

Parish: Raskelf

Ward: Raskelf & White Horse

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Committee Date:

13th January 2022

Officer dealing:

Mr. M. Pearson

Target Date:

29th December 2021

Date of extension of
time (if agreed):

20th January 2022

21/02628/OUT

Outline application (some matters reserved) for the construction of one four-bedroom dwelling with attached garage and further garage for Holly Tree Cottage.

At: Holly Tree Cottage North End, Raskelf

For: Mark and Katie Stocks

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

1.0 Site, context and proposal

- 1.1 The application site is located in the rear garden of Holly Tree Cottage which is located on the north side of the main street in Raskelf. The property is two stories in height and is constructed in brick (painted white) with a pitched slate roof. The garden contains around thirty trees of varied species and maturity. Some of the trees around the perimeter are greater in scale whilst some within the central area are more modest fruit trees. The rear garden is defined by fencing and hedges. Vehicle access is achieved to the east of the property via a private driveway that leads to a large detached garage.
- 1.2 The surrounding context comprises predominantly of variety of detached and semi-detached two storey properties that are also constructed in red brick with pitched pantile or slate covered roofs. To the west and south-west are a number of properties that have recently been granted planning permission and are under construction. Generally, properties within the village are set behind small front gardens defined by a variety of low walls or hedges. To the north-west of the application site is a public right of way that travels north out of the village into the surrounding agricultural land that forms part of the rural setting to the village. This footpath enables some views south back towards the village envelope.
- 1.3 In September 2021 an outline application (ref no. 20/02491/OUT) for the construction of two dwellings was refused on the basis of overdevelopment and access concerns as noted in paragraph 2.3 below. This application seeks to address the reasons for refusal through the provision of a single dwelling, a widened access track together with a turning area.
- 1.4 The application is for outline consent for the erection of the two dwellings with associated garaging. The matters subject to the application include layout, scale and access. It is noted the proposed dwelling would be two storeys in height with a reduced eaves height. The appearance and landscaping are matters reserved for future consideration should the application be approved. The site layout indicates that the existing garage to Holly Tree Cottage is to be demolished to allow for vehicle access off the drive, with a dwelling and attached garage are sited in the rear garden. As part of the proposals a new garage block is proposed which would

serve as a replacement for the existing property. An access route to the paddock to the north is shown. In order to accommodate the proposed development 13 trees are proposed to be removed within the central area of the garden.

- 1.5 During the course of the application further clarification on the sewer position was provided by the applicant.

2.0 Relevant planning history

- 2.1 78/1374/FUL – Extensions to existing dwellinghouse. Approved.

- 2.2 91/1180/OUT- Outline Application for construction of a bungalow. Refused.

- 2.3 20/02491/OUT - Outline application with some matters reserved for the construction of two detached dwellings with garages and parking incorporating garaging and parking for Holly Tree Cottage. Refused for the following reasons:

1. *The proposed development would result in an overdevelopment of the site resulting in a cramped appearance that does not respect the built form and character of the settlement. The proposal is contrary to the Local Development Framework Policies CP1, CP4, CP17, DP9, DP10, DP30 and DP32 and cannot therefore take support from the Interim Policy Guidance (2015).*
2. *The absence of a passing place on the access drive and adequate turning space within the proposed site layout may result in reversing movements on the highway to the detriment of highway safety contrary to the Local Development Framework Policies CP1, CP2 and DP4.*

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. 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 DP28 - Conservation
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework
Size, Type and Tenure of New Homes SPD - adopted September 2015

The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>
The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. 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 Raskelf Parish Council – No response received (expired 6.12.2021).
- 4.2 NYCC Highways Authority – No objection subject to conditions regarding parking/turning and a construction management plan.
- 4.3 Yorkshire Water – No objection subject to the imposition of conditions for separate foul and surface water disposal. Also, comments regarding the protection of the existing foul sewer that crosses the site.
- 4.4 MOD – No response received (expired 6.12.2021).
- 4.5 Contaminated land – Awaiting response. Previous application had No objection based on the submitted PALC form.
- 4.6 Neighbour consultation and public comments:

3 objections have been received from neighbouring properties as summarised below:

- Backland development and not in keeping with the village. This new application is in the same location and therefore contrary to the Planning Committee's findings in the first application.
- In terms of size the single large house is a very similar in proportion to the 2 houses proposed previously, also in contrast to the Committee's findings.

The Committee also thought the development would have a detrimental impact on the character of the area.

