

Parish: Stillington
Ward: Huby
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Committee date: 20 September 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 21 September 2018

18/01449/OUT

**Application for outline planning permission with all matters reserved for the construction of one bungalow and garage
At Field House, South Back Lane, Stillington
For Mr Alan Hetherington**

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 currently part of the garden area for Field House. The area contains a fruit and vegetable patch and is not set to lawn.
- 1.2 The site is located to the south of the residential dwelling of Field House and to the west are five bungalows that are currently under construction. On the southern and eastern boundaries are mature trees and hedgerows and these natural features will be retained. Furthermore, to the south of the site is Stillington Tennis Club and this area provides a further buffer between the village and open countryside beyond.
- 1.3 The village has over time been extended, significantly with the Parkfield development in the late 1960s and with infill development continuing since then. More recently, a number of new houses have been constructed on the outer edges of the village including a development of 24 homes to the south side of South Back Lane, to the west of the application site.
- 1.4 Outline planning permission is sought to establish in principle the construction of one, single storey dwelling, with an attached domestic garage, together with car parking. The application site is within the domestic curtilage of Field House. There are no matters for approval at this stage and therefore all matters, i.e. access, layout, appearance, landscaping and scale.
- 1.5 The indicative site plan shows how the site could be developed. It shows an 'L' shaped single storey dwelling, with an attached garage to the north. The building lines and domestic curtilages would mirror the bungalows at Woodbyne Way that are being built to the west of the site.
- 1.6 Furthermore, from the indicative drawings, a pitched roof form is proposed, with a ridge height of 6.5 metres that aligns with the proposed ridge heights that would mirror the bungalows at Woodbyne Way that are being built to the west of the site. Materials are suggested to be brick, pan-tiles and timber-framed windows.
- 1.7 The indicative plan, and only viable access route, shows how a drive would be created from South Back Lane using initially the existing vehicular access that serves Field House. The driveway to the dwelling would extend passed the west of Field House to the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

There is no relevant planning history regarding the parcel of land that is the subject of this application. The relevant history of adjacent land is:

Field House

- 2.1 13/00468/OUT - Outline application for the construction of a dwelling and detached domestic garage and store; appeal allowed 11 December 2013.
- 2.2 14/00824/REM - Reserved matters application for the construction of a detached dwelling with landscaping and hard-standing; Granted 9 June 2014.

The site to the west of the application site 'Woodbyne Way'

- 2.3 16/00883/OUT - Outline application (all matters reserved) for five bungalows, car ports, car parking and associated infrastructure; Granted 16 September 2016.
- 2.4 16/02722/REM - Reserved matters application for five bungalows, car ports, car parking and associated infrastructure; Granted 28 April 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 July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection. Note the drainage installation would need to be carefully designed due to soil being moved from another site.
- 4.2 Highway Authority – No objection; recommends conditions regarding the details of access, turning and parking and on-site parking, on site storage and construction traffic during development.
- 4.3 Yorkshire Water – No comments received to date.
- 4.4 Foss Internal Drainage Board - No objection but feels it appropriate that the applicant provides a drainage strategy and proves any connectivity that they wish to claim, to enable an evaluation to be undertaken in terms of flood risk.
- 4.5 Public comments – Two objections, summarised as follows:

- Visual impact and height of the dwelling;
- Loss of privacy;
- Noise during construction ;
- Noise from lawnmowers when the dwellings are occupied;
- The site is outside of the settlement boundary and at the bottom of the garden of Field House. This isolates the house from the rest of the village character;
- Impact upon the surrounding woodland and wildlife;
- The scale of the dwelling does not constitute a bungalow with a garage; and
- The development is “garden grabbing”.

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) heritage assets (iv) residential amenity; (v) highway safety (vi) drainage issues; and (vii) land contamination.

