

Parish: South Kilvington
Ward: Bagby & Thorntons
8

Committee date: 12 May 2022
Officer dealing: Naomi Waddington
Target date: 12 May 2022
Extension of time:

22/00686/REM

Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 18/00952/OUT following outline planning approval with details of access (all other matters reserved) for five detached dwellings with associated infrastructure, a car park and a Primary School sports field. (The car park and playing field referred to in the outline approval have been approved under application 19/00833/FUL)

At: Land to the north of South Kilvington Church Of England VC Primary School, Stockton Road, South Kilvington

For: Mr Andrew Swales

This application is referred to Planning Committee to ensure a consistent approach to assessment of the proposals at this site.

1.0 Site, context and proposal

- 1.1 The site is located at the northern end of South Kilvington on the west side of the main road through the village (A61). The site is currently laid to grass, and formerly was the playing field area for South Kilvington Primary School. It is enclosed by a mix of post and rail fencing, hedging and mature trees. The site is currently accessed on the eastern side via a gate.
- 1.2 The site is bounded to the north by Thornborough Grange Park, a holiday lodge park; to the east is the A61 highway with arable land opposite. The access lane to a private dwelling (Innisfree) is located immediately to the south beyond which is the primary school. To the west is the recently provided replacement school playing field to compensate for that lost to the application site.
- 1.3 The current application is a reserved matters application for 5 houses considering appearance, landscaping, layout and scale. A recent full application was refused planning permission at the March 2022 Planning Committee. An earlier reserved matters application was granted planning permission in April 2021. Permission has now been granted for construction of a car park for the school and a new playing field, which was also included on the original outline.
- 1.4 The site is accessed from a single point from Stockton Road, which will be adopted. The remaining accesses within the site will form a private road/driveway. Dwellings comprise a variety of bungalows and dwellings and of various sizes ranging from 2 to 5 beds. All dwellings have adequate in-curtilage parking/garages, garden and amenity space and level access. All meet the Nationally Described Space Standards. The application is submitted with a Design and access statement, percolation test report, and ecological impact assessment.

2.0 Relevant planning and enforcement history

- 2.1 18/00952/OUT - Proposed development of land to create 5 detached dwellings with associated infrastructure, a car park and a Primary School sports field. Granted 3rd April 2019. This scheme relocated the Primary school sports field and proposed a new car park for the adjacent Primary School.
- 2.2 The officer report for the 2018 application indicates there would be a mix of dwellings including a two-bedroom bungalow, three-bedroom bungalow and four-bedroom detached houses, and indicative details showed three bungalows and two dwellings. The school raised an objection to the proposal, objecting to the loss of the playing field commenting it is well established, level, with acceptable ground and adequate drainage. They also commented the provision of the car park is welcome, however the school is not in a financial position to provide or maintain it, and it would not alleviate the traffic issues which arise on the public highway during school drop off and pick up times. Following receipt of revised plans, the school confirmed they were satisfied the concerns had been addressed however wished to keep their original response to the application in place. The officer report states: 'The proposed new car park would provide parking for the school, a facility it does not currently have, and it is acknowledged this is a benefit of the scheme however it is not considered this would greatly improve the traffic and parking concerns at school drop off and pick up times, the car park would be beneficial to school staff in the first instance'. The application was recommended for refusal as the proposal is contrary to CP4 of the Hambleton Local Development Framework, does not meet any of the exceptional circumstances for development outside Development Limits, and would cause significant harm contrary to the Hambleton Local Development Framework Policies CP1, CP4, CP16, DP9, DP30 and DP32 and the Council's Interim Policy Guidance (IPG). Members approved the application subject to conditions requiring the playing field, pitches and car park to be completed and made available for use before the development commences to construct houses on the existing playing field and requiring the size and type of dwellings forming the proposed development shall comply with Development Policy DP13 and the Council's Supplementary Planning Guidance on Housing Size, Type and Tenure, in terms of providing the right mix of housing in the locality.
- 2.3 19/00833/FUL - Proposed change of use of land to create a car park and a Primary School sports field Granted 24th May 2019. The report states 'Consent has previously been sought for this work as part of an outline application that also included the construction of 5 dwellings. In order to allow the development of the car park and playing field as soon as possible and to facilitate this the separate application has been submitted'. The approval includes a condition requiring the playing field and pitches to be available for use before development commences on the existing playing field.
- 2.4 20/02297/REM Reserved matters application associated with 18/00952/OUT- Approval of appearance, landscaping, layout and scale for the construction of 5 dwellings with garages, gardens and associated infrastructure. Granted 21 April 2021. The approved scheme granted consent for 1 x 2 bed roomed

