

Parish: East Cowton
Ward: Appleton Wiske & Smeatons
8

Committee date: 28 June 2018
Officer dealing: Mrs H Laws
Target date: 6 July 2018

18/00414/FUL

Construction of a dwelling
At: Land at Raby Lane, East Cowton
For: Mr Rawlins

This application is referred to Planning Committee as the application site is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies on the western side of Raby Lane, which is at the northern end of the village of East Cowton and covers an area of 0.1 hectares. The site currently forms part of an agricultural field bounded to the roadside by a mature hedge. The site lies at a higher ground level than the road and the hedge is set on a low bank.
- 1.2 The application site lies immediately adjacent to a dwelling at The Briars and opposite a row of detached dwellings, including bungalows, on the opposite side of Raby Lane. Open countryside lies to the north and west.
- 1.3 It is proposed to construct a detached two storey dwelling on the site to follow the line of frontage development along both sides of Raby Lane. The dwelling is a three bedroomed property with gabled roof form with eaves to the roadside. Two gabled offshoots lie to the rear, each with full glazing, facing the open countryside beyond. A balcony area is proposed at first floor on one of the offshoots. It is proposed to finish the front and side elevations in white render. The first floor of the rear elevation and the sides of the gabled offshoots would be finished in cedar or larch lap boarding. It is proposed to roof the dwelling in slate. A timber framed open porch on a brick plinth is proposed for the front elevation.
- 1.4 The application has been amended to reduce its scale by reducing the length of the dwelling by 1 metre.
- 1.5 The proposed finished floor level of the dwelling would be 200mm above road level.
- 1.6 There is currently no access to the site. It is proposed to remove the existing hedgerow to create an access and visibility splay. Parking would be provided at the south western side of the site adjacent to the boundary with The Briars; a new hedgerow would be planted along the line of the splay. An area of landscaping is proposed along the south western boundary with The Briars.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – comments as follows:

- The design features of the exterior of the building and its proposed size and position will impact on views towards the village when approaching from the west and on the character of this end of the village including on The Old Vicarage which is a Grade II listed building;
- There has been recognition that drainage (including foul water) within the village has reached capacity and that until further works are completed it is imprudent to construct further dwellings that will rely on existing drainage arrangements;
- there remains a risk of run off towards the access road from the west into the village and into The Stell at points where flooding already occurs;
- The application proposes fringe development beyond the limit of the existing village on that side of the road;
- Any change of use of agricultural land to permit construction of a house and garden (including of the area outlined in blue on the application) ought to be rejected;
- Use of the access to the rear of the premises from the westerly road into the village (i.e. across the area outlined in blue) should be restricted and lies outside the village boundary;
- Vehicular access and egress to/from the premises via the northerly road into the village is of concern, as would be parking outside the premises on that road. The two parking spaces proposed seem inadequate for the size of the building and there is a potential need to ensure vehicles can turn as well as park without intruding on the entrance road into the village;
- There is no footpath leading to the premises along the highway; and
- Previous development on this site was considered with reference to the pending local plan (as well as previously) and was rejected as a preferred site for development. The paper concluded that “Development on this site would impact on the setting of the Grade II Listed Building. The site would be prominent in significant views towards the settlement. Built development on this site would have a negative impact on character and form of this part of the village.

4.2 Highway Authority – No objection subject to conditions.

4.3 Yorkshire Water – No comments.

4.4 Public comments – A total of seven objections has been received from local residents, which are summarised as follows:

- The site has not been accepted as a preferred option for development in the emerging Local Plan;
- This hedgerow is certainly over thirty years old and indeed is considerably older, which would place it in the category of protected and important in a historic

sense (the Enclosure Acts). The removal of any hedgerow to which the Hedgerow Regulations apply is prohibited unless the owner of the hedgerow has first given notice of the proposal to remove the hedgerow ('hedgerow removal notice');

- The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 confer protection of habitats commonly found in hedgerows and used by nesting birds, bats and other protected species such as owls;
- I fear allowing this development would open the flood gates for future developments outside the village boundary's which would not be acceptable;
- The site measures 0.95 Ha, including the area outlined in blue on the location plan. This area borders the Grade II building and the proposals make no assurance as to future plans to manage this land and the impact on the setting of the listed building;
- Raby Lane is a sunken lane, eroded by carts over a very long period indicated by the hedge on top of the bank on the site being about 3 feet above the road level. This alone makes the site of significant historical interest to warrant its preservation and should not be built upon;
- The ash and the sycamore trees should be protected by a Tree Preservation Order and provide bat roosts
- Development on this site would have a negative impact on the character and form of this part of the village since the site would be prominent in significant views when approaching the settlement from the west;
- Visibility from the site would be restricted and vehicles are often at speed by the time the site is reached. This could lead to significant danger;
- East Cowton has four access roads, each with farmland on both sides. Allowing this application, outside the development limit, could signal ribbon development and should be opposed;
- There is planning permission in place for approximately 45 dwellings within the village plan and there is no reason to set a precedent by deviating from this; and
- The site is outside the village boundary and our sewage plant is already at a dangerous level. Therefore, no extension to the village should be considered at the present time.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location outside Development Limits; (ii) the impact on the character and appearance of the rural landscape; (iii) heritage assets; (iv) neighbour amenity; (v) drainage; and (vi) highway safety.

