

Parish: Carlton Miniott

Committee date: 7 April 2022

Ward: Thirsk
13

Officer dealing: Mr A Cotton
Target date: 17 March 2022

22/00129/OUT

**Application for outline planning permission with some matters reserved (considering access) for the construction of 4 dwellings
At: Land north of Carlton Road, Carlton Miniott
For: Richard Roberts Ltd**

This application is referred to Planning Committee due to a member call in

1.0 Site, context and proposal

- 1.1 The application site comprises 0.34 hectares of agricultural land to the northern side of Carlton Road. The site lies beyond the settlement limits of Carlton Miniott.
- 1.2 This proposal seeks outline planning permission for the construction of four dwellings considering access only with all other matters reserved for future consideration should outline permission be granted.
- 1.3 Access to the site would be taken from Carlton Road through the creation of one new access point.

2.0 Relevant planning and enforcement history

- 2.1 None relevant

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:

- S1 – Sustainable development principles
- S2 – Strategic priorities and urban requirements
- S3 – Spatial distribution
- S5 – Development in the countryside
- HG2 - Delivering the right type of homes
- HG5 – Windfall housing development
- E1 - Design
- E2 - Amenity
- E3 - The natural environment
- IC2 – Transport and accessibility
- RM1 – Water quality, supply, and foul drainage
- RM2 – Flood risk
- RM3 – Surface water and drainage management

4.0 Consultations

4.1 Parish Council – Objection raising the following concerns:

- Loss of gap between the two ends of the village; and
- Highways safety concerns.

4.2 Environmental Health (amenity) – No objection.

4.3 Environmental Health (land contamination) – No objections subject to conditions.

4.4 Highways -No objection subject to conditions

4.5 Ministry of Defence – No safeguarding objection

4.6 Street naming and numbering – An application is not required until reserved matters stage.

4.7 Public comments – One neutral observation received raising the following points:

- Concern over highways safety due to location of access;
- Concern over flooding;
- Concern with sewage capacity;
- Hedge should be allowed to increase in height to hide the development;
- Footpath to the south side of the road is just a grass verge;
- How will people access the landscape buffer area; and
- Consider reorienting the detached garage.

5.0 Analysis

5.1 The main issues for consideration in this case relate to (i) the principle of development; (ii) character, appearance and design; (iii) residential amenity; (v) highway safety; (vi) flood risk and drainage; and (vii) ecology.

Principle of development

5.2 The application site lies outside of the Development Limit boundary of Carlton Miniott which is identified as a Service Village under policy S3. As Carlton Miniott is defined as a Service Village this means it is a sustainable place for new development. The settlement boundary rounds further east on the southern side of Carlton Road which includes properties Tree Tops and Manzini. Policy HG5

provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria a-e are met. Criteria a-e are set out below:

a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and

b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

c. represent incremental growth of the village that is commensurate to its size, scale, role and function;

d. not result in the loss of open space that is important to the historic form and layout of the village; and

e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

5.3 The applicant carried out a site search considering previously developed land which is commensurate with the size of the development within the settlement boundary of Carlton Miniott. No suitable or visible sites were able to be identified. The applicant has satisfied criteria a.

5.4 With regard to criteria b there is scope within the confines of the site to achieve an appropriate mix of dwellings at the appropriate reserved matters stage. A condition can be used to secure this.

5.5 When considering the site both individually and cumulatively with surrounding approvals, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement which would not result in the loss of open space that is important to the historic form and layout of the village and is not considered to have a detrimental impact on the character and appearance of the village, surrounding area. As such the proposal is considered to accord with criteria c-e of Local Plan policy HG5, although it should be noted criterion e is discussed in more detail below.

5.6 Therefore it is considered that the principle of a new dwelling within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

Character, appearance and design

5.7 Criterion e of Policy HG5 considers impact to the character and appearance of both built form of the settlement but also to the open countryside.

5.8 The development comprises the construction of 4 dwellings which would be considered small in scale. The site is adjacent to the Development Limits of Carlton

Miniott with the settlement boundary running further east on the southern side of Carlton Road which comprises large detached residential dwellings. It would not therefore appear independent of the village. It is considered that the proposal responds well to the form and character of the village being predominantly linear in form and as such the proposal would meet the requirements of criterion e of HG5 and would accord with the aims of sustainable development.

