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15/02581/OUT

Outline planning permission with some matters reserved (considering access) for the construction of a single dwelling as amended by plan received by Hambleton District Council on 17 March 2016.

at Land Adjacent Fencote House Hergill Lane Little Fencote North Yorkshire for Mr N McElroy.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site, which lies on the southern side of the village street, currently forms the side garden of Fencote House, a two storey detached dwelling. The site covers an area of 0.09 hectares. A two storey dwelling known as Oaklea lies to the east.
- 1.2 It is proposed to construct a detached two storey dwelling on the site. The application is an outline application with some matters reserved. The matters to be considered at this stage include access.
- 1.3 A stone wall lies along the front boundary of the site, which is at different heights of approximately 1.2m and 2m. Part of the wall is to be removed and an access created within a gap of approximately 3.5m. The remaining part of the wall to the east of the proposed access (a length of 17.2m) would be rebuilt behind a new visibility splay, which would be a maximum of 0.3m behind the position of the existing wall.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 03/01137/OUT - Outline application to construct a detached dwelling. Permission refused 30/3/2004 for the following reasons:
 1. Sufficient sites have been completed since 1991 or have been granted planning permission to meet the housing land requirement set out in Policy H1 of the Hambleton District-Wide Local Plan and the North Yorkshire County Structure Plan. To grant planning permission for additional sites would prejudice the aims of the Structure Plan and the Local Plan to restrain housing growth as set out in Guiding Principle 2: The Scale and Nature of Development and Policy H1 of the Hambleton District-Wide Local Plan by adding to the over-provision of housing in the District, contrary to advice in Planning Policy Guidance Note 3 to "plan, monitor and manage" the release of housing land.
 2. The clear visibility of 70m cannot be achieved along the public highway in either direction from a point 2.0m from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety. The proposal is therefore contrary to Policy H8 of Hambleton District Wide Local Plan (1999).

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 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 observations. Councillors hope that consideration is given to the established trees in the boundary as well as to the stone wall in Hergill Lane.
- 4.2 NYCC Highways - no objections subject to conditions.
- 4.3 Yorkshire Water - no comments required
- 4.4 MOD - no safeguarding objections
- 4.5 HDC Environmental Health - Based on the information provided we believe there will be no significant impact on the local amenity. Therefore the Environmental Health Service has no objections.
- 4.6 Site notice/local residents - correspondence has been received from the neighbouring resident as follows:
I note the comments of the Highway Authority relating to Visibility Splays and after consulting their representative it would appear to me that the site line will be to the south of the existing electricity pole at the junction with the adjacent property Oaklea. This would require the removal/relocation of part of existing joint boundary wall, and the removal/relocation of some of the roadside hedge belonging to Oaklea. I note the footprint of the proposed dwelling is only indicative, but since there are windows in each of the rooms on my west side I would prefer to see the house moved closer to the existing Fencote House with no windows on its east side.
I welcome the revised sight line to the east which would suggest that it does not now interfere with Oaklea's existing hedge. If you can confirm that to be the case, then I can withdraw my concern on this particular matter.

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 village, neighbour amenity, highway safety and developer contributions.
- 5.2 The site falls outside of Development Limits as Little 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, Little Fencote is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of a settlement "will be supported where it results in incremental and organic growth". 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 Little 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 and this continues to the present day. Collectively these three villages have churches, a 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. Little Fencote is 0.5km from Great Fencote by road and approximately 1.5km 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. Little Fencote is characterised by linear development on both sides of the village street between existing dwellings 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 an existing garden that forms an infill plot within the village and is therefore already in domestic use. 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 wall along the front boundary of the site in order to provide the required highway visibility splays. A replacement wall would be built behind the splays, and as it would be set back a maximum of 0.3m it would still retain the appearance of the existing roadside wall. As such it is considered that the development proposed 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 adjacent property to the east has existing windows in the side elevations facing onto the application site. The detailed position of windows in the proposed dwelling is a matter that can be considered at reserved matters stage to assess whether there would be any direct overlooking of windows at close range. The development is not considered to be contrary to LDF Policy DP1.
- 5.11 The Highway Authority has no objections to the proposed development subject to the repositioning of the wall to provide a visibility splay. The splays are achievable without affecting the neighbouring hedge.
- 5.12 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 planning permission 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 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 dwelling hereby approved shall not be occupied until the boundary wall has been built behind the visibility splays required by condition 9, in accordance with drawing number 2015:34/02B. Thereafter the wall shall be retained unless with the prior written approval of the Local Planning Authority.

6. 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.

7. 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.

8. 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 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.

9. 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 40 metres measured along both channel lines of the major road Hergill Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05metres 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.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference 2015:34/02Site Layout Plan & Street Scene Elevation as Proposed) 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.

11. The garage hereby approved shall be used solely for the housing of motor vehicles and notwithstanding the provisions of Schedule 2, Part 1 of the

Town and Country Planning General Permitted Development Order 1995, or subsequent amending Order, no subsequent alteration shall be undertaken.

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 and drawing numbered 2015:34/02B received by Hambleton District Council on 16 November 2015 and 17 March 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 character and appearance of the site in accordance with LDF Policies CP17 and DP32.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.

7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. 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.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. 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.
11. 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.
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.