

**Parish: Hornby** Committee Date: 26 August 2021  
Ward: Appleton Wiske & Smeatons Officer dealing: A O'Driscoll

**3** Target date: 22 June 2021

**21/01111/OUT**

**Outline application for residential development of 5 dwellings with some matters reserved (considering access from Northallerton Road)**

**At Land South West Of Smeaton East Farm**

**For D G Hall, A H Hall, N C Hall & Richard Roberts Ltd**

**This application is referred to the Panel as the proposed development is a departure from the Development Plan.**

### **1.0 Site, Context and Proposal**

- 1.1 The application site is located to the south east of Great Smeaton and is outside but adjacent to development limits. The site is currently green field and in use for agricultural purposes, at the time of the site visit grazing of sheep. There is a land level difference between the site and the A167 with the application site raised above the road by approximately 1 meter adjacent to the road and 2 meters in some areas (mostly toward the north east corner). The land also slopes down from north to south with a difference of 3 metres between the land level at the northern boundary and the level at the southern boundary. The site is bounded on the east and south by hedgerow.
- 1.2 To the north of the site is a terrace of dwellings dating from at least the 1850s which face south towards the site. To the west is a ribbon of 1960s and 1980s development with 2 historical dwellings dating from at least the 1850s. One of these was originally a Methodist chapel the other a dwelling.
- 1.3 The Great Smeaton Conservation Area boundary is located to the north west of the site at Thorpe Row but excludes The Hollies on the western side of the A167 and the red brick single storey structure that is attached to 2 Thorpe Row but appears to form part of the unit at The Cloisters.
- 1.4 The application is in outline for 5 dwellings with access only considered. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.

### **2.0 Relevant Planning and Enforcement History**

2.1 N/A

### **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 DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

Hambleton emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

#### **4.0 Consultations**

4.1 Parish Council – No Observations to make

4.2 Highway Authority – Visibility splays can be achieved by removal of part of the hedge. Expect that the footpath be provided directly adjacent to the A167 and not within the development.

Following discussion with the Highways Officer it was agreed that the footpath could be maintained privately within the site to ensure retention of the hedgerow.

4.3 Yorkshire Water – recommends conditions

4.4 Environmental Health Officer – Recommends conditions relating to construction management and lighting.

4.5 Environmental Health Officer Contaminated Land – Recommends conditions.

4.6 Public comments – 15 letters of representation were received raising the following issues:

- Transport and highways safety
- Speeding issue on A167 adjacent to the site
- Flood Risk
- Impact on ecology and biodiversity
- Impact on the historic environment
- Overshadowing of existing properties
- Application site elevated above the road
- Impact on privacy of existing dwellings
- The new houses will not be affordable to young people
- Loss of views from the village over the countryside
- There is no shop in the village as referred to in the application

- Impact on visual amenity
- Concern that excavations will upset the groundwater regime
- Impact on the approach to the village
- Impact on the Conservation Area
- Impact on the historical view from the south of the village
- Impact on local Great Crested Newt population
- Coalescence of settlements

## 5.0 Analysis

5.1 The main issues to consider are:

i) Principle of development in this location; ii) Impact on the form and character of the area; iii) Impact on residential amenity; iv) Highway safety; v) Drainage and; vi) Biodiversity

Principle

- 5.2 Paragraph 79 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.
- 5.3 Policy E1 of the Emerging Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.4 Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.
- 5.5 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
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.

- 5.6 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.7 Great Smeaton is detailed in the hierarchy as a Secondary Village. This is in recognition of the number of services and facilities within the village. As such Great Smeaton is considered to be a sustainable location for the purposes of the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.8 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. It is considered that the scheme accords with this criterion.

