

Parish: Huby
Ward: Huby

Committee date: 28 June 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 29 June 2018

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18/00701/OUT

**Outline application (access to be considered) for a dwelling with integral garage
At Ashdale, Huby
For Mr Cahill**

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

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located on the southern side of Gracious Street, opposite the residential properties of The Beeches, Juniper Berry, Field View, Rowan Cottage and Rowan Cottage. The application site is within the existing domestic curtilage associated with the dwelling of Ashdale to the west.
- 1.2 Ashdale also has domestic curtilage to the south that extends approximately 90 metres and some domestic curtilage to the east will also be retained that wraps around the application site to the south. The boundaries of the site are hedgerow and trees to the east and west.
- 1.3 Within the settlement hierarchy contained within the Interim Policy Guidance, Huby is defined as a Service Village. The Development Limits dissect the garden of Ashdale to the west and therefore the site is located outside of the Development Limits.
- 1.4 The application proposes one dwelling. The indicative layout suggests a mainly two storey dwelling, with a single storey rear extension and an attached garage to the west. The proposed access would be off Gracious Street, central to the plot. The indicative plan shows that the existing front mixed hedge is to be retained.
- 1.5 The matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 1.6 The application site is in Flood Zone 1, at the lowest risk of flooding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 77/1371/OUT - Outline application for the construction of two detached dwellings; Granted 19 July 1977.
- 2.2 80/1554/FUL - Details of construction of a detached dwellinghouse with domestic garage; Granted 18 August 1980.
- 2.3 09/01765/FUL - Single storey lean-to extension to rear and two storey side extension; Granted 17 August 2009.

Planning applications to the east of the site

- 2.4 16/02064/FUL - Proposed development of a detached dwelling with associated works; Granted 14 November 2016.
- 2.5 16/02247/FUL - Development of four dwellings; Granted 30 March 2017.

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 force
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 – Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection; however the existing hedge must be strictly maintained and there should be minimum disruption to the off road parking on the verges.
- 4.2 Highway Authority – No objection subject to conditions regarding the discharge of surface water, construction requirements regarding the private access/verge crossings, details of access, parking and turning, visibility splays, precautions to prevent mud on the highway and on-site parking, on-site storage and construction traffic during development.
- 4.3 Yorkshire Water – No response received to date.
- 4.4 Public comments – Three objections and one neutral comment, summarised as follows:
- It is pointless making objections based on criteria such as safety, traffic access, suitability etc., because these were all ignored when objections were made to two previous Planning Applications in Gracious Street. (16/02064/FUL & 16/02247/FUL);
 - Applications should be considered carefully in relation to the character of the area. This extra house built in someone's garden, adjacent to the imminent construction of 5 new houses in the above two planning applications (16/02064/FUL & 16/02247/FUL) will further spoil the character and beauty of Gracious Street;
 - Right of access over the grass verge. The proposed access to the property is over a grass verge, which is used by residents to park due to the lack of parking spaces in Gracious Street. This has been 'custom and practice' since cars were first parked in the street (probably more than 30 years), unlike the gate shown on the plan, which is a recent addition. In order to grant this application, a right of

access over the grass verge would need to be granted and I wish to object to this;

- There is already a development of 5 detached houses planned on Gracious Street and the density of houses will be too great;
- There will be a negative impact on the availability of places for the cottage residents opposite to park, which is much needed;
- Given the approvals already made for additional housing on Gracious Street, wouldn't it be wise to see whether the parking and congestion concerns are borne out before granting yet another application?
- Regarding the orientation of the proposed house, I feel it should definitely be in line with Ashdale and Thyme house building line, and not angled as it is shown on plan. The house as on plan would encroach on the privacy of Thyme house and Ashdale as the windows at the back of this house will overlook both properties.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village; (iii) residential amenity; (iv) highway safety including on-street resident parking; (v) drainage issues; and (vi) land contamination.

