

Parish: Raskelf
Ward: Raskelf ad White House
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Committee date: 3 May 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 7 May 2018

18/00271/OUT

Description: Outline application with details of access and layout to be considered (all other matters reserved) for three dwellings

At: Land west of 6 The Green, Raskelf

For: Mr H Johnson

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site consists of a small, peripheral part of a wider land parcel used for equestrian purposes by the 'GG Centre', located to the south of Hag Lane, to the south western end of 'The Green'. The site is approximately 0.2 hectares in area and is located adjacent to semi-detached dwellings (1-6 The Green) and opposite the dwellings and gardens of Scatterpenney and Fletchers. To the south west of the site is the GG Centre, an equestrian facility that comprises of stabling, paddock land for grazing, exercising and riding.
- 1.2 The village of Raskelf is principally a linear settlement centred on North End; however a small cluster of properties, known as The Green, is located to the south on Hag Lane. It is considered that this area is associated with and accessible from the main part of the village, although it is beyond Development Limits.
- 1.3 The proposal seeks consent outline consent for three dwellings. The matters for approval at this stage are access and layout. The remaining matters, i.e. appearance, landscaping, and scale would be for a later application if this is approved.
- 1.4 Improvements have been secured as follows:
- Providing a mix of dwelling type that includes:

Dwelling 1 – a 2 or 3 bedroom single storey bungalow with integral garage – 98 square metres including 18 square metres for the integral garage

Dwelling 2 – a 4 bedroom, 2 storey dwelling with integral garage – 178 square metres including 24 square metres for the integral garage

Dwelling 3 – a 3 bedroom, 2 storey dwelling with integral garage – 164 square metres including 24 square metres for the integral garage
 - 2 access points are proposed off Hagg Lane, with dwellings 2 and 3 having a shared access
- A re-consultation on this scheme has taken place.
- 1.5 It should be noted that the red line does not encroach onto the neighbouring properties and is outlined to show the maximum visibility possible.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 78/1228/OUT - Outline application for the construction of a pair of agricultural workers dwellings with domestic garages; Granted 22 July 1978 but not implemented.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012
Size, Type and Tenure of New Homes SPD - adopted September 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Do not object or support the application, however wish to comment that they have concerns regarding the infrastructure of the parish. These continuing developments are putting pressure on an infrastructure which is already under pressure.

The Parish Council are concerned that this development would not be contributing any affordable housing to the community.

- 4.2 Highway Authority – no objection, subject to conditions regarding the private access and verge crossings, details of access, turning and parking, garages not being converted to a habitable room, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development
- 4.3 Yorkshire Water – no response received to date.
- 4.4 Environmental Health (Contaminated Land) - more than 2 dwellings will require a Phase 1 preliminary risk assessment.
- 4.5 Public comments – 2 objections have been received from the occupiers of 1 and 6 The Green. A summary of their objections are as follows:
- The sites are not suitable for housing with already other developments planned in the village all in close proximity of each other and people who live in the vicinity;

- There also needs to be consideration given to householders in Raskelf as well as local business and farm traffic;
- We have already had instances in recent months of builders wagons and vans blocking roads so even local bus routes were blocked by inconsiderate builders;
- The development will cause a huge amount of disruption to the small part of the village that includes a lot of elderly people and children;
- It is taking away rural countryside; and
- The road is currently very dangerous due to the very sharp bend that people drive very fast around. Lots of farm machinery leaves lots of debris on the road which causes a lot of problems

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village (iii) residential amenity; (iv) highway safety and (v) drainage issues, including the surface water sewer.

The principle of development

- 5.2 The site falls outside the Development Limits of Raskelf. 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 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 includes an updated Settlement Hierarchy.
- 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 contained within the IPG, Raskelf 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.

- 5.6 However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 450 metres (by road) beyond Development Limits.
- 5.6 The village of Raskelf has two distinct parts; the main village and The Green. The proposed development is within The Green area to the south of the main village and this area is beyond Development Limits. Notwithstanding that, this area is associated with the main part of the village being approximately 450 metres apart at its closest point and linked via a lit footpath (on the north west side of Hag Lane, opposite the site) that enables residents to access services, including the recreation ground which is located between the two parts of the settlement. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

The proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Supplementary Planning Document.