dwelling, 2 x 3 bedroomed dwellings, 1 x 4 and 1 x 5 bedroom dwellings, ranging in size from 78m² to 213m². The approved mix provided 60% 2 and 3 bedroomed homes including a 2 bedroomed bungalow and a 3 bedroomed dormer bungalow with ground floor bedroom, thus meeting the requirements of the Development Policy DP13 and the Councils Supplementary Planning Guidance on Housing Size, Type and Tenure. The approved layout reflects the indicative layout which was considered in the outline application and the access to and within the site and shows the five dwellings in a linear form. The final layout accommodates an easement which crosses the site.

2.5 21/02898/FUL Construction of five houses with garages and access drive. REFUSED 15.03.2022 for the following reasons

1. The proposed housing mix fails to comply with the requirements of Hambleton Local Plan policies HG2 and HG5, and the adopted Size, Type and Tenure of new homes Supplementary Planning Document (September 2015). The proposal does not provide two and three bedroom homes as required by the policies, nor does it make provision for bungalows as required by the SPD. The scheme significantly overprovides on the number of four plus bedroom houses. The results of the financial viability appraisal submitted does not outweigh the harm caused by not providing the right mix of houses to meet the needs of the districts' households.
2. The proposal fails to provide affordable housing and has not been the subject of appropriate viability assessment and a land price that reflects the Local Plan policy objectives and is therefore contrary to the Local Plan policy HG3.
3. The development would have a detrimental impact on the character and appearance of the village of South Kilvington contrary to Local Plan policies HG5 and E7.
4. In the absence of details to the prove to the contrary the development will result in harm to the landscape setting of the settlement due to works to trees on the site frontage and in particular will result in harm to the aesthetic value of the lime and sycamore trees in proximity to the plot 5 dwelling contrary to Local Plan policy E4 and E7 that requires the protection of green infrastructure and existing trees specifically.
5. The proposed development has not demonstrated the delivery of a net gain for biodiversity and therefore fails to meet the Local Plan policy requirements set in Policy E3.
6. Insufficient information has been submitted to assess the impacts of the proposal on the risk to the water supply infrastructure which crosses the site. The proposal is therefore contrary to the provisions of policy RM1 which requires there to be no adverse impact on, or unacceptable risk to, the quantity or quality of water resources.

3.0 Relevant planning policies

3.1 The relevant policies are:

Local Plan Policy S1 - Sustainable Development Principles
Local Plan Policy S3 - Spatial Distribution
Local Plan Policy S5 - Development in the Countryside
Local Plan Policy HG2 - Delivering the Right Type of Homes
Local Plan Policy HG3 – Affordable Housing Requirements
Local Plan Policy HG5 - Windfall Housing Development
Local Plan Policy E1 - Design
Local Plan Policy E2 - Amenity
Local Plan Policy E3 - The Natural Environment
Local Plan Policy E7 - Hambleton's Landscapes
Local Plan Policy CI1 – Infrastructure Delivery
Local Plan Policy CI2 - Transport and Accessibility
Local Plan Policy RM1 - Water Quality and Supply
Local Plan Policy RM2 - Flood Risk
Local Plan Policy RM3 - Surface Water and Drainage Management
Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 South Kilvington Parish Council – No response received (expired 15.04.2022):-
- 4.2 Highway Authority – No objections. Conditions recommended in relation to the verge crossing, provision of the new access turning and parking and submission of a construction phase management plan
- 4.3 Yorkshire Water – No objection. Comments made in relation to a 300mm Ductile Iron pumping main crossing the boundary and a 3" upvc main running along the footpath/verge. A protection of Apparatus' document has been attached to the main consultation form for the attention of the developer.
- 4.4 Environmental Health - Recommend conditions in relation to construction hours and noise and dust control
- 4.5 Environmental Health (Contaminated Land)- No objections
- 4.6 Natural England – No response received (expired 15.04.2022)
- 4.7 Sport England - No response received (expired 15.04.2022)
- 4.8 Council for British Archaeology - No response received (expired 15.04.2022)
- 4.9 Ministry of Defence – No response received (expired 15.04.2022):
- 4.10 Yorkshire Wildlife Trust - – No response received (expired 05.01.22)
- 4.11 Environment Agency No response received (expired 15.04.2022)
- 4.12 Site notice posted and expired 26.04.2022