#### Impact on the form and character of the area and Conservation Area

- 5.9 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 and built form, including the historic environment. In making this assessment it is noted that the application is in outline form with all matters except for access reserved.
- 5.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Great Smeaton Conservation Area.
- 5.11 The National Planning Policy Framework at paras 199 and 200 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Any identified harm to the significance of the Conservation Area must be given great weight in the determination of the application. Identified harm can only be off-set by the public benefits of the development.
- 5.12 The settlement of Great Smeaton has evolved in a linear form from its historic core. The linear form of the village is a significant and positive aspect in relation to its make-up and its overall character and appearance.
- 5.13 An indicative layout was submitted with the application showing one access road serving 5 properties. All but one of the properties would face the A167 indicating that whilst they will be set back with an internal road the general layout could achieve a development which would appear linear.
- 5.14 The application site forms part of an attractive approach to and departure from the settlement. On the approach uphill the dwellings, East Farm, The Old Granary and The Cloisters signal arrival punctuated by the mature Lime and Hawthorn trees. When travelling south out of the village the site gives a sense of open space with fleeting glimpses of countryside beyond. The view is somewhat obscured from pedestrians/vehicles by the existing hedgerow coupled with the land level difference.

- 5.15 The applicant has indicated that they are willing to accept a condition restricting the scale of the dwellings to single or 1.5 storeys. It is considered that subject to this condition and a suitable layout at reserved matters stage development at the site would not result in substantial harm to the form and character of the area and would have a neutral impact on the character of the Conservation Area.

#### Impact on residential amenity

- 5.16 LDF Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 5.17 Emerging Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.18 The indicative plan shows how the development could be laid out with adequate separation distances exceeding 21m which would preserve existing levels of privacy. The plan also shows how 5 dwellings could be accommodated with adequate outdoor amenity space.

#### Highways Safety

- 5.19 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.20 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.21 North Yorkshire County Council Highways were consulted and have confirmed that adequate visibility splays can be achieved through removal of part of the hedgerow, measuring approximately 6.5m. The access is located in an existing gap in the hedge and the part to be removed sits in isolation within this gap. Its removal is therefore considered acceptable to facilitate the access.
- 5.22 The Highways Officers have also indicated that the footpath as shown should be relocated so that it is immediately adjacent to the Highway to allow for adoption. It is considered, however, that this would require either the wholesale removal of the hedgerow or at least a significant reduction in depth.

- 5.23 The hedgerow follows the parish boundary which is shown on the 1857 mapping (surveyed 1854) and is, as a result, likely to be considered “important” under the Hedgerow Regulations. It is considered, therefore that works to the hedgerow should be limited to those strictly necessary to facilitate the development. The applicant has confirmed that the footpath can be provided as shown on the indicative plan with maintenance provided privately.
- 5.24 The Highways Officers have also recommended a number of conditions including controlling the access road gradient at 1:15 over 6metres.

#### Drainage

- 5.25 Yorkshire Water has indicated that further information regarding the drainage solution is required, however, they have also agreed that this can be dealt with by condition. The current information indicates that a suitable discharge rate can be achieved through attenuation measures such as storm crates. Yorkshire Water has indicated that the connection to the south of the site cannot accommodate the development but a further connection exists to the north. As the site will need to drain to the north (uphill) a pumping solution will be required.

#### Biodiversity

- 5.26 Policy DP31 of the LDF states that ‘Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation [...] Support will be given [...] to the enhancement and increase in number of sites and habitats of nature conservation value’.
- 5.27 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.28 A Preliminary Ecological Assessment was submitted in support of the application. The desktop assessment indicates that “There are no statutory designated sites within 5km of the proposed development site.” “One non statutory designated site is located within 2km of the proposed development site. Beverley Wood Site of Importance for Nature Conservation (SINC) is situated approximately 1.7km north of the proposed development site. Beverley Wood is designated as a SINC for the presence of ancient and semi-natural woodland [...] Due to the small-scale nature of the works and distance from the proposed development it is considered highly unlikely there will be any direct or indirect adverse effects on the conservation objectives of Beverley Wood SINC”.
- 5.29 The majority of the site is made up of grazed improved grassland which is generally considered to be of low to negligible ecological value. The hedgerow on the western boundary is over 20m long and consists of one or more native UK woody species, it would qualify as a habitat of principal importance under the Natural Environment and Rural Communities Act 2006 due to the suitable habitat it provides a range of UK wildlife.