Principle

- 5.2 The site falls outside and immediately adjacent to the Development Limits of East Cowton, which is defined in Policy CP4 of the Core Strategy as a Service Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. However, it is also necessary to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the 2014 settlement hierarchy contained within the IPG, East Cowton is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within walking distance of the centre of the village which has facilities including a school, shop and pub. Criterion 1 would be satisfied and the principle of development would be acceptable.

Impact on character of village and surrounding countryside

- 5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The scheme is for a single dwelling, which is a small scale development within the village of East Cowton.
- 5.7 The proposed dwelling would be on undeveloped agricultural land that lies adjacent to the existing dwelling at The Briars on the northern side of Raby Lane. Existing dwellings lie opposite the site. The following detailed advice within the IPG is considered to be relevant:
- "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this."
- "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."
- 5.8 The proposed development would extend the built part of East Cowton further along the western side of Raby Lane. The application site is undeveloped and clearly forms part of the countryside rather than the built form of the village. There is currently no form of boundary treatment between The Briars and the application site but there is clearly a change in appearance between domestic garden and agricultural land and due to the position of the site immediately adjacent to the village

and opposite existing dwellings on Raby Lane, it has a close relationship to the built form of the village. The eastern side of Raby Lane extends much further to the north than the western side of the road but that does not necessarily mean that it would be appropriate to develop the entire frontage along the southern side of the road.

- 5.9 The application site, when viewed from the approach to the village from the north, would be viewed against the backdrop of the existing village, which would help to reduce the prominence of the site.
- 5.10 The requirements for a Hedgerow Notification are superseded by a planning application. The existing hedgerow contributes to the rural approach into the village from the north. The hedgerow is not considered to be of such visual or nature importance that its loss would adversely affect the character of the village or local ecology. The proposed scheme includes a replacement hedge, which would be of appropriately native species that would in due course contribute in the same way. The existing trees within the boundary hedge would need to be removed to allow for visibility; although of some visual merit it is not considered that they are worthy of a preservation order. A significant amount of replacement landscaping is proposed with the scheme, which although would take some time to become established, would provide a soft boundary to the village in due course. Any removal of such features must comply with the relevant legislation which affords legal protection to certain species.

Design

- 5.11 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.12 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.13 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.14 The front of the dwelling and general form has been designed to reflect the local farmhouse vernacular. It is suggested that as the proposed scheme is for a dwelling with a traditional appearance using mostly traditional building materials, the proposed development would have a positive impact on the character of the village. The proposed dwelling is relatively large in scale but is well-proportioned and in keeping with the scale and plot size of existing dwellings within this part of the village, particularly Old Farm and Rowan House on the opposite side of the road. Features such as the gabled porch, which reflect existing dwellings in East Cowton, have been incorporated into the scheme. It is considered that the resultant dwelling would not detract from the character and appearance of the village or the surrounding rural landscape and is reflective of the scale and design of the larger dwellings that lie on the edge of the village. The proposal is in accordance with LDF Policies CP17 and DP32.

Heritage Assets

- 5.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. The application site does not abut the boundary with The Old Vicarage, which is a grade II listed building. The boundary of the land highlighted on the submitted location plan in blue (as land within the ownership or control of the applicant), is adjacent to The Old Vicarage but this land is not the subject of this planning application. Any future development proposed on this land would require the benefit of planning permission and relevant matters would be considered at that time.
- 5.16 The proposed dwelling would lie at a significant distance from the listed building (more than 50m) and would not be viewed in the same context, even from the approach to the village from the west. The proposed development is not considered to harm the setting of the listed building.

Residential amenity

- 5.17 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The closest property, The Briars, lies to the south west, with approximately 15m between side elevations. The proposed balcony would be positioned at the far end of the new dwelling from the neighbouring property; there would be an adequate separation distance between the existing and proposed dwellings for there to be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is therefore in accordance with LDF Policy DP1.

Drainage

- 5.18 Foul sewage is proposed to be disposed of to the mains sewer in the village with surface water to a soakaway. There are concerns regarding drainage within the village of East Cowton although it is not anticipated that an additional single dwelling would have an adverse impact. Yorkshire Water has made no comments regarding the proposal.
- 5.19 It is recommended that a condition be imposed in order to clarify the means of drainage prior to development in order to ensure no additional impact occurs.

Highway safety

- 5.20 The Highway Authority has no objections to the proposed development and conditions are recommended.

Other matters

- 5.21 Comments made in respect of the Local Plan process are not relevant to consideration of the planning application. Assessments made during that process are considering large scale development proposals rather than small scale proposals such as the application site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

2. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development hereby approved shall not be undertaken other than in accordance with the Proposed Site Layout that shows the finished floor level of the development at 47.200, other than with the prior approval in writing by the Local Planning Authority.
6. The development hereby approved shall not be commenced until details of the foul and surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented prior to the occupation of the dwelling and retained.
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 or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the crossing of the highway verge at the access to the site has been set out and constructed in accordance with the approved details and Standard Detail number E6 of the published Specification of the Highway Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along both channel lines of Raby Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing marked "Drawing Number 4

Revision A" Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 1A; 2A; 3; and 4A; received by Hambleton District Council on 4 June 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

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 ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.
5. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
6. In the interest of satisfactory drainage in accordance with LDF Policies CP21 and DP43.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance with LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. In accordance with LDF Policies CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 8 above.
3. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on 7 April 2015. Details of the charging schedule are available on the Council website www.hambleton.gov.uk