The character of the village

- 5.7 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for three dwellings and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.8 The piece of land that is the subject of this application falls within the 30mph speed limit. Dwellings 3 is opposite residential dwellings and their associated garden area and the village sign. Dwellings 1 and 2 are further west, to the north opposite these plots include domestic garden space and sheds, bounded by a boundary hedgerow to the south.
- 5.9 The application site will utilise the existing northern boundary hedge which forms an important landscape feature when on approach to this part of the village from the west. The existing trees within the hedgerow are shown to be retained. A condition to ensure that the relevant protective measures are put in place for the trees can be imposed. Further planting is proposed in the triangular parcel of land to the westernmost part of the site and trees on this boundary are to be retained. A boundary hedge along the rear of the proposed dwellings is proposed. This hedge would be in line with the existing fence and hedges that form the rear boundary of the dwellings of 1 – 6 The Green with the open countryside to the south.
- 5.10 The building line of the proposed dwellings reflects that of the building lines of the adjacent properties of 1 – 6 The Green and is considered to reflect the existing built form of the area.
- 5.11 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village. Consideration has been given to the cumulative impact of the proposed development, noting the recent planning approvals for development on 4 separate sites in The Green. The approved sites are to the north and east of the current application. Inter-visibility would occur between the two the sites at Pond Corner (18/00060/OUT) and Green Acres (16/02803/OUT & 17/02536/REM) and the application site. The views would be in the context of the established dwellings and gardens of the village as well as the newly approved dwellings and the impact of the new dwellings would not result in a significant harmful visual impact when considered in isolation or cumulatively. Sites adjoining Dovecote (17/02358/OUT) and The Cottage (17/02240/OUT) adjoining the Easingwold Road have also been considered in this assessment.

- 5.12 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. By virtue of the siting of the proposed dwellings and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment. There is no recorded heritage or ecological interest in the site.
- 5.13 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. Given the shape of the land narrowing to the west, with the 30mph speed restriction failing just beyond the application site, the proposals are considered to be a logical extension to the existing built form of The Green, Raskelf. The spaces between the proposed dwellings reflect that of the existing dwellings within the locality and will provide important glimpses to the open countryside beyond.
- 5.14 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Residential amenity

- 5.15 It is considered that the site is capable of accommodating three dwellings without prejudicing residential amenity, particularly that of 6 The Green by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.16 With adequate boundary treatments and positioning of windows, the issue of residential amenity can be addressed as part of a reserved matters application. The existing boundary hedge and fence between 6 The Green and 'Dwelling 3'; is to be retained and this is welcomed. The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.17 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage and the surface water sewer

- 5.18 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

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 whichever 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) unless otherwise approved in writing by the Local Planning Authority.
3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site and (c) the scale (including the number) of buildings overall.
4. 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.
5. 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. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
6. The development shall not be occupied 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. This should include measures to ensure the protection of the boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.
7. This decision grants permission for no more than 3 dwellings. The size of each dwelling in the reserved matters submission shall reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.
8. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the crossings of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 in consultation with the Highway Authority: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. 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.
12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.

The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)

15. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
16. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment shows that further investigation is not required.

17. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL5)
18. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 Hambleton Development Plan Policies DP1, DP28 and CP17
3. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
4. 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.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
7. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy DP13 and the Size, Type and Tenure SPD.
8. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Hambleton Local Development Framework Policy CP2.
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 Hambleton Local Development Framework Policies CP1, DP1 and CP2.
11. 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, in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.

13. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
14. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
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Informatives

1. 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.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. 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.

4. With regard to the conditions of land contamination CL1 - Preliminary Risk Assessments should have regard to current best practice and the advice and guidance contained in CLR11 Model Procedures for the Management of Land Contamination (Environment Agency, 2004). Further advice is contained in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017.

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.