

**Parish: Bagby**  
Ward: Bagby & Thorntons  
**4**

Committee Date: 15 September 2016  
Officer dealing: Caroline Strudwick  
Target Date: 22 August 2016  
Date of extension of time (if agreed): 22 September 2016

**16/01468/OUT**

**Construction of 3 dwellings with provision of new access to the public highway at West View, Bagby Lane, Bagby for Mrs Debbie Price**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This proposal relates to an area of land measuring 3174sqm, lying to the west of Bagby village. The north eastern boundary runs along the rear boundary of dwellings fronting on to Sandown Close and the site is bordered on the south east by a dwelling known as West View, that fronts on to Bagby Lane.
- 1.2 On the southern boundary of the proposed site there is a large hybrid Black Poplar tree. A provisional TPO (16/00008/TPO2) was made on the 22nd July 2016. The tree is large, and so an extensive underground root network is expected.
- 1.3 The proposal is for outline approval, with all matters reserved for later approval, however detail is given that the scheme is for three three-bedroom houses and that a new access would be taken from Bagby Lane. The position of the proposed dwellings is on the fringe of the village.
- 1.4 Bagby is a secondary village, as set out in the Interim Policy Guidance Note Settlement Hierarchy 2014.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 00/50073/P - Construction of a building to comprise four stables with tack room/feed store and manure store for use in conjunction with existing agricultural land for the keeping of horses for domestic purposes; Granted 30 May 2000.

**3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development  
Development Policy DP1 - Protecting amenity  
Development Policy DP28 - Conservation  
Core Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Policy CP2 - Access  
Core Policy CP4 - Settlement hierarchy  
Development Policy DP3 - Site accessibility  
Development Policy DP8 - Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP4 - Access for all  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

4.1 Bagby Parish Council – objects on the following grounds:

- The access is not acceptable; it is too narrow and too close to Longways;
- The land should remain agricultural;
- The proposed properties would impinge on existing property;
- Most buildings surrounding the proposed site are single storey;
- Any planning granted on this plot would open up the possibility of further development in the future on the blue outlined plot;
- The proposal would be detrimental to the current view of the village; and
- It would include the removal of yet more trees including one very rare black poplar tree.

4.2 Highway Authority – No objection subject to conditions.

4.3 Natural England - No comment.

4.4 Woodland Trust - Objects on the basis of damage and potential loss of a large notable black poplar. It is essential that the impacts of this development on the important and valuable black poplar are fully considered before any planning decision has been made. The applicant has so far failed to consider these impacts.

4.5 The Ramblers' Association - No objection to the outline application, however the proposed access road is too narrow for mixed usage and as such objection may be made for the final proposal.

4.6 Ministry of Defence - No safeguarding objections.

4.7 Public comment - 44 letters and emails of objections have been received; however some of these are multiple submissions. The reasons for objection include:

- The tree protection area will potentially push the dwellings nearer to Sandown Close;
- Harm caused to the black poplar tree;
- No further houses are required in Bagby;
- Coalescence with Thirsk;
- Danger caused by the nearby airfield and flight paths;
- Traffic congestion;
- Habitat destruction;
- Dangerous access point opposite a children's playground;
- Impact on infrastructure;
- Impact on countryside and rural character of the village;
- Impact on residential amenity;
- Height and scale of dwellings; and
- Flooding issues on site.

A petition has also been received, signed by 91 people objecting to the application.

## **5.0 OBSERVATIONS**

5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character; (iii) the impact on the black poplar tree which is subject to a provisional Tree Preservation Order (TPO); (iv) access issues; and (v) the impact on residential amenity.

## Principle

- 5.