

Parish: Kirkby Fleetham with Fencote

Ward: Morton on Swale

Committee Date : 15 October 2015

Officer dealing : Mrs H M Laws

Target Date: 25 September 2015

7

15/01543/OUT

**Outline application for the construction of a dwellinghouse
at Land to the South West of Prospect House, Great Fencote, North Yorkshire
for Mr D Ward**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Consideration of this application was deferred at last month's meeting to allow clarification of the land ownership relating to the proposed visibility splay.
- 1.2 The site lies on the southern edge of the village, opposite St Andrews Church and Church House and immediately adjacent to Prospect House. The application site covers an area of approximately 0.07 hectares with a frontage onto the village street of approximately 30m and a depth of approximately 28m.
- 1.3 The site is bounded on the roadside by a timber fence and mature hedgerow. An access and entrance gate (granted planning permission in April 2015) lie on the front of the site towards the northern end. Timber fencing forms the boundary with the field beyond. A stone wall and timber fence forms the boundary with Prospect House.
- 1.4 The site forms part of a larger plot of land, which is not included within the application site boundary.
- 1.5 The application is for outline planning permission with all matters reserved. It is proposed to construct a single dwelling. Although the access is not included as a matter for consideration at this stage an amended plan has been received which illustrates its position towards the southern end of the site. This would require a 24m length of hedgerow to be removed. New hedgerow would be planted behind the splay of 28m to either side of the proposed access.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 15/00353/FUL - Retrospective application for construction of an access and entrance gate to agricultural land. Permission granted 17/4/2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Parish Council - This land is outside the building limits for Great Fencote and any development would have an impact on the village street scene as it would require the removal of hedgerows etc. and change the approach to the village. It is currently agricultural land and has not been approved for housing.

Permission for agricultural access was granted very recently on the understanding that it would be used relatively infrequently by tractors. There is no clear view round the corner from the entrance and it is very close to a road junction on that corner. This contravenes Highways requirement for access. Residential access and possible on-road parking would prove a danger to both drivers, who would be unable to see vehicles around the corner, and pedestrians, as there is no footpath to the centre of the village.

The applicant has signed ownership form B which indicates that there may be other persons with an interest in that land.

- 4.2 The following comments have been received on receipt of the amended plan:

- Objections to the initial application still apply
- The proposed new access is now closer to the bend and the road junction. Removing the hedge will improve visibility around the corner to some extent but this will impact on comments already made about altering the approach to the village and on wildlife.
- Moving the hedge further back will only improve access from the property if the road is also going to be widened at this point. If it is to remain verge vehicles turning left or right will still have to swing out wide into the line of traffic on the corner and may not be seen by approaching traffic as the verge is considerably higher at the corner
- The proposed property appears to be very close to Prospect House
- As it is unclear at this stage what size of house is going to be proposed it is difficult to be precise, but assuming a family home, there could be a number of cars belonging to the family. Any roadside parking would present an immediate danger to other road users as vehicles would have to negotiate the corner on the wrong side of the road.

- 4.3 Further comments have been received following the Planning Committee meeting last month:

- The application was diverted pending the Committee clarifying the ownership of the hedge. We know the field where the hedge is in the ownership of the applicant but it is important that the access and the hedge should be in the same ownership in the future. Therefore the condition of the height of the hedge which affects the safety of the access are as one. As it stands now the condition for the hedge height goes with the owner of the field who may or may not in the future have an interest in the access. The red line for the application needs to be drawn to include the hedge and land adjacent.

- 4.4 NYCC Highways - no objections to the proposed scheme subject to conditions

- 4.5 Environment Agency - no comments required

- 4.6 HDC Environmental Health Officer - no objections

- 4.7 Site notice/local residents - comments have been received from two local residents, which are summarised as follows:
- The village does not need additional housing as there are no amenities to support;
 - There would have to be exceptional circumstances to build on the land;
 - The church is a heritage asset and this should be borne in mind;
 - Parking at the church is already a problem, bearing in mind it is positioned on a road junction;
 - Concerns with access and fast moving traffic on a blind bend even though it is within a 30mph limit;
 - The road safety in the village has been unacceptable for some and is getting worse;
 - Recent refusal of an application nearby - the same argument should apply here; and
 - The amended plans has the site entrance situated in a more dangerous position than the original and to my mind quite unacceptable.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the principle of new dwellings in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the village, neighbour amenity, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits as Great Fencote does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. 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) published in March 2012. Paragraph 55 of the NPPF states:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.3 The NPPF identifies some special circumstances that are consistent with those set out in Policy CP4, with the addition of "the exceptional quality or innovative nature of the design of the dwelling". None of these exceptions are claimed by the applicant.
- 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 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, Great Fencote is defined as an "other settlement" and is therefore classed as a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Great Fencote which is identified in the Interim Policy Guidance as an example of a cluster village. The cluster comprises the three villages of Kirkby Fleetham and Great and Little Fencotes. These three villages have long been linked economically and socially which continues to the present day. Collectively these three villages have churches, primary school, a pub and a shop. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Great Fencote is less than a mile distance from Kirkby Fleetham. Criterion 1 would be satisfied.

5.7 Proposals must also be small in scale and provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. Great Fencote is characterised by linear development on the eastern side of the village street between the church and the larger village green and the addition and extent of this residential development needs to reflect the established character. This proposal is for a single infill dwelling and as such is considered, in principle, to be of a suitable scale.

5.8 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. The proposed dwellings would be within part of a field that forms an infill plot within the village and which has as much in common with the village than with the rural landscape beyond, being adjacent to and opposite existing built development. 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 proposed development would require the removal of the hedgerow along the front boundary of the site in order to provide the required highway visibility splays. A greater length of hedgerow would be planted as a replacement and although set further back from the street (behind the splays) would still retain the soft edge to the road. As such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the general built form of the village. There is no identified harmful impact to the built or historic environment.

- 5.10 The proposed extension would lie adjacent to the neighbouring property at Prospect House and could be positioned and designed to adequately protect existing amenity. It is considered the proposed development would not be contrary to LDF Policy DP1.
- 5.11 Although the access is one of the reserved matters the Highway Authority, who objected to the use of the existing access due to unacceptable visibility, has no objections regarding the proposed development. If access is provided towards the southern end of the site there would be adequate visibility (the splay is included within the application site boundary as amended) to ensure a safe access, notwithstanding its position closer to the corner and junction with Todd Lane opposite. It is not considered therefore that the proposed development would adversely impact highway safety.
- 5.12 Under the Community Infrastructure Levy (CIL) regulations the proposed dwellings are liable for payment of CIL at a rate of £55 per sq. m, the rate adopted by the Council on 7 April 2015.
- 5.13 The proposed development is acceptable and approval of the application is recommended.

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 layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be 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 shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. The dwelling shall not be occupied after the end of the first planting season following the commencement of the development unless a hedge had been planted along the highway frontage immediately behind the visibility splays required by another condition 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.
6. Prior to development 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. 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.
7. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
8. 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.
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 until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements; a. The details of the access shall have been approved in writing by the Local Planning Authority; d. The crossing of the highway verge shall be constructed in accordance with the approved Standard Detail number E6; 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; f. That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C40 Fleetham Lane 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.
11. 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 Authority: c. vehicular

parking; d. vehicular turning arrangements; e. manoeuvring arrangements; f. loading and unloading arrangements.

12. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
13. 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; b. on-site materials storage area capable of accommodating all materials required for the operation of the site; c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council on 14 August 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To 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 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 soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP30.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
8. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.

9. 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.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
11. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. 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.
14. 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.