

15/01542/OUT

**Outline planning application for construction of one, two storey dwellinghouse as amended by email received by Hambleton District Council on 23 September 2015 and plan received on 12 October 2015.
at Land To The South Of Willow Garth Newby Wiske North Yorkshire
for Mr D Marwood.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies at the northern end of the village on the western side of the road and is within the Newby Wiske Conservation Area. The area covers approximately 0.1 hectares and has a frontage of approximately 36m along the village street bounded by a mature, well established hedgerow.

1.2 The site lies immediately adjacent to a dwelling known as Merryn. Access into the application site is a secondary access for Merryn and also provides a farm access to fields to the west. A small group of existing buildings lies on the site, which is used as a joiner's store. These buildings would be removed as a result of the proposed development.

1.3 The application has been amended since first submitted, to reduce the size of the site and amend the number of dwellings proposed from two to one. The ground level of the application site is at a similar level to the ground level of Merryn; the land to the north, which has been removed from the application site boundary, rises significantly. The application site as amended forms part of the same paddock as the higher land and is not divided by any boundary. Mature hedgerows bound the paddock to all sides.

1.4 It is proposed to construct a detached two storey dwelling. All matters are reserved but illustrative details of a dwelling have been received. The scheme shows a cottage style double fronted property finished in brickwork and clay pantiles with timber framed horizontal sliding sash windows.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 87/0665/OUT - Outline application for the construction of a bungalow. Permission refused 29/9/1987 for the following reasons:

1. The proposed development would be contrary to Policy H5 of the Vale of Mowbray Local Plan. That Policy defines the village limits outside which development should be resisted in the interests of safeguarding the amenities of the area, and the proposed site lies outside those limits.

2. The proposal cannot be considered to be infilling and would constitute an undesirable extension of the village objectionable on amenity grounds. (Infill development is defined as the development of a minor gap in the otherwise built up frontage.)

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 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 DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - no comments received (expiry date for representations 24/10/2015)

4.2 NYCC Highways - conditions are recommended including one requiring the provision of a visibility splay. In order for this to be achieved the length of the hedge along the splay will need to be removed. Any proposed fence line or hedge line will need to be set back to keep the visibility splay.

4.3 Yorkshire Water - conditions recommended requiring the provision of a separate system for surface water discharge.

4.4 HDC Environmental Health - no objections

4.5 Site notice/local residents - an objection has been received from a local resident prior to the submission of amendments, which is summarised as follows:

1. My primary concern is the access to the site. The site includes a right of way, this right of way has existed for a very long time and is used as a primary access to the field situated to the west of the site and as a secondary access to Merryn. The access lane shared by the applicant, Mr Richardson who owns the field to the west of the site and the occupants of Merryn, is already dangerous and has to be used with caution. The increased usage of the access proposed by constructing one or two dwellings would only intensify this danger.

2. The Local Highways Authority states that the visibility splays must give visibility for 43 metres each way from a point two metres down the centre line of the access road. The current access point will not allow for this even with the applicants suggested new access radius on the Indicative layout plan. Moving the access north to increase visibility to the south would not only hinder access for Mr Richardson's farm vehicles but would be moving the access closer to the blind brow of the hill, reducing visibility for those using the access and oncoming traffic. At peak times there is a large flow of traffic from both directions though the village to numerous businesses and the local school.

3. Another concern is that the proposed new dwellings would be extending the village, the houses would be the last in the village when heading north. There is no question that this will dramatically change the look of the village and its heritage. If, as proposed the dwellings were to emulate the look of the bungalows further south in the village, this more modern look would detract from the traditional style of the listed cottages that are currently the first thing you see on entrance to the village from the north.

Following the receipt of amended plans the following comments have been submitted:

Whilst we appreciate the number of dwellings has been reduced and the design of the cottage is in keeping with the traditional dwellings around it, our primary concern still remains the safety of the access.