4.13 Public comments – site notice displayed and neighbours consulted. No comments received

5.0 Analysis

5.1 The principle of development on this site has already been established by the extant outline planning approval. This is a reserved matters application considering appearance, layout, scale and landscaping. The earlier reserved matters approval can no longer be implemented due to the presence of a water main crossing the site towards the northern boundary, hence this revised submission. This further reserved matters application must be considered in the light of the policies of the Local Plan whilst giving weight to the outline planning permission.

5.2 The main issues to consider are: i) The siting, design and external appearance; ii) Layout; iii) Scale; iv) Landscape; v) Highway matters, vi) Ecology and Bio-diversity; vii) Flood Risk and Drainage; viii) Land Contamination; ix) Residential amenity x) Heritage Assets and xi) Provision of playing field.

i) The siting, design and external appearance

5.3 Policy E1 of the Hambleton Local Plan concerns the design of development. It sets out a list of design principles that development must meet, including responding positively to site context, making efficient use of land, and achieving a satisfactory relationship with surrounding uses. In addition to policy S5 requiring development in the open countryside to recognise and protect the intrinsic beauty and character of the countryside, policy E7 also requires proposals to, amongst other things, take into consideration the degree of openness and special characteristics of Hambleton's landscapes.

5.4 The proposed dwellings are sited in a less linear form than considered at outline and earlier reserved matters stages. Plots 1-4 are staggered, each set back slightly further than its neighbour. Plot 5 extends forward of the others and is closer to the site frontage than the earlier approved scheme, however within the village are several dwellings positioned close to the highway and this is not out of character. The dwellings are accessed from a single access point from Stockton Road within the centre of the site and the dwellings are sited behind a private drive which runs parallel with Stockton Road.

5.5 As South Kilvington has a varied character in terms of types of dwellings, ages and materials the proposed dwellings would not be at odds with the local vernacular or cause harm to the visual amenity of the area. The proposed dwellings have uncomplicated characteristic and proportions, with simple detailing. Their form and massing are appropriate within this individual enclave of dwellings. Overall, the appearance of the buildings when assessed in isolation is not unacceptable.

5.6 The external materials are not specified in this application and are not required by a condition on the outline application. Should the current application be approved a condition is recommended to require the submission of samples of the materials.

5.7 The proposal is considered to accord with local plan policies E1 and S5 which seek to ensure proposals take into account (amongst other principles) local character and setting in their design.

ii) Layout

5.8 The layout broadly reflects the indicative layout which was considered in the outline application and the access to and within the site. The final layout has had to accommodate an easement and water main which crosses the site.

5.9 The proposed development therefore fulfils the aims of the Council's policies particularly in respect of the relationship with the built form of the area

iii) Scale

5.10 The scale in terms of dwelling numbers (5) remains unchanged from the outline application and is considered acceptable.

5.11 Condition 18 of the outline requires the size of each dwelling in the reserved matters submission to reflect the mix and size requirements as expressed in the Size, Type and Tenure SPD.

5.12 The scheme proposes 1 x 2 bed bungalow and 2 x 3 bed houses which accounts for 60% of the development, thus incorporating an appropriate mix of smaller homes. 60% is referenced as the target within the SPD. The remaining properties are dwellings comprising a 4 and 5 bed dwelling. The proposed dwellings exceed the Nationally described Space Standards.