Principle

- 5.2 The site falls outside the Development Limits of Huby. Policy CP4 states that all development should normally be within the Development Limits of settlements. The development limits dissect the garden of Ashdale to the west.
- 5.3 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 National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council 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. The IPG includes an updated Settlement Hierarchy.
- 5.5 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.
- 5.6 In the settlement hierarchy contained within the IPG, Huby is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.7 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.
- 5.8 The continued built form opposite would provide support for the development of the site. Furthermore, the five dwellings that have been granted approval to the east of the site (members should note that these dwellings have not been built) allows for this site to be considered as an infill plot between Ashdale and these dwellings.
- 5.9 Gracious Street includes a variety of house types and age of property principally of two storey and traditional design and has a suburban/rural village character. The buildings on the northern side of Gracious Street extend further east than those on the southern side. The proposal would follow the built form of the neighbouring Ashdale and would echo many of the design features of the local area.
- 5.10 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village.
- 5.11 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. By virtue of the siting of the proposed dwelling and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment. There is no recorded heritage or ecological interest in the site. The site is private amenity space for Ashdale and the ground is set to lawn with domestic planting.
- 5.12 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.13 The proposed dwelling would be located between one existing residential property and a dwelling that has been given planning consent. The proposal can therefore be regarded as infill development within an existing residential. An discharge of conditions application has been submitted and a number of pre commencement conditions have been agreed regarding the 4 dwellings. It should also be noted that there are dwellings to the north of the site. The extent of the application site and its curtilage does not encroach any further to the south towards the countryside than the dwellings that have been granted approval to the east and lies within the domestic curtilage of Ashdale.
- 5.14 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Residential amenity

- 5.15 It is considered that the site is capable of accommodating one dwelling without prejudicing residential amenity, particularly that of Ashdale, the approved dwelling to the east and properties opposite along Gracious Street by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.16 With adequate boundary treatments and positioning of windows, the issue of residential amenity, that is raised as a concern in neighbour representations can be addressed as part of a reserved matters application. The site is considered capable of providing adequate private amenity space for the proposed dwelling, without prejudicing the existing private amenity space of Ashdale.

Highway safety

- 5.17 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.18 The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.
- 5.19 Concerns have been raised regarding the displacement of car parking from the verge to the north of the application site. The residents properties to the north and north east of the application, on the opposite side of Gracious Street, make use of the verge for car parking as they do not have access to off-street space for parking. The development of this site will alter the space available for parking. It is anticipated that during the construction phase particularly use of the verge for resident parking would be restricted. However, there is other space available within the vicinity for resident on-street parking. The limited loss of space in the by the creation of the vehicular access to the new dwelling in the position of the existing gateway that achieves vehicular access to the site would not justify to refusal of the application.
- 5.20 On the basis of the assessment in the preceding paragraph it is considered that the use of a planning condition to require off-street parking for neighbouring residents is not necessary and would not meet the tests for a planning condition and a requirement to provide residents parking for neighbours should not be imposed.

Drainage and the surface water sewer

- 5.21 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Land contamination

- 5.22 The submitted information does not identify any unacceptable risks from land contamination. It states that the site is a private garden with no signs of settlement, subsidence or contamination.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Location Plan 17082 001 P00 and Proposed Site Plan 17082 105 P00 unless otherwise approved in writing by the Local Planning Authority.
 3. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 4. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
 5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
 6. The development shall not be occupied 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. This should include measures to ensure the protection of the existing boundary hedges and trees. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.

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. 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 access (es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (d) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6; (e) Any gates or barriers shall be fixed so as not to be able to swing over the existing highway; and (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning: (a) vehicular and pedestrian accesses; (b) vehicular parking; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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 splay areas are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility 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. 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. Unless otherwise agreed in writing by the Local Planning Authority, the front hedge to the plot shall be retained.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 Hambleton Development Plan Policies DP1, DP28 and CP17
3. 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.
4. 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.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
7. In the interests of highway safety.
8. 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. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In the interests of highway safety.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. 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 the interests of visual amenity.

Informatives

1. 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 this condition.
2. 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 Hambleton District Council - Waste and Streetscene.

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.