

Parish: Hornby
Ward: Appleton Wiske & Smeatons

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Committee Date : 07 July 2022
Officer dealing : Mr Nathan Puckering
Target Date: 28 June 2022
Date of extension of time: 8th July 2022

22/01074/REM

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

At: Land South West Of Smeaton East Farm Great Smeaton North Yorkshire
For: Mr Glenn McGill

1.0 Site, context and proposal

- 1.1 The site in this instance is a parcel of land located on the south eastern edge of Great Smeaton. It measures approximately 1.25 acres in area and is presently grazing land. It is sited directly off the A167 which runs southwards towards Northallerton. The site sits at an elevated position relative to the highway and slopes from north to south. A mature hedgerow partially runs the length of the western edge of the field, with a post and rail timber fence delineating all other boundaries. Two trees, a hawthorn and a lime tree, are situated in the northernmost third of the site and are protected under TPOs.
- 1.2 In August 2021 outline permission considering access only was granted for five bungalows on the site. This application is looking to agree reserved matters pertaining to the outline permission. A site layout plan has been submitted showing the five units comprising plot 1 in the north west corner of the site and the remaining units which will sit along the eastern edge of the site. On the most part they are dormer bungalows, although plots 4 and 5 are smaller traditional bungalows. There are to be 2 x 4 bed units, 2 x 3 bed units and 1 x 2 bed unit. Three of the plots will include detached garages, whilst the remaining two will have adjoining garage space.
- 1.3 The applicant is also looking to deal with the some of the conditions on the outline permission through this reserved matters application. Consequently, a Landscape Plan, drainage details and several documents relating to highways matters have been submitted, including a Construction Management Plan. The landscaping details show that the two protected trees are to be retained and additional trees are to be planted, mainly along the western edge of the site, comprising rowan trees, field maples and hawthorns. Other than that, a new hedgerow will be planted around the site boundaries.
- 1.4 Alterations to the scheme were secured by way of a change in the housing mix to reduce the number of 4 bed units and introduce a 2-bed unit instead. This led to a re-design of some of the dwellings. Finally, the use of a temporary construction access was removed from the proposal and instead the access which will serve the development will be used throughout the build.

2.0 Relevant Planning History

- 2.1 21/01111/OUT - Outline application for residential development of 5 dwellings with some matters reserved (considering access from Northallerton Road) - Granted

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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S5: Development in the Countryside
Local Plan Policy S7: The Historic Environment
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy E5: Development Affecting Heritage Assets
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

4.0 Consultations

- 4.1 Parish Council - Object for the following reasons:
- The site management plan was unclear about the exact use of the temporary access and there were concerns with the impact on road safety.
 - The height of the dormer bungalow is essentially two storey and due to the elevated position will appear the same size as surrounding dwellings.
 - The buildings within the village have been added to over time and the uniformity within this development will be out of keeping.
 - There are concerns with the protection of the protected trees.
 - Concerns that the water table is variable and has been previously subject to unexpected changes on previous excavations throughout the area. The PC would like to raise concerns that this is taken into account and monitored carefully. Secondly, the drilling and piling work in the north western corner has the potential to cause vibration disruption and damage to the existing buildings.
- 4.2 NYCC Highways - No objections to the revised Construction Management Plan. Request a condition is replicated from the outline relating to the improvement to the footway.
- 4.3 Yorkshire Water - No objection based on the drainage scheme submitted.

