

Parish: Stillington
Ward: Huby
11

Committee date: 30 May 2019
Officer dealing: Miss Charlotte Cornforth
Target date: 31 May 2019

19/00502/FUL

**Construction of a dwelling
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 Full planning permission is sought for the construction of a dwelling on the same site as the previous outline consent. It is an 'L' shaped 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. The dwelling will have 2 floors, with 3 bedrooms in the roof space.
- 1.5 A pitched roof form is proposed, with a ridge height of 6.5 metres that aligns with the proposed ridge heights of the bungalows at Woodbyne Way that are being built to the west of the site. The dwelling is to be constructed from brick, pan-tiles and timber-framed windows. There will be integrated roof solar panels and roof lights on the south, east and west roof slopes are proposed.
- 1.6 The access route to the site 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. Additional planting is proposed to the north of the new dwelling between the site and the dwelling of Field House.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

The parcel of land that is the subject of this application

- 2.1 18/01449/OUT - Application for outline planning permission with all matters reserved for the construction of one bungalow and garage; Granted 20 September 2018. A condition was attached to the outline approval that stated:

This decision grants permission for no more than 1 single storey dwelling. The size of the dwelling in the reserved matters submission shall reflect size requirements as expressed in the Size, Type and Tenure SPD.

Field House to the north of the application site

- 2.2 13/00468/OUT - Outline application for the construction of a dwelling and detached domestic garage and store; appeal allowed 11 December 2013.
- 2.3 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'

- 2.4 16/00883/OUT - Outline application (all matters reserved) for five bungalows, car ports, car parking and associated infrastructure; Granted 16 September 2016.
- 2.5 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

4.0 CONSULTATIONS

- 4.1 Parish Council – no objections to the proposal.
- 4.2 NYCC Local Highway Authority – access to the site is via the existing private drive serving the host dwelling, Field House. The distance to the proposed dwelling from South Back Lane is in excess of 75 metres. Consequently a fire service tender would need to access the driveway should the emergency arise, in order to get within 45 metres of the front door of the dwelling as advocated in Section 6.7.3 of Manual for Streets. It would appear the private driveway will not offer the required 3.7 metre working width, therefore the tender would need to be able to stand in the turning area for the new dwelling and, although this area has been reduced slightly from planning approval 18/01449/OUT, it would appear just sufficient for this purpose.

Mention is made of a 'Refuge Store' in section 14 of the application form, but no drawing appears to show it. The Design and Access Statement makes reference to existing facilities on South Back Lane, but again these do not appear to be shown. Attention is drawn to the recommended carry and collection distances again contained in Section 6.8.9 of Manual for Streets.

Service / delivery vehicle turning should be taken into consideration given the distance involved and, whilst the area shown on the Proposed Site Plan would assist in this capacity, any parked cars on it would reduce this function, and consideration should be given to reinstating some additional space.

The agent has provided a site layout plan showing the driveway at 4.1 metres at the northernmost part of the site and 4.3 metres at the southernmost point of the site.

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.

The exact details of this can be secured by planning condition.

4.5 Public comments – No comments received to date.

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 It is an 'L' shaped 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. The dwelling will have 2 floors, but will not appear dominate compared to the existing dwellings in the immediate locality.
- 5.11 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village.
- 5.12 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.
- 5.13 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 recorded 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.
- 5.14 By virtue of the siting of the proposed dwelling, the buildings 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.

- 5.15 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.
- 5.16 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.
- 5.17 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

- 5.18 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.
- 5.19 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 and the intervening buildings, the proposal will not harm the designated asset.

Residential amenity

- 5.20 There is a separation distance of 48 metres from the site boundary to the boundaries of the existing properties 31 and 33 Parkfield to the east.
- 5.21 In terms of the dwelling to the west of the site of Thresher Barn 5, there is a gap that will provide a turning space for the new dwelling. There are no windows on the western elevation of Thresher Barn 5 that serve a habitable or principal room. The ground floor windows serve the kitchen (over the sink) a utility room and ground floor bedroom and there is a roof light to serve a bedroom. The boundary between the application site and the neighbouring site comprises of a mixed species hedge.
- 5.22 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.
- 5.23 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

- 5.24 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.25 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

- 5.26 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

- 5.27 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

- 5.28 The proposed development will result in a small additional amount of 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. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s)

Location Plan LSA/045/FP/L/101, Proposed Site Plans LSA/045/FP/P/101 Rev A & LSA/045/FP/P/102, Proposed Site Section LSA/045/FP/P/302 Rev A, Proposed Elevations LSA/045/FP/P/210 Rev A, Proposed Floor Plans LSA/045/FP/P/110 Rev B.

3. 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
4. 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.
5. 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.

6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number LSA/045/FP/P/102. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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. parking capable of accommodating staff and sub-contractors vehicles clear of the public highway
 - b. materials storage area capable of accommodating materials required for the operation of the site.

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. 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 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.
4. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
5. 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.
6. In accordance with Hambleton Local Development Framework Policy CP2 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.
7. In accordance with Hambleton Local Development Framework Policies CP1 and CP2 and in the interest of safety and the general amenity the development.

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.