

**Parish: Scruton**  
Ward: Morton on Swale  
**7**

Committee Date: 7 March 2019  
Officer dealing: Mrs H Laws  
Target Date: 15 March 2019

**18/02615/OUT**

**Outline application for the construction of two detached bungalows (access to be considered)**  
**At: Land to the north of Springfield, Station Road, Scruton**  
**For: Mr George Harland**

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

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is a vacant grass paddock with hedgerows to the roadside boundary and to the boundary with Springfield, an adjacent single storey property to the south. The site covers an area of 956sqm. Timber fencing forms the remaining two boundaries to the north, adjacent to the Coore Arms car park, and to the west, which abuts agricultural land. An overhead powerline bisects the site in an east - west direction.
- 1.2 Outline planning permission was granted in May 2015 for the construction of a single storey dwelling on this site, which is no longer extant. The current application is for outline planning permission for the construction of two bungalows.
- 1.3 The only 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 the principle is approved.
- 1.4 Two access points are proposed in the centre of the front hedgerow boundary to either side of the overhead line. The proposed accesses would require the removal of the front boundary hedge in order to provide visibility splays.
- 1.5 An indicative site layout plan has been submitted, which shows one of the dwellings to be sited at the northern end with the other at the southern end, separated by the overhead electric cables. A detached single garage is shown for each of the properties, sited centrally within the site between the dwellings.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/00221/OUT - Outline application for a single storey dwelling. Permission granted 1 May 2015 subject to a condition requiring the dwelling to be single storey. The reason for the condition was: "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".
- 2.2 15/02586/FUL - Construction of dwellinghouse and associated carport and storage building. Application withdrawn 19 February 2016.
- 2.3 16/01002/FUL – Construction of detached dwelling and associated outbuilding. Permission refused 23 June 2016 for the following reason:

The proposed development is contrary to Local Development Framework Policies CP17 and DP32 which require development to be of a high quality of design, respect

the local context and contribute positively to the townscape, whilst respecting the scale of spaces and buildings in the area. The proposed dwelling would be of a form and design that is contrary to the context of its setting, thereby adversely affecting the streetscene. The proposed development fails to accord with criterion 2 of the Interim Policy Guidance which seeks development which reflects the built form and character of the village.

Appeal dismissed 15 December 2016.

### **3.0 RELEVANT PLANNING POLICIES:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 – Type, size and tenure of housing  
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 DP9 - Development outside Development Limits  
Development Policies DP13 – Achieving and maintaining the right mix of housing  
Development Policies DP30 – Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

4.1 Scruton Parish Council – No response to date.

4.2 Highway Authority – No objection; conditions recommended.

4.3 Yorkshire Water – No objection; conditions recommended.

4.4 Environmental Health Officer (contaminated land) – I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.

4.5 Public comments – Representations have been received from the residents of two adjacent properties, which are summarised as follows:

- Permission was granted in 2015 subject to the condition that the dwelling was single storey due to permission having been granted to extend the pub car park; nothing will be built on the car park so it does not have any impact on the perceived open and rural character of the countryside;
- The grounds on which the permission was granted is flawed and does not comply with CP4 and DP9;

- The previous application was dismissed on appeal due to the effect of the proposed development on the character and appearance of the surrounding area;
- The approved 2015 application required the front boundary hedge to be retained as it was important amenity value; Given the site's prominent location it should be left as it is to maintain the open character and appearance of the village; and
- The overall view is neutral providing the final plans embrace the spirit of the outline plans and the plans so not change significantly.

## 5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case include (i) the principle of new dwellings in this location outside Development Limits; (ii) the effect of the proposed development on the form and character of the village; (iii) the effect on the amenity of neighbouring residents; and (iv) highway safety.

### The principle of development

- 5.2 The principle of a dwelling on this site was previously established with the grant of outline planning permission in May 2015, specifically for one single storey dwelling. A later full planning application for a two storey dwelling of a contemporary style was refused permission and dismissed on appeal. The outline permission is no longer extant.
- 5.3 The site falls adjacent to but outside of the Development Limits of Scruton, which is defined in Policy CP4 of the Core Strategy as a Secondary 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 78 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

- 5.4 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. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included 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 2014 settlement hierarchy contained within the IPG, Scruton 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 close to the centre of Scruton which has facilities including a church, a pub, a village hall and sports facilities. Criterion 1 would be satisfied.