5.13 In this location the proposed mix is considered to contribute towards the creation of a sustainable and inclusive community and is considered acceptable in terms of policy HG2

iv) Landscape

5.14 The western and southern boundary of the housing site are proposed to be planted with hedges shown as Hawthorne, Field Maple, Spindleberry, Blackthorn and Dog Rose hedging. These will be planted as a staggered double row with plants set 200mm apart. Lawns to the front and rear are to be simply turfed. Front gardens are to be open, with 1.8m high fences to divide the rear gardens. The prominent trees on the site frontage are to be retained.

5.15 Since the consideration of the earlier reserved matters application the row of 4 semi-mature and 1 mature sycamore and lime trees on the site frontage have been protected by a Tree Preservation Order. An arboricultural impact assessment has been requested to assess the impact of the new access and two turning spurs along with the roads and dwellings within the site, upon the protected trees. The findings of the survey will be reported at the meeting.

5.16 The simple landscaping approach is considered appropriate for the site context. A condition will be attached to ensure the implementation of this scheme. Subject to the findings of the arboricultural impact assessment the proposal would comply with policies E4 and E7 which amongst other

considerations primarily seeks to ensure that landscape proposals complement and enhances development alongside retaining existing features. If the survey finds harm to the protected trees due to the roadways amended layout or construction techniques may be required to overcome the harm.

v) Highway matters

5.17 Policy IC2 of the Hambleton Local Plan relates to transport and accessibility and states that Hambleton District Council will work with other authorities to secure a safe and efficient transport system. The access to the site is the same location as previously approved. The road layout within the site differs from the approval to accommodate two turning spur located between trees. The local Highway Authority has been consulted and recommend conditions. The access and parking arrangement is considered to comply with policy IC2.

vi) Ecology and biodiversity

5.18 Local Plan policy E3 requires all development proposals to demonstrate a delivery of new gain for biodiversity. The application is submitted with Ecological Impact Assessment dated March 2020. This document recommends protection of boundary hedges, clearance of vegetation and hedgerow removal being scheduled to avoid the bird breeding season, and low lighting scheme is to reduce the impact on commuting and foraging bats. Recommended ecological enhancement measures include the provision of bat and bird boxes and gapping up of hedgerows with native species. A condition was attached to the outline permission to ensure that the development be carried out in accordance with the MAB Ecological Impact Assessment. In addition, a new hedge is proposed to the south and east boundaries which assists in achieving the required net gain. The ecological assessment undertaken does not set out whether a net gain for biodiversity would be achieved by the scheme. The agent has advised an update to the biodiversity report has been instructed to include the net gain aspects. The findings will be reported at the meeting

vii) Drainage and water supply

5.19 Policy RM1 requires there to be no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water or groundwater, and adequate water supply and treatment capacity in place to serve the development. Foul and surface water flows should be separated with foul water being disposed to a public sewer where available, and the design of the waste disposal system will be safe over the lifetime of the development. Policy RM3 requires proposals to address several criteria promoting sustainable water management practises. Policy RM5 relates to Ground Contamination and Groundwater Pollution and includes information relating to septic tanks, waste water treatment works, chemicals storage tanks or underground storage tanks; sustainable drainage systems with ground infiltration.

5.20 A detailed scheme for foul and surface water drainage was conditioned on the outline application. Further information has been provided to demonstrate that a drainage solution exists but does not produce a technical design.

Percolation test show infiltration is not possible, therefore surface water and foul water via a package treatment plant will discharge at greenfield rates to the nearby watercourse. There is an existing connection to the watercourse from the site. As this has primarily be considered at outline stage there is no requirement to attach further conditions and the applicants will be required to address the outline condition with a detailed drainage scheme.

5.21 The recent full application saw an objection from Yorkshire Water making reference to a water main within the site. The plans submitted with the current application show the location of the water main and culvert, and repositioning of the of the dwellings, and Yorkshire Water has no objections

viii) Land Contamination

5.22 Land contamination conditions were attached to the outline consent. These require discharging, and no further or new information has been submitted. This has therefore been considered within the outline application.

ix) Residential amenity

5.23 Policy E2 of the Hambleton Local Plan 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." This relates to issues such as air pollution, daylight provision, noise and disturbance and water pollution.