- The main sewer running across the site is plotted incorrectly. The inspection chamber on the adjacent land is in front of the gate and not behind it as per the submitted information. This has been pointed out previously and constitutes a misrepresentation of the site which is therefore a planning issue and brings the rest of the application into question.
- Inaccuracies within the submitted information regarding local facilities - no shops or a post office in the village.
- Raskelf already has an overloaded drainage system which cannot cope with the existing number of houses.
- Being backland development the proposal is contrary to the local development framework policies CP1, CP4, CP17, DP9, DP10, DP30 and DP32 and cannot therefore take support from the interim Policy guidance (2015)
- This house does not satisfy this criterion 2 of the IPG because it does not reflect the need for smaller housing.
- Backland development the proposal is contrary to the local development framework policies CP1, CP4, CP17, DP9, DP10, DP30 and DP32 and cannot therefore take support from the interim Policy guidance (2015).
- Concern about contractor parking on the main street as evidenced during the recent development of Pear Tree Cottage.
- Concern that surface water from the new development should not enter the existing network which is already overloaded and floods at the entrance to the Holly Tree Cottage.
- Noted that the Council refused the Earlier Application - No. 20/02491/OUT and do not consider the planning permission can be recommended for approval on a larger (albeit single) dwelling house on the same site. Indeed, a four bedroomed house with a double garden even fails to meet criterion of affordable housing.
- Concern that the proposed development will require the removal of nearly half (13) of the current stock of trees.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact on the character of the village and countryside and natural environment; (v) residential amenity; (vi) highway safety and (vii) flood risk and drainage.

Principle of Development

- 5.2 Policy CP4 of the Local Development Framework restricts development located in the open countryside. However, following the publication of the National Planning Policy Framework (NPPF), the Council adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Raskelf within the sub-category of "Service Villages". The IPG states "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:
- i. Development should support local services including villages nearby;
 - ii. Development must be small scale, reflecting the existing built form of the settlement;
 - iii. Development must not have a detrimental impact upon the natural, built and historic environment;
 - iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
 - v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
 - vi. Development must conform with all other relevant LDF policies.
- 5.3 The principle issue to be determined relates to criterion i), which only allows new development outside Development Limits if it supports local services and as such contribute to sustainable development. Raskelf is a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Raskelf is allocated as a secondary village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

Housing Size, Type and Tenure

- 5.4 With regard to the scale of the development, the proposal for one dwelling is considered to be appropriate to satisfy the requirements of the IPG. The application submission is for layout, access and scale but also notes that the proposal would provide a 4 bedroom dwelling. Given the proposal is for a single dwelling there it is not possible to provide a mix of housing on the site. The number of bedrooms (four maximum) should be conditioned and therefore would satisfy Criterion 2 of the IPG, Policy HG2 of the emerging Local Plan also supports this approach.

Character of the Village, Impact on Countryside and impact on natural environment

- 5.5 With regard to criterion 2 of the IPG, development must reflect the existing built form and character of the village. The aim of the IPG is to allow organic growth which reflects the historic development of the village.
- 5.6 The application site is surrounded by existing development on three sides to the northeast, south through to southwest and therefore it is well related to the existing built form. The site layout illustrates that the proposed development would not extend across all of the rear paddock and would not extend any further beyond the extent of existing built form within the immediate vicinity. It is noted that a similar

application (19/02357/FUL) to the south of the application was recently approved based on this approach. Furthermore, it is considered the provision of a single dwelling, with a smaller detached garage arrangement overcomes the previous reason for refusal relating to over-development of the site.

- 5.7 It is noted that in views south towards the application from the public footpath that views towards the application site are possible. However, in these views the proposed development would be read with retained trees in the foreground and against a backdrop of existing development and tree coverage within the village.
- 5.8 With regard to criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. The NPPF 2021 in new text at paragraph 131 refers to the value of trees including: taking opportunities to incorporate trees in developments, to secure long-term retention of trees and “that existing trees are retained wherever possible”. Careful consideration therefore needs to be given to the acceptability of removals of trees to make way for new development. The applicant has provided arboricultural information to clarify the number of trees to be removed and their quality. This confirms the site has thirty trees, four of which are considered to Category A (the best trees), whilst the rest of the trees are considered to the Category B and C (less valuable trees) with one tree a Category U (trees that should be removed). The proposal involves the removal of 13 trees within the central area. All Category A trees are to be retained. Two of the trees are Category B, ten are Category C and one is Category U. These trees are generally low in scale/prominence fruit or ornamental trees that are not prominent in views from the street at North End. The proposed layout has taken into account the potential root protection areas of the trees proposed to be retained. The approach to retain the trees around the perimeter of the site that can be seen in glimpsed views from North End is welcomed. This is a matter that can be controlled via a suitably worded condition and landscape proposals through a reserved matters submission.
- 5.9 On the basis of the above it is considered that the proposal would satisfy criterion 2 and 3 of the IPG and would satisfy policies DP32 and DP33 of the LDF. With regard to the emerging Local Plan the proposal is considered to satisfy the relevant parts of Policies S1, HG5 and E1.
- 5.10 Criterion 4 of the IPG notes development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. As noted in paragraph 5.7 above the development of the site would retain part of the long paddock to the rear of the Hollies and this would enable the character of the setting to be retained. Given the location of the application site the development for one dwelling would not lead to the coalescence of settlements. On this basis the proposal is considered to satisfy criterion 4 of the IPG and LDF policies DP30 and DP32. In terms of the emerging Local Plan the proposed development would satisfy Policies HG5, E1, E3 and E7.