#### Impact on form and character of village and rural landscape

- 5.7 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.
- 5.8 Within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies adjacent to and opposite the built up part of the village. 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.*

- 5.9 The application site is part of a wider intrusion of the open countryside into the centre of the village. This intrusion, contributes positively to the character of the village. The site is bounded to the south by an existing bungalow, which lies at the northern end of a row of four dwellings and the village hall. To the north of the application site lies the pub car park, which although does not contain any built development, is characteristic of the village. It is considered that the development of this relatively small parcel of land for the construction of two dwellings would continue the existing form of built development along this side of the village street without encroachment into the rural landscape nor harm to the character of the village.
- 5.10 It is considered that the small scale development of two dwellings within the existing gap between existing housing to the south, the car park to the north, and existing housing opposite to the east, would not result in a significant change in the character of the village or the countryside. A significant break and views of the countryside would be retained to the north of the car park.
- 5.11 The proposed development would require the removal of the front boundary hedge in order to provide adequate visibility splays. The existing hedgerow is well established and mature and contributes to the character of the locality. In order to achieve a safe

access it needs to be removed and therefore it is recommended that a condition be imposed requiring the planting of a new hedgerow behind the visibility splays.

#### Residential amenity

- 5.12 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings follow the general building line of the dwellings along this section of the village street and also reflect the spacing between many of the detached dwellings locally.
- 5.13 The closest neighbour to the proposed dwelling would be the existing property at Springfield, which is a single storey property. The indicative layout illustrates the position of a proposed dwelling in line with the existing dwelling. Albeit an outline application with no details of siting to be approved at this stage it is likely that there would be adequate separation between the existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1.
- 5.14 Any additional vehicle movements to serve the two dwellings would not be excessive and would not detract from the amenity of the existing residents.

#### Highway matters

- 5.15 The Highway Authority has no objections to the creation of two accesses to serve the additional dwellings subject to appropriate conditions. It is considered that the accesses are acceptable and that the proposed development will have no detrimental impact on highway safety.

#### Planning balance

- 5.16 The proposal would create two additional dwellings in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

### **6.0 RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application 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 development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

3. The detailed plans required by condition 2 above shall indicate two single storey dwellings only.
4. 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.
5. 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.
6. 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 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. The dwellings shall not be occupied after the end of the first planting season following the commencement of the development unless a hedge has been planted along the highway frontage immediately behind the visibility splays required by condition 12 of this permission. The hedge shall be thorn or beech, or such other species as may be agreed in writing by the Local Planning Authority before planting. Any hedging removed, dying, becoming seriously damaged or becoming seriously diseased within 5 years of planting shall be replaced by hedging of similar size and species to that originally planted.
8. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: (i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and (ii) the means by which the discharge rate shall be restricted to a maximum rate of 1 litre per second.

11. 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.
12. 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 accesses 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 the approved details and Standard Detail Number E1 Var (Construction Depths Only); and (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
13. 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 43 metres measured along both nearside wheel tracks of Station Road from a point measured 2 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.
14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas: (a) have been constructed in accordance with the submitted drawing Reference Number 2018 : 43 / 01 Revision B; (b) have been constructed in accordance with Standard Detail Number E1 Var (Construction Depths Only); and (c) are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. The garages hereby approved shall be used solely for the housing of motor vehicles and notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Development Order 1988, or subsequent amending Order, no subsequent alteration shall be undertaken.
16. 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.
17. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2018:43/01A (in respect of access) received by Hambleton District Council on 6 December 2018 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure the dwellings are compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
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. 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.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
7. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
8. To ensure the buildings are in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
10. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with LDF Policies CP21 and DP43.
11. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
12. 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.
13. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
14. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
15. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
16. 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.

17. 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 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](http://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 this condition.
3. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.