

Parish: Pickhill with Roxby

Ward: Tanfield

Committee Date: 3 March 2016

Officer dealing: Mrs H M Laws

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Target Date: 27 January 2016

15/02717/OUT

Outline application with some matters reserved for the construction of three terraced dwellings and a detached garage building with associated shared access and landscaping

**at Land to the rear of The Cottages, Street Lane, Pickhill
for Mr Anthony Smith-Ketteringham**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within the village of Pickhill at the north western end of the village and covers an area of 0.11 hectares. The site forms part of a domestic piece of land, used in association with the dwelling at 1 the Cottages. A building (large Nissen hut) that lies within the boundary is currently used for domestic storage. The site was previously used as a base for a haulage company until approximately 2000.
- 1.2 There is a row of conifer trees along the northern boundary of the application site abutting the agricultural land beyond. A mature leylandii hedge lies along the full length of the eastern boundary, which it is proposed to retain. Several trees lie on the boundary between the gardens of The Cottages and the application site. It is proposed to replace the conifer trees on the northern boundary with trees of a native species.
- 1.3 Across the road to the north lie 2no. two storey detached dwellings and a terrace of 3no. two storey dwellings. To the west lies the remainder of the field; to the east lies the building and parking area associated with Pickhill Engineering and the access road that follows the boundary of the application site and which serves the building within the southern part of the application site. This building currently accommodates several small businesses, including vehicle repairs and furniture making. The application site is bounded to the east and south with post and wire fencing.
- 1.4 The application is for outline permission with some matters reserved for the construction of 3 dwellings. Access and layout have been included for approval at this stage. The layout proposes a terrace of three, two storey properties fronting the rear elevation of The Cottages, facing southwards. A building containing two single garages is proposed at the front of the dwellings at the western side of the site.
- 1.5 Access to the site is adjacent to number 1 The Cottages. A shared drive is proposed at the front of the proposed dwellings to provide access to a block of two single garages and an integral garage in the centre of the terrace. Turning provision is proposed within the site. A bin store is proposed for the three dwellings on the eastern boundary of the site.
- 1.6 It is proposed to provide the middle dwelling as an affordable unit.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/90/118/0095 - Outline application for the construction of 3 dwellings. Permission refused 19/10/1990 for the following reason:

The proposal represents a form of backland development which would be objectionable by reason of loss of privacy, and general disturbance to nearby residential properties.

- 2.2 2/91/118/0095A - Outline application for the construction of 2 dwellings. Permission refused 20/9/1991 for the following reason:

In the opinion of the Local Planning Authority the proposed development would be contrary to Policy H6 of the Draft Vale of Mowbray Local Plan in that the proposed residential development would be detrimental to the amenities of the residents of adjoining properties through loss of privacy. The application site is also prominent when travelling west and development to the depth proposed would be detrimental to the character and appearance of the streetscene which is traditionally frontage development in the locality.

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 CP9 - Affordable 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 DP10 - Form and character of settlements
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
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 - wish to see the application rejected because of access, parking, potential flood risk and intrusion on nearby properties overlooking gardens etc. Perhaps bungalows would be a better option.
- 4.2 NYCC Highways - conditions recommended
- 4.3 Yorkshire Water - based on the information submitted (foul water only to public foul sewer in Street Lane as stated/surface water to Suds and soakaway as stated), no comments are required from Yorkshire Water.
- 4.4 Ministry of Defence - no reply received.
- 4.5 Environmental Health Officer - no objection in principle to the proposals. However I have some concern about the potential disturbance caused by the use of a carport/bike store between the two residential properties and would recommend consideration be given to locating this vehicle store elsewhere.

Also there is an indication that renewable energy sources will be provided to the properties. In some circumstances these methods can give rise to amenity issues and should outline permission be granted I would welcome detail of these energy sources prior to consideration of a full application.

4.6 Site notice/advert/local residents - objections have been received from five local residents whose comments are summarised as follows:

- The land to the rear of the proposed new dwellings is prone to flooding and during the recent floods (w/c 7th December 2015) flood water from Pickhill beck came to within 4 metres of the applicant's rear boundary. My concern would be that if the recently built check bank further up the river Swale at Gatenby were to be breached in future (it held recently) then any flooding could be a serious threat to the proposed dwellings. I do have photographic evidence of the recent floods
- It is clearly outside the existing building line and would significantly change the character of the area and the outlook of the existing dwellings. Currently, all properties are in a traditional roadside position with only gardens to the rear and views to the open countryside
- These proposed properties would overlook the rear of our property and significantly impact on our privacy and outlook.
- Other planning applications on this site have been refused in the past for these same reasons
- The proposed three houses would all have a good view of my rear garden and rear windows. This would have a severe impact on our personal privacy. I find this completely unacceptable. Especially as you have only three months ago granted permission for five houses to be built directly in front of my property. The rear garden is our only private area now.
- The recent flood water in the back field came very close to this proposed housing. Building there would reduce the floodplain further and it would only be a matter of time before the proposed houses were indeed flooded
- Part of the land at the rear of my garden was subject to a land dispute a few years ago with the previous owners of Pennington
- if there is only a single car park per house where are the other cars going to park? 90% of houses in Pickhill own 2 cars +.... will this mean cars park all up the street?
- Access for vehicles... this is quite a narrow gate entrance and isn't wide enough for 2 cars to pass through, so if one cars trying to go in and the other car trying to come out will this mean dangerous reversing on to the main road?