Principle

- 5.2 The site falls outside the Development Limits of Stillington Policy CP4 states that all development should normally be within the Development Limits of settlements. The Development Limits are located where the northern boundary of Field House meets South Back Lane.
- 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, Stillington 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.
- 5.7 The village is served by bus services connecting to the nearby Market Town of Easingwold and York City Centre. It has a range of services within the village itself including a primary school, medical practice, Post Office & shop, two pubs, a restaurant, fish & chip shop, village hall, sports club & facilities and play areas.
- 5.8 It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.9 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 dwelling and it is therefore considered small in scale as the IPG refers to small scale comprising up to five dwellings.
- 5.10 The indicative site layout also shows a bungalow and the Council's Size, Type and Tenure of New Homes SPD identifies a need for more choice for older people including that of bungalows.
- 5.11 The indicative site plan shows how the site could be developed. It shows an 'L' shaped single storey dwelling, with an attached garage to the north. The building lines and domestic curtilages would mirror the bungalows that are being built to the west of the site.
- 5.12 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village. The concern expressed by a neighbour about the potential for a 3 storey dwelling all documents make reference to a bungalow and the applicant has expressed to the case officer a desire to down-size to a smaller single storey dwelling suited to occupancy by an older person.
- 5.13 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.
- 5.14 The application site relates to the development of a paddock to the south of Field House. There is no significant ecological interest associated with the site itself. There is a pond located in the south west corner of the application site and there are no proposals to change this. It is appreciated that the site is bound by trees and hedgerows and these natural features are to be retained. The scheme would have no significant detrimental impact upon local ecology.
- 5.15 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.
- 5.16 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.
- 5.17 The site is located to the south of the residential dwelling and to the west are 5 dwellings that are currently under construction. On the southern and western boundaries are mature trees and hedgerows and these natural features will be

retained. Furthermore, to the south of the site is Stillington Tennis Club and this area provides a further 'buffer' between the village and open countryside beyond.

- 5.18 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.

Heritage assets

- 5.19 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 Stillington Conservation Area.
- 5.20 The majority of the application site is located 80 metres to the south of the Stillington Conservation Area. It is considered that given the distance from the site to the Conservation Area, the proposal will not harm the designated asset.

Residential amenity

- 5.21 There is a separation distance of 48 metres from the site boundary to the boundaries of the existing properties 31 and 33 Parkfield. The separation distances are sufficient so that the scheme will not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.22 The site is considered capable of providing adequate private amenity space for the proposed dwelling, without prejudicing the existing private amenity space of Field House.

Highway safety

- 5.23 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.24 Access to the site would be from South Back Lane and from the existing vehicular access that serves Field House. 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.

Drainage issues

- 5.25 Foul drainage would be disposed to the mains sewer via an existing manhole adjacent to the site. Surface water will be disposed of 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

- 5.26 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.

Planning balance

- 5.27 The proposed development will result in an economic activity through the construction of a new home, and the social gains of the creation of an additional dwelling. The gains in both these aspects of 'sustainable development' are small and

would not outweigh environmental harm, however in this instance the scheme is considered to be 'neutral' in respect of environmental impacts. There is no environmental harm and as a consequence the scheme is on balance found to be sustainable development in the terms of the NPPF.

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 the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five 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) Site Location Plan LSA/045/L/101 dated 2nd July 2018.
 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. This decision grants permission for no more than 1 dwelling. The size of the dwelling in the reserved matters submission shall reflect the requirements as expressed in the Size, Type and Tenure SPD.
 5. 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
 6. 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.
 7. 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.
 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 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 access; (b) vehicular parking; (c) vehicular turning arrangements; and (d) visibility splays. No part of the development shall be brought into use until the approved vehicle access, parking, turning areas and visibility splays 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.

9. 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) 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.
10. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

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 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 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 LDF Policy DP13 and the Size, Type and Tenure SPD.
5. 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.
6. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
7. 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.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interests of road safety.

10. In order to avoid harm to the landscape and safeguard the amenity of neighbours.

Informatives

1. 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.
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.