

Parish: Appleton Wiske
Ward: Appleton Wiske & Smeatons
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Panel Date: 7 July 2022
Officer dealing: Mr Andrew Cotton
Target Date: 8th April 2022
Extension of time: 13th May 2022

22/00331/OUT

Application for Outline Planning Permission with some matters reserved (considering access) for the construction of 4no dwellings
At: Land East of the Former Shorthorn Inn, Hornby Road, Appleton Wiske, North Yorkshire
For: Mr James Baker

This application is presented to the Planning Committee due to Member call-in.

1.0 Site, context and proposal

- 1.1 The application site comprises 0.4 hectares of agricultural land to the south side of Hornby Road. The site lies beyond the settlement limits of Appleton Wiske, which include the Shorthorn Inn site immediately to the west. To the north lies a residential dwelling and to the south and east open fields.
- 1.2 This application seeks outline planning permission for the construction of 4 dwellings considering access only with all other matters reserved.
- 1.3 Access to the site would be taken from Hornby Road through the creation of a new access point on the site frontage.

2.0 Relevant Planning History

- 2.1 None relevant on the site.
- 2.2 Development of the adjoining site is considered material to the consideration of the application.

19/01481/REM Application for the approval of reserved matters for construction of 12 dwellings with access, appearance, landscaping, layout and scale to be considered relating to planning application 16/00398/OUT - Outline planning permission for a residential development with all matters reserved. Refused 05.06.2020

16/00398/OUT Outline planning permission for a residential development with all matters reserved. Approved 22.07.2016

3.0 Relevant planning policies

- 3.1 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
Supplementary Planning Document - Size, type and tenure of new homes –
adopted September 2015
National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Objection raising the following concerns:

- Application should be refused as it is contrary to HG1;
- Section 4 the Local Plan states no allocations are required to be included in neighbourhood plans for which Appleton Wiske is designated a Neighbourhood Plan area;
- The neighbourhood plan identifies a need for an additional 10 dwellings which has now been exceeded and as such no additional housing is needed within the village; and
- The proposal represents ribbon development to which the Local Plan is opposed.

4.2 Environmental Health (amenity) – No objection subject to conditions.

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

4.4 Highways -No objection subject to conditions

4.5 Teesside International Airport – No safeguarding objection

4.6 Yorkshire Water – No objections subject to conditions.

4.7 Natural England – No comments to make.

4.8 Public comments – Two letters of objection received raising the following points:

- Concern over highways safety due to location of access;
- During development of the farm there was significant noise pollution, construction traffic and access issues due to large vehicles; and
- Local Plan for housing in the village has been exceeded.
One letter of support received raising the following points:
- Appleton Wiske has grown over the years with an increasing number of facilities which makes it a popular place to live. These facilities need support to continue.

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 built form of Appleton Wiske which is identified as a Secondary Village under policy S3. As Appleton Wiske is defined as a Secondary Village this means it is a sustainable place for new development. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria “a” to “e” are met. Criteria “a” to “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 of Appleton Wiske. No suitable available or visible sites were able to be identified. The most obvious potential site on previously developed land is the neighbouring Shorthorn Public House site. This site was granted planning permission in outline in July 2016. A reserved matters application was submitted and refused planning permission. The Outline has now expired and as such there is no extant planning permission in place. The applicant has confirmed that the neighbouring site is not currently being marketed and is not available for purchase. On this basis 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 or that of the 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.
- 5.7 Given the site is for 4 dwellings within an area designated as a rural parish it does not exceed the criteria for HG3 affordable housing and as such no affordable housing contribution is required.
- 5.8 The Parish and members of the public have raised concern with the location of these proposed dwellings within Appleton Wiske and if this would be contrary to both the Local Plan and Neighbourhood Plan. As set out above the Local plan allows for windfall development (HG5) adjacent to settlement limits. Neither policy S1 nor section 4 preclude windfall development, even in areas with a Neighbourhood plan, noting that the Appleton Wiske Neighbourhood Plan has not progressed toward adoption. Policy HG1 relates to allocated sites of which this site is not one.
- Character, appearance and design
- 5.9 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.
- 5.10 The development comprises the construction of 4 dwellings which would be considered small in scale. The site is adjacent to the development form of Appleton Wiske with the built form running further east on the southern side of Hornby Road which comprises a large detached residential dwelling, to the east of the site is the former Shorthorn Inn (now lapsed permission 16/00398/OUT granted permission for 12 units). Given the surrounding built form the development would not appear independent or separate from the village. Clearly, had there been an on-going expectation of in-depth development associated with the re-development of the public house site, this would have strengthened the argument regarding the adjacent development form. It is considered that the proposal otherwise responds well to the form and character of the village and as such the proposal would meet the requirements of criterion “e” of HG5 and would accord with the aims of sustainable development.
- 5.11 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 northern side of Hornby 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 4 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”.
- 5.12 There is no evidence that the proposal cannot be accommodated within existing infrastructure.
- 5.13 The submitted indicative details show the site is capable of accommodating dwellings which reflects the plot size to dwelling ratio found within the local area. 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.

- 5.14 Overall, the proposal is acceptable in the terms of the impact upon the character of the area and open countryside.

Residential amenity

- 5.15 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

- 5.16 The Highway Authority has not raised any concerns. A number of conditions are recommended in relation to, visibility splays, details of access, turning and parking and construction management. It is considered that the proposed development will have no significant impact on highway safety.

Flood risk and drainage

- 5.17 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding. The site would be drained through connection to the nearby public sewer. Full drainage details would be assessed at the appropriate reserved matters stage, once detailed designs are known.

Ecology

- 5.18 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 on protected species or habitats as a result of the proposed works. A number of mitigation and enhancement measures are recommended. Whilst the proposals result in the removal of the central hedgerow through the site, it is considered that the landscaping of the site, as shown 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

- 5.19 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. It is considered that there are no significant material considerations that weigh against the proposed development.

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. 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 in consultation with the statutory sewerage undertaker.
5. 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.
6. 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; and
 - Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.
7. 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. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - Provision of a footway between the site access to the C1 and the extent of the site frontage to the west (adjoining the former Short Horn public house).

- 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.

8. 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.
9. 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 in consultation with the Highway Authority.
10. 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:
 - a. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - b. The parking of contractors' site operatives and visitor's vehicles clear of the highway;
 - c. Areas for storage of plant and materials used in constructing the development clear of the highway; and
 - d. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
11. 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.

12. 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.

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 without the prior written permission of the Local Planning Authority.

14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan ref: 001 and proposed site access ref: 3274-DEN-X-XX-DR-A-1000 notwithstanding the indicative details shown received by the Local Planning Authority on 14 February 2022 unless otherwise approved in writing by the Local Planning Authority.

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 no surface water discharges take place until proper provision has been made for its disposal.
5. In the interest of satisfactory and sustainable drainage.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. In the interest of public safety and amenity.
11. 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.

12. 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.
13. In the interest of nearby residents.
14. 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.