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 dwellings on the character and appearance of the village; neighbour amenity; highway safety; flood risk; and affordable housing.

Principle

5.2 The site falls outside of Development Limits of Pickhill, 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 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, 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, Pickhill 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 within the centre of Pickhill which has facilities including a school, church and pub. Criterion 1 would be satisfied.

Character and appearance

- 5.7 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character although adjacent to the open countryside, which lies beyond. 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."

The proposed dwellings would be on land that is currently used for domestic purposes that lies adjacent to residential uses on three sides. The application site protrudes beyond the end of adjacent gardens but does not extend beyond the boundary of the existing domestic use. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the character of the countryside.

- 5.8 The scale of the development would be small as suggested by the Interim Policy Guidance (up to 5 dwellings) as the proposal illustrates a scheme of three dwellings, in a terrace, similar to the terrace of dwellings that fronts onto Street Lane. It is considered that this scale of development would be appropriate to the village. This part of Pickhill is characterised by linear, frontage development although there are several existing examples of backland development within the village including some in close proximity of the application site (to the south at Town Farm and to the east at Melltowns Green).
- 5.9 Previous planning applications were refused permission in 1990 and 1991 for the construction of dwellings on this site due to the impact of backland development on the character and appearance of the village and to the amenity of neighbouring residents. It has been established above that the site is already in domestic use and is part of the village in terms of character. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Pickhill already extends further into the countryside than the application site and as such it is considered that the development proposed, without the loss of rural landscape as it is within the existing built form, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.
- 5.10 It is important to consider the cumulative impact of additional residential development in Pickhill. Following the adoption of the Interim Policy Guidance in April 2015 outline permission has been granted for 5 dwellings on the southern side of Street Lane (15/01118/OUT) and outline permission has been granted for 8 dwellings on the site of Chapel Farm to the south (15/00905/OUT). Approval of this outline application would result in a total of 16 new dwellings. The existing number of dwellings in Pickhill is approximately 136 and therefore the construction of an additional 16 dwellings would result in an 11% increase. This is not considered inappropriate or unsustainable for a village such as Pickhill with facilities such as a school, pub and church. In this instance all of the sites have been within the general confines of the village and would not therefore detract from its built form or extend into the adjacent rural landscape. The overall character and form of the village will be retained.

Neighbour amenity

- 5.11 There is concern from the existing adjacent residents that the position of the dwellings would result in overlooking, particularly due to the position of first floor windows. The layout shows the front elevation of the new dwellings to be a distance of approximately 28m from the rear elevations of The Cottages; 14m from the closest point with the bungalow at Ponder and 24m from the closest point of the neighbouring dwelling at Pennington. It is suggested that, with the presence of the trees there is an adequate distance between the existing and proposed dwellings. It is considered that there would be no loss of amenity as a result of overlooking or overshadowing. The proposed dwellings would potentially be able to overlook the

rear gardens of Ponder and Pennington but there is already potential for these gardens to be overlooked by existing neighbours. It is considered that the layout protects residential amenity. It is recommended that a condition be imposed to illustrate the differential in height between the properties to ensure the proposed dwellings would not be built at a significantly higher level so that there would be no overbearing impact or increased sense of enclosure for existing residents as a result of the proposed development.

Highway safety

- 5.12 The Highway Authority has no objections regarding the proposed development and the use of the existing access from Street Lane. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.

Flood risk

- 5.13 There is some concern from local residents regarding potential flood risk at the site. There is no evidence that the site has flooded and it appears to refer to the agricultural land to the rear. The application site does not lie within an area of flood risk.

Affordable housing

- 5.14 LDF Policy CP9 requires development of two or more properties to provide affordable housing on site at a proportion of 40%. It is proposed to provide the middle of the three dwellings as an affordable house. This would require a financial contribution to make up the shortfall of 0.2 units.

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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; and (c) the scale (including the number) of buildings overall.
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. 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.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'Affordable Housing Scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the Affordable Housing Scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The Affordable Housing Scheme shall include:

- a the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 40% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council
 - b the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the affordable unit to be made available for occupation before occupation of the open market dwelling on the site;
 - c the arrangements for the transfer of the affordable housing to an affordable housing provider at the Council's agreed transfer price as defined in the Council's Affordable Housing SPD and/or any additional or successive planning policy document adopted by the Council the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - d the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
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 has 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 and/or footway shall be constructed in accordance with the Standard Detail number E6 var.; 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.
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 Street Lane from a point measured 2.4 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. 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 W2345(PL)04 Site Plan); 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.
13. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the garages hereby approved shall be kept available for their intended purposes at all times.
14. 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 in writing to their withdrawal.
15. 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. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered W2345(PL)04 and 05A received by Hambleton District Council on 1 December 2015 and 12 February 2016 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. 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.
6. 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.
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 development provides affordable housing that meets the needs of the local community in accordance with the LDF Policies CP9 and DP15.
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 provide for appropriate on-site vehicle 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 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.
14. In accordance with LDF Policies CP2 and DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. 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.

16. 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.