- 5.30 The site was surveyed for the presence of badgers, bats, Great Crested Newts, nesting birds, reptiles and other wildlife. The report found that “overall, the site was assessed as low ecological value. The site provides suitable nesting bird habitat in the form of one continuous hedgerow and two mature trees. The site provides some suitable roosting opportunities for bats within the mature lime tree and provides a limited area of suitable commuting and foraging habitat in the form of single boundary hedgerow. The site was assessed as low value for GCN due to the presence of low suitability terrestrial habitat forming the majority of the habitat on-site and in the surrounding area. The site was deemed to be low suitability for badgers due to the lack of suitable habitat for digging setts, with no evidence of badgers recorded on-site”.
- 5.31 The report recommends a number of mitigation, compensation and enhancement measures including planting of new hedgerows, bird and bat boxes and hedgehog holes in fencing. The applicant has also agreed to the retention of both trees at the site which are now subject to a provisional Tree Preservation Order.

#### Planning Balance

- 5.32 Due to the topography of the site development has the potential to appear overbearing on the existing highway. The location of the site is also considered to form part of a pleasant approach to the settlement. These issues, however, could be overcome through a suitably designed scheme. The linear character of the area could be maintained and the scale of individual dwellings reduced to appear less dominant. Overall it is considered that subject to suitable design, five dwellings could be accommodated on this site without significant harm to the area and with a neutral impact on the Great Smeaton Conservation Area.

### 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) 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 siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
  3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples 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. The development must not be brought into use until the crossing of the highway verge and/or footway must be constructed in accordance with the approved details contained in Drawing AMA/21023/SK003 and/or Standard Detail number E6-var and the following requirements.
  - Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
  - That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:15.
  - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.
5. There must be no access or egress by any vehicles between the highway and the application site 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. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. The following schemes of off-site highway mitigation measures must be completed as indicated below:
  - Provision of a footway between the onsite footpath and the existing footway to the north (outside 'The Cloisters').

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

7. There must 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) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - Vehicular and pedestrian accesses.
  - Vehicular parking.
  - Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.



No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

8. 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 highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
  - Details of any temporary construction access to the site including measures for removal following completion of construction works.
  - Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
  - The parking of contractors' site operatives and visitor's vehicles clear of the highway;
  - Areas for storage of plant and materials used in constructing the development clear of the highway.
  - Details of site working hours. - Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. If required, the maximum foul water pump rate shall not exceed 5 (five) litres per second.
11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
  - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority.
12. No part of the development shall be commenced until a Construction Management Plan has been submitted and agreed in writing by the Local Planning Authority that outlines the means of mitigation from the effects of construction. This should include the following:
  - Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any

temporary power generation or pumping plant which may operate overnight.

- Methods for dust control and suppression (dust management plan).
- Details of wheel washing facilities including location and type.
- The areas for the storage of plant and materials.
- Location of site compound.

All site works shall then proceed only in accordance with the approved management plan.

13. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays.
14. No external lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority.
15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
16. With the exception of the works required (removal of section for access and footpath and reduction in height for visibility splays) to facilitate the development as shown on drawings AMA/21023/SK001 and 2091.021 the hedgerow on the western boundary shall be retained in its entirety and at a height of a least 1 metre for the lifetime of the development. If any part of the hedge is removed or dies it shall be replaced on a like for like basis within the next planting season following removal/death.
17. The development hereby approved shall be for no more than 5 dwellings and the dwellings shall not exceed 1.5 storey's (bungalow or dormer bungalow) in height.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
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 ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5. In the interests of highway safety.
6. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In the interests of highway safety.
9. In the interest of public safety and amenity.
10. In the interest of satisfactory and sustainable drainage.
11. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. In the interests of safe operation of the site and local amenity.
13. In the interest of local amenity.
14. In the interest of local amenity.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. In the interest of visual amenity, biodiversity and historical context.
17. In the interest of visual amenity.