Currently the access is only used on occasion, there are not vehicles going in and out every day. The increased usage of the access by occupants in the proposed dwelling will add to an already dangerous area of road. At peak times there is a large flow of traffic that rarely travels at the speed limit of 30mph.

Due to the above comments and the access issues raised in our previous letter, our objection still stands.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of a new dwelling in this location outside Development Limits, an assessment of the likely impact of the proposed dwelling on the character and appearance of the Conservation Area, the rural landscape, neighbour amenity, highway safety and developer contributions.

5.2 The site falls outside of Development Limits as Newby Wiske 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 NPPF. 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 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.

5.4 In the settlement hierarchy contained within the IPG, Newby Wiske is defined as an "other 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 on the edge of the village of Newby Wiske which is identified in the IPG as an example of a cluster village together with South Otterington. The two villages have long been linked economically and socially which continues to the present day and collectively have a church, a primary school and a pub. Each village is readily accessible to each other on foot or bicycle as well as by car on the local road network. Newby Wiske is less than 0.5km distance from South Otterington and the application site is a further 0.5km through the village. Criterion 1 would be satisfied.

5.5 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 on undeveloped land that lies at the end of the row of residential properties on the western side of the main village street. There is a house and farm beyond the edge of the village on the opposite side of the street. 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."

5.6 The proposed development would extend the built part of Newby Wiske further along the western side of the village street and is therefore a form of ribbon development. The application site, although undeveloped, does not form part of the countryside but has more in common with the village. The boundary between the application site and the rural landscape to the west is established by a timber fence and hedgerow and the land is not in agricultural use.

5.7 The existing buildings are in poor condition and do not contribute positively to the character and appearance of the Conservation Area. As such it is considered that their removal and replacement with a dwelling of a high standard of design, would improve the appearance of the site. The removal of the buildings must be balanced against the loss of a length of the existing hedgerow of approximately 23m that would make the site more visible. The proposed development would significantly alter the appearance of the site but it must be considered whether this would detract from the character and appearance of the Conservation Area. A condition can be imposed requiring the replacement of a hedgerow behind the visibility splay, which once established would have the same effect as the existing hedgerow.

5.8 The submitted details, although illustrative only, demonstrates that a traditional form of dwelling could be provided on the site. It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.

5.9 The closest neighbour is Merryn immediately to the south. A new dwelling, either single or two storey, could be designed to prevent overshadowing or overlooking.

5.10 The Highway Authority has no objections regarding the proposed development. It is not considered that the proposed development would adversely impact highway safety and conditions are recommended including the requirement to provide a visibility splay. The existing access serves the joiner's workshop, the field to the rear and Merryn and the visibility is substandard. The proposed development provides an opportunity to improve the visibility for all users.

5.11 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.

5.12 It is considered that the proposal is in accordance with the Interim Policy Guidance document in that the housing development, subject to the subsequent approval of detailed plans in respect of scale, design and materials and would have no adverse impact on landscape character, residential amenity and highway safety.

5.13 The proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be 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. 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.

5. 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.

6. The dwelling 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 another condition of this permission. This shall include the re-alignment of the hedge over the field adjoining the application site, behind the visibility splay. 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.

7. 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 and the relationship of the proposed development to the existing dwelling to the south. 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.

8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water other than the public sewer have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

9. 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.

10. 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 in consultation with the Highway Authority; d. The crossing of the highway verge shall be constructed in accordance with the 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; h. The final surfacing of any private access within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. 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 C10 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.

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 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: b. vehicular and pedestrian accesses c. vehicular parking d. vehicular turning arrangements e. manoeuvring arrangements

13. 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.

14. 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.

15. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and email received by Hambleton District Council on 23 September and 12 October 2015 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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 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. 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.
5. 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.
6. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP28.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with LDF Policies CP21 and DP43.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. 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.
11. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
12. 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.

13. 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.

14. 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.

15. 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.