- 5.9 The site is an agricultural field, which has some relationship to the built form of the village, given the development to the west and to the southern side of Carlton Road. It is considered that the proposal would not be detrimental to the natural environment. The indicative plans show the site can accommodate up to 4no. dwellings with suitable amounts of private residential amenity space and parking sympathetic to the existing character of the settlement. While these matters will be assessed fully at the appropriate reserved matters stage it is considered that the indicative plan demonstrates the proposed development can be developed in accordance with policy E1 and HG5 criterion e. It is however important to note that the location of the landscape buffer and location of the detached garage as shown on the indicative site plan are not considered to be acceptable. The landscape buffer would be more appropriate at the eastern end of the site to provide a buffer between the open countryside beyond on the built form. The detached garage shown on the indicative plan serving house A should not be forward of the main building line.
- 5.10 There is no evidence that the proposal cannot be accommodated within existing infrastructure.
- 5.11 The submitted indicative details shows the site is capable of accommodating dwellings which reflects the plot size to dwelling ratio found within the local settings. As such, subject to detailed consideration at the appropriate reserved matters stage, it is considered that this scheme is able to comply with policy E1.
- 5.12 Overall, the proposal is acceptable in the terms of the impact upon the character of the area and open countryside.

Residential amenity

- 5.13 The application is for residential development of 4 dwellings with all matters reserved. Scale is therefore not considered at this stage. However, the indicative layout provided, shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties. These matters would be fully tested through Reserved Matters submissions.

Highway safety

- 5.14 The Highway Authority has not raised any concerns. A number of conditions are recommended in relation to, closing of a redundant access, details of access, turning and parking and construction management.

Flood risk and drainage

- 5.15 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding. Surface water flooding has been raised through objections as a concern. The site would be drained through connection with the nearby public sewer with surface water drained into the drainage ditch to the north of the site in accordance with the SUDS hierarchy. Drainage detail would be assessed at the appropriate reserved matters stage, once detailed designs are known.

Ecology

- 5.16 A preliminary Ecological Appraisal (PEA) has been submitted in support of the proposal. The PEA considers the site is of low ecological value and that the development of the site is not considered to have a detrimental impact upon local flora and fauna. The PEA concludes that there will not be a significant impact to protected species or habitats as a result of the proposed works. A number of mitigation and enhancement measures are recommended. It is considered that the landscape buffer identified on the indicative plans demonstrates that the site is capable of allowing for suitable biodiversity enhancement of the site to achieve biodiversity net gain in accordance with Local Plan Policy E3. Specific details of biodiversity net gain, mitigation and enhancement measures will be secured through an appropriately worded condition.

Planning Balance

- 5.17 Due to its size and location the site is capable of accommodating the proposed dwellings without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies.

6.0 Recommendation

6.1 That the application be **Granted** subject to the following condition(s):

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale (including the number) of buildings overall.
3. The permission hereby approved shall be for the construction of no more than 4 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.
4. 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.

5. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

-The access must be formed as a dropped kerb crossing of the footway and verge and be constructed in accordance with Standard Detail number E50.

- Any gates or barriers must not be able to swing over the existing highway.

- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

6. The development must not be brought into use until the existing access on the site's frontage has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

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 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. 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' 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.

9. There must be no access or egress by any vehicles between the highway and the application site at until visibility splays as shown on drawing AMA/21265/SK/003 are provided. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

10. 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.

11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan ref: 001 received by the Local Planning Authority on 20 January 2022 and proposed site access and visibility splays ref AMA/21265/SK/003 notwithstanding the indicative details shown received by the Local Planning Authority on 20 January 2022 unless otherwise approved in writing by the Local Planning Authority.

12. Except where affected by access arrangements, no part of the existing boundary hedges of the site shall be uprooted or removed.

13. Prior to any above ground development on the site a biodiversity enhancement and management plan shall be submitted to and approved in writing by the Local Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain.

14. Notwithstanding the details shown on the indicative plans, the buffer zone shall be located to the eastern end of the site.

15. All units shall meet the minimum requirements set out in the Nationally Described Space Standards (NDSS).

Reasons:

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, prior to the commencement of development.
3. 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 HG5 and the Size, Type and Tenure SPD

4. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
5. 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.
6. In the interests of highway safety and the amenity of the area.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In the interest of public safety and amenity.
9. In the interests of highway safety.
10. 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.
11. 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 Local Plan.
12. The hedges are of important local amenity value and protection of the trees is appropriate in accordance with Local Plan policy E7.
13. To provide adequate safeguards for the protection of any protected species or habitats existing on the site and secure biodiversity net gain in accordance with policy E3 of the Hambleton Local Plan.
14. To provide adequate safeguards for the protection of any protected species or habitats existing on the site and to protect the character of the settlement and open countryside in accordance with policy E7 of the Hambleton Local Plan.
15. In accordance with policy HG2 of the Hambleton Local Plan.