5.24 The proposed dwellings would be located at a sufficient distance from existing residential properties to ensure the impact on neighbouring amenity is acceptable. It is also considered there would be sufficient space between the dwellings and within the site for amenity space. The dwelling adjacent to the caravan park is the proposed dormer bungalow and there is good screening and separation between the homes. It was previously assessed in the outline application, and application for the playing field that the provision of the housing along with the car park and playing field are compatible land uses. Therefore the relationship between the proposed housing and those land uses are considered to be acceptable.

5.25 Policy HG2 requires all homes meet the National Described Space Standards (NDSS) The overall size of each house and the bedroom sizes meet the NDSS. The proposed development provides suitable integral storage within the dwellings, and there is space within garages of plots 1-4 to store cycles. Bin stores are capable of being stored and the rear and taken to the front of properties on collection day.

5.26 The proposal is not considered to result in harm to existing levels of privacy of residential amenity afforded to neighbours and affords an acceptable level of amenity to future occupants.

x) Heritage Assets

5.27 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhance the character and appearance of the heritage asset in assessing the proposal.

5.28 South Kilvington does not have a designated Conservation Area but it does have several Listed Buildings: Church of St Wilfred Grade II*; Grove House Grade II; Mill & Mill House Grade II; Tanfield House Grade II & The Old Rectory Grade II. There are no Listed Buildings within the site. The nearest Listed Building is Mill and Mill house located to the south-west, clearly separated by some distance including the playing pitch, school and proposed car park. The proposal is therefore not considered to harm the significance of these heritage assets and accords with policy E5.

xi) Provision of Playing Field and car park

5.29 The provision of the replacement playing field and new school car park is not reliant on the approval of this application approval has been given under a separate application to enable works to progress. The applicant will still be required to comply with the conditions in relation to the playing pitch provision attached on the outline consent at condition 5 (18/00952/OUT) and condition 6 that requires the car park to be completed and made available for use before development commences on the existing playing field.

xii) Planning Balance and Conclusion

5.30 The proposal accords with the overarching policies contained within the Hambleton Local Plan and represents sustainable development. The proposed development achieves the requirements set out in the decision granting outline approval. The scheme provides dwellings of appropriate size, scale and appearance that would not cause an unacceptable level of harm to the character and appearance of the streetscene or the surrounding countryside, the amenity of local residents or highway safety. The development would result in modest economic gains through the construction and finishing of the new dwellings and future occupation and spending of residents. The creation of a new dwellings are a social gain and there are no environmental impacts arising from this build beyond those arising from any conventional building project.

5.31 The conditions of the outline planning approval remain in force and do not need to be repeated in this decision. Only the matters of the details of the building and layout of the land are required to be controlled to ensure that the resulting development is as indicated on the plans submitted for approval and the landscape scheme is implemented.

6.0 Recommendation:

6.1 That the application is **APPROVED** subject to receipt of i) an arboricultural impact assessment to demonstrate the trees are not harmed or amendments to overcome any harm, and ii) a biodiversity report to demonstrate biodiversity net gain, and subject to the imposition of the following conditions and any further necessary conditions on matters, i and ii above:

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and documents listed below, unless otherwise approved in writing by the Local Planning Authority; Drawing numbers 1.8, 1.11, 1.19, 1.21, 1.22, 1.23, and 1.25 received by Hambleton District Council on 17 March 2022.
3. The landscape scheme shown on drawing 1.16 shall be implemented prior to the first occupation of any dwelling or in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter
4. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas have been constructed in accordance with the approved drawing reference "Proposed Site Plan" DWGNo. 1.19. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
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: i) The crossing of the highway verge must be constructed in accordance with the approved drawing reference "Proposed Site Plan" DWG No. 1.19 and Standard Detail number E50. 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 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. Additional conditions relating to tree protection and biodiversity net gain may be required

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 Hambleton Development Plan Policies E1 and E2
3. To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, and in accordance Hambleton Development Plan Policies E4 and E7
4. 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 Development Plan Policy IC2
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 in accordance with Hambleton Development Plan Policy IC2
6. To ensure that the future health of trees within the site and biodiversity requirements of the Local Plan are met.