- 4.4 Environmental Health (contaminated land) - I have assessed the documents submitted in support of the above development. From a contaminated land perspective, condition Condition 15 (Unexpected Contamination) remains extant until all ground work is complete and any potential for unexpected contamination on site is exhausted. However, the additional Geo-Investigative Intrusive Investigation Report is welcomed and will greatly assist the risk assessment and design processes.
From a contaminated land perspective I have no other comments/observations to the REM application at this stage and therefore, the Environmental Health Service has no objections to this application.
- 4.5 Teesside International Airport Safeguarding - No aerodrome safeguarding objection to the proposal based on the information provided.
- 4.6 Environmental Health, Yorkshire Wildlife Trust and The Safety Regulation Group were consulted and offered no comments.
- 4.8 Site Notice & Neighbour Notification - 16 letters of objection initially received siting the following concerns:
- Strong safety concerns with the use of a temporary construction access due to it be unsuitable for large delivery vehicles.
 - The proposed height of the dwellings is inappropriate and too large. This will mean the dwellings will be incongruous.
 - Concerns with the local water table and the issues that will arise from trying to install foundations as a result and the impact it could have on adjacent dwellings.
 - The protection of the hawthorn tree during construction.
 - There are protected species by way Great Crested Newts on the site and the surrounding area.
 - The housing mix is inappropriate and not in-line with the Local Plan.
 - The overall layout and height of the proposed units is unreasonable and not in-line with the outline permission.
 - There are Great Crested Newts present on the site and in the immediate surrounding area and thus the site should become a SSSI or Special Area of Conservation.

Following amended plans, a 10-day re-consult and neighbour re-notification was carried out. At the time of writing there were no additional comments received.

5.0 Observations

- 5.1 The principle of the development is not in question as it was agreed at outline stage. The main issues for consideration in this instance are i) design, ii) the impact on the setting of the Great Smeaton Conservation Area, iii) housing mix, iv) amenity, v) landscaping and the impact on the protected trees, vi) the impact on protected species and vii) highway safety.

Design

- 5.2 Policy E1 of the Local Plan concerns design of development and states "All development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help

to create a strong sense of place." The policy then goes on to list several design principles that must be followed to achieve this overarching aim. This includes matters such as development responding positively to its context and drawing inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places and; respecting and contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.

- 5.3 The proposed dwellings are on the most part fairly standard for a development such as this. Plots 4 and 5 are the 3 bed units and are relatively small. Plot 1 will be side on to the highway in the north-western corner of the site and whilst being the 2-bed unit, is larger than the aforementioned plots 4 and 5. It will have a roof ridge height of just over 7m and will be a dormer style bungalow, with a hipped roof dormer in both the front and rear roof form. Plots 2 and 3, which are to be sited on the north eastern edge of the site, are also dormer bungalows of a similar scale.
- 5.4 Overall the design of the development is considered compliant with the requirements of policy E1. It will sit alongside the 20th century bungalows to the western side of the A167 and are comparative with these dwellings. It is worth noting that whilst the variation in design throughout the site is evident, there is no prevailing design style in this part of the village and as such this is not considered to appear incongruous.
- 5.5 A number of the public representations, along with the Parish Council, raise concerns with the scale of the dwellings and how these will be viewed alongside the two storey dwellings to the north. Whilst these concerns are noted, the scale of the proposed units will allow them to sit comfortably within the landscape. Views will undoubtedly be possible as one travels north along the A167 from mid-long range, but these will be viewed against the backdrop of the rooftops of these dwellings. This is demonstrated on the plans showing finished site levels comparative to the surrounding area.
- 5.6 The Parish Council's concerns relating to the uniformity of the materials and in particular the roof tiles was taken on board and amendments were made to address this. There will now be a mix in roof tile to reflect the variation in the wider village. The bricks will be very similar in appearance to several of the bungalows to the west, as well as a number of the buildings to the north. All in all the material selection is considered acceptable.
- 5.7 A final issue that was raised on several occasions in the public representations was that of compliance with the condition on the outline permission limiting the dwellings to one and half storeys. The issue of scale has been addressed above but none of the dwellings in question are above one and half storeys and whilst the majority of the dwellings are dormer bungalows and thus slightly larger in scale, this is still not in conflict with condition 17 of the outline permission.

