services and facilities required for a sustainable settlement. In this case, Maunby is approximately 2km from South Otterington, designated a Secondary Village, with facilities including a school, a pub and a church, therefore criterion 1 is satisfied.

#### Character, appearance of village and rural landscape

- 5.5 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposal is for the construction of two dwellings, which is considered to be of a small scale. The site currently forms part of a larger field but lies adjacent to and opposite existing development, therefore relating well to the existing settlement. The construction of two dwellings on this plot

would generally follow the building line of development in the locality, which mostly fronts directly onto the village street in a linear form.

- 5.6 The application site does not incorporate all of the stretch of field fronting onto the southern side of the village street, retaining the character and appearance of the approach into the village. Clearly the construction of two dwellings to the north east of the Church will alter the appearance of the site but with carefully designed dwellings and appropriate landscaping, it is considered that the development of this site will not detract from the character of the village or the rural landscape beyond.

#### Flood Risk

- 5.7 The application site does not lie within Flood Zones 2 and 3 but is within Flood Zone 1, the area of lowest risk. However, the site is at risk of surface water flooding, which means that the watercourse is not the source of the water. It is important to ensure that the proposed development would not be at risk of surface water flooding and that the proposed development would not displace the surface water risk to neighbouring properties. A condition is recommended to ensure that details are submitted to ensure that suitable measures taking this into account are included within the final design.
- 5.8 The second issue relates to the surface water drainage of the site; all hard areas need to be permeable and a condition can be imposed to ensure this is undertaken. In the event of an inundation of water, flood flows should be directed to a safe location on the proposed site and to minimise risk to neighbouring properties.

#### Trees

- 5.9 Two sycamore trees and an ash tree lie within the application site and are covered by TPO 1990/01. It is not proposed to remove the trees.
- 5.10 A tree report has been submitted with the application. There would be a zone towards the front of the site, along the north western corner, which could not be developed but the report concludes that there is ample space for the development to be undertaken without conflict with the trees.
- 5.11 There are a total of 8 trees covered by TPO1990/01; the remaining 5 trees would not be affected by the proposed development.

#### Residential Amenity

- 5.12 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The proposed dwelling lies adjacent to the churchyard and opposite existing dwellings that are set back from the frontage of their plots on the northern side of the village street. It is considered that adequate separation distance would be available to ensure there is no loss of amenity for existing or proposed residents.
- 5.13 The proposed development would not adversely impact on the amenities of the residents of the neighbouring properties and would be in accordance with LDF Policy DP1.

#### Highway Safety

- 5.14 The proposed access to the development is a Reserved Matter but the Highway Authority has no objections to the creation of a new access or accesses onto the village street subject to appropriate conditions.

## Other matters

- 5.15 Comments made in respect of the Local Plan process are not relevant to the consideration of the application. Assessments made during that process are considering large scale development proposals rather than small scale proposals such as the application site.

## **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 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 means of access to the site; (c) the landscaping of the site.
  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. 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.
  5. No above ground construction work shall be undertaken 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.
  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. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local

Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwellings and retained.

8. 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
  - d. The crossings of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6.
  - e. Any gates or barriers shall not be able to swing over the existing highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

9. 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.
10. 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
  - 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.

11. 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. 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.
12. 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
- 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.

13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 27 September 2018 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 enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
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 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.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
7. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
8. 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.
9. In the interests of road safety convenience in accordance with LDF Policies CP2 and DP4.
10. 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.
11. 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.



12. 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.
13. 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 green wheeled bin for garden 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. 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.