Residential Amenity

- 5.11 The proposed site layout indicates that the primary elevations would be orientated east/west. Whilst the appearance is not a matter subject to this application and thus no elevations have been provided it is considered that the site layout indicates that the primary elevations (front and rear) would face roughly north/south and thus any secondary elevations would face the adjacent garden areas. Given the separation distances from the properties to the east (including Holly Tree Cottage) the proposal is not considered to raise any overlooking concerns in this regard.

Whilst the specific design of the elevations is not a matter subject to the application, any issues relating to amenity can be addressed in the reserved matters submission should this outline application be approved. On the basis of the above, it is considered that the proposals do not raise any amenity concerns and are in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

Highway Safety

- 5.12 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. It is noted that NYCC Highways Authority raise no concerns subject to conditions on parking and turning together with a construction management plan. Furthermore, the amended proposal provides a wider access drive and opportunities for turning within site and is therefore considered to overcome the previous reason for refusal. On this basis the proposal is considered to satisfy Criterion 5 of the IPG, through the imposition of suitably worded conditions relating to highway safety. The application would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 and CI 2.

Flood Risk and Drainage

- 5.13 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site layout drawing notes a foul sewer crossing the site and following concerns from officers the site layout drawing has been updated to reflect the line of the sewer based on further assessment and the buildings have been shifted further away from the line of sewer and the indicative plan shows the required 3m easement. A concerned neighbour suggests the sewer is not shown in the correct position on the current drawings. The agent has provided further clarification on the position of the sewer and the separation distance of the proposed building from the sewer position. Yorkshire Water do not oppose the proposals. The developer will need to satisfy the requirements of the Building Regulations in order to develop the site. Should the location of the sewer not be plotted correctly this will be require a sewer diversion in accordance with the Building Regulations and this raises no planning concerns. The agent has confirmed that surface water will be disposed via soakaway. The proposal does not raise any flood risk or drainage concerns, subject to the imposition of conditions recommended by Yorkshire Water. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

Other Matters

- 5.14 An observation notes the lack of affordable housing but the proposal for a single dwelling does not trigger affordable housing provision.

Planning Balance

- 5.15 The site is considered to be in a sustainable location and would satisfy the requirements of the Interim Policy Guidance. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of the principle of development, access, design, amenity, highways and

drainage and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

6.1 Subject to any outstanding consultations that the application 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) appearance (b) landscaping.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the proposed site layout drawing HT3B dated December 2021 received by Hambleton District Council on 24.12.2021 and the section drawing 24.12.2021 unless otherwise approved in writing by the Local Planning Authority.

4. No part of the development must be brought into use until the vehicle access, parking 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.

5. 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:

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

7. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels

shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

9. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

10. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

11. 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 in writing by the Local Planning Authority. 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.

12. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

13. The development shall not be commenced until the protective fencing around the existing trees and hedgerows has been erected in accordance with details approved by the Local Planning Authority. Erection of protective fencing is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

14. This decision grants permission for no more than 1 four-bedroom dwelling.

15. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

16. The development shall not be commenced until protective fencing has been erected in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. No existing trees shall be topped, lopped, felled or uprooted, materials stored, machines or huts stationed or temporary site roads and accesses constructed other than in complete accordance with the plan approved by the Local Planning Authority under condition 12 above.

Erection of protective fencing is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

Reasons:-

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. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.

4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

5. In the interest of public safety and amenity

6. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network

7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.

8. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the root protection area of adjacent trees, stand-off distances from the adjacent Yorkshire Water sewer, the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32.

9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks.

10. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks.
11. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with the Development Plan Policy(ies) CP17, DP32 and DP33.
12. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
13. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32
14. To ensure the development accords with the requirements of Local Development Framework Policy DP13.
15. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
16. To safeguard the visual amenity of neighbourhood by ensuring the retention of existing trees in accordance with Local Development Framework Policy DP33 and maintaining biodiversity.