The Impact on the Great Smeaton Conservation Area

- 5.8 The site is located outside but in relative close proximity to the Conservation Area, which is located to the north east of the site. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Great Smeaton Conservation Area.
- 5.9 The National Planning Policy Framework at paras 199 and 200 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Any identified harm to the significance of the Conservation Area must be given great weight in the determination of the application. Identified harm can only be off-set by the public benefits of the development.
- 5.10 The settlement of Great Smeaton has evolved in a linear form from its historic core. The linear form of the village is a significant and positive aspect in relation to its make-up and its overall character and appearance.
- 5.11 The overall layout of the site is effectively reflective of the indicative layout submitted as part of the outline. This maintains the linear form of the village. As noted in the above section, the views of the village upon approach from the south will clearly be impacted by this development. However, the development will sit alongside later C20 dwellings which presently line this approach and as a result will not change the overall character of this aspect of the setting of the Conservation Area. Indeed, it is worth noting that due to the tight bend before one reaches the historic core of the village, the site feels distinctly like a different part of the village and the relationship between the site and the Conservation Area is not very strong. On the whole, the development is considered to result in no harm to the setting of the Conservation Area and thus complies with the NPPF and policy E5 of the Local Plan.

Housing Mix

- 5.12 Condition 17 of the outline permission required the final housing mix to comply with the Council's Size Type and Tenure supplementary planning guidance. Since this decision, the Council have adopted the Hambleton Local Plan. Policy HG2 of the Local Plan relates to delivering the right type of housing. It requires development to meet the housing mix targets set out in the Strategic Housing Market Assessment (SHMA). The targets in there are the same as the previous SPD, i.e. the majority of market housing should be 2 and 3 bedrooms with 40-45% the target for both.
- 5.13 Initially the housing mix would have provided three 4 bed and two 3 bed units. This would not have been in line with the targets in the SHMA. These concerns were put to the agent and an alteration was subsequently made and the final mix is as follows:
- 1 x 2 bed (20%)
 - 2 x 3 bed (40%)
 - 2 x 4 bed (40%)

5.14 This final mix reaches the target for 3 bed and whilst it is noted is still high in terms of 4 bed units, these are no longer the majority and with the inclusion of a 2-bed unit, the overall mix is considered to be acceptable for a small-scale residential development such as this.

Amenity

5.15 Policy E2 of the Local Plan concerns amenity and requires the Council to ensure that all development provides and maintains a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

5.16 Overall, the site layout does not raise any issues insofar as amenity is concerned. The siting of the dwellings relative to one another and the separation distances means that all dwellings will benefit from an adequate provision of natural light whilst also ensuring no windows will overlook other properties to a harmful extent. Furthermore, all dwellings are to be served by adequate outdoor amenity space. All in all, the proposal complies with policy E2.

Landscaping & the Impact on Protected Trees

5.17 As noted in the introductory section of this report, there are two trees subject to TPOs on the site. This was dealt with at outline stage in that the applicant agreed to their retention and condition 18 of the permission required protection measures to be installed prior to construction. To substantiate this and following the confirmation of the site layout, a Arboricultural Impact Assessment and Method Statement was submitted as part of this reserved matters application.

5.18 This concedes that works will be required within the Root Protection Zones (RPZ) of both trees but calculates this will be minimal and certainly below the 20% threshold before the health of the tree is potentially compromised. All in all, should the measures within the Method Statement be implemented in full, Officers are content that the protected trees will not be harmed by the development.

5.19 Both policies E1 and E4 of the Local Plan outline the importance of landscaping and require development to include a suitable landscaping scheme. This is a vital part of ensuring development seamlessly integrates with the locality. A Landscaping Plan has been submitted which includes the boundary hedgerow and additional trees mainly along the western edge of the site, comprising rowan trees, field maples and hawthorns. This will soften the visual appearance of the development, especially from the footway to the west. The use of the trees as a fundamental part of the landscaping also ensures consistency with a defining feature of the village, especially within the historic core.

The Impact on Protected Species

5.20 A number of the public representations submitted by immediate neighbours refer to the presence of great crested newts on and around the site, in particular a pond adjacent. Under the outline application, a Preliminary Ecological Appraisal was submitted which included a walkover of the habitat. This concluded there were no GCN on the site and the site was low risk in terms of the presence of protected species. Advice was sought from the Yorkshire Wildlife Trust on this matter and it

was concluded the issue had been adequately covered and outline planning permission was granted.

- 5.21 Nevertheless, in light of the objections to this reserved matters application on the same grounds, the LPA liaised with the applicant who asked their ecologist to revisit the site and ensure nothing had changed since the outline application. The pond adjacent to the site was dry again at the time of this latest visit and the ecologist has stated that in their professional opinion this pond is in succession. The conclusion being that the pond and the site itself offers poor potential for sheltering GCN. This all said, GCN have been identified in nearby gardens and as such remain a consideration. The conclusion is that given the nature of the field and associated ponds the potential for GCN within the field itself remains low risk and is not an impediment to the development. A list of special measures to ensure the on-going protection of GCN are now proposed and forms a recommended condition.

Highway Safety

- 5.22 The initial submission included a temporary access for construction purposes. There were concerns about resultant road safety issues and the temporary access was subsequently removed from the proposals. The proposed access was dealt with under the outline application and will run from the A167 towards the south western corner of the site. That said, several highways related conditions were included in the outline permission and the applicant has sought to deal with some of these under this reserved matters application. As a result, a Construction Management Plan was submitted, and the details therein were accepted by the Local Highways Authority. The LHA also reviewed the details of the parking and turning provision within the site and concluded these were acceptable. It is considered that the proposed development results in no significant impact on highway safety.

5.23 Planning Balance

The details submitted have been assessed in terms of their design and have been found to comply with the requirements of the Local Plan. Furthermore, surrounding issues such as the impact on amenity, ecology and highway safety have all been assessed and the development has been found to lead to no significant harm in terms of these issues. The proposed development is considered to result in no harm to heritage matters. On that basis, approval of this application is recommended.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 drawing(s) numbered 2205.P.01, 2205.P.02, 2205.P.05, LP05, SLDS-3933-V1 Rev. B and S3591-BDN-XX-XX-DR-C-0102 Rev. P1; received by Hambleton District Council on 20.06.2022,

15.06.2022, 13.04.2022 and 09.05.2022; unless otherwise approved in writing by the Local Planning Authority.

3. The drainage scheme shall be implemented fully in accordance with drawing number S3591-BDN-XX-XX-DR-C-0101 Rev P2, received by Hambleton District Council on 13.04.2022.

4. The development must not be brought into use until the crossing of the highway verge and/or footway must be constructed in accordance with the approved details contained in Drawing AMA/21023/SK003 and/or Standard Detail number E6-var and the following requirements: -Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.- That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:15.- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.

5. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

6. The following schemes of off-site highway mitigation measures must be completed as indicated below:- Provision of a footway between the on-site footpath and the existing footway to the north (outside 'The Cloisters'). Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

7. There 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.

8. The Construction Management Plan received by Hambleton District Council on the 16.06.2022 shall be implemented fully and the measures therein must remain in place for the whole construction phase.
9. The Arboricultural Method Statement received by Hambleton District Council on 13.04.2022 should be implemented fully and all development must be carried out in full accordance with the limitations recommended in said statement.
10. As per the recommendation of Naturally Wild in their statement dated 16/06/2022, the following measures should be taken in response to concerns relating to the presence of GCN on the site: - A tool box talk to be given to all construction personnel and this be formally recorded- A poster with "what to do in the event" placed in site cabin;- An ecologist to be present at the start of works to act as an ecological clerk of works (ECoW);- Naturally Wild be retained and able to attend site if required

The reasons 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 the Local Plan Policies S1 and E1.
3. To ensure compliance with policy RM3 of the Local Plan.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
5. In the interests of highway safety.
6. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
7. In the interests of highway safety.
8. In the interests of highway safety and the general amenity of the surrounding area.
9. To ensure the protection of the trees subject to Tree Protection Orders presently in situ on the site.
10. In order to ensure that all possible measures are taken to reduce the risk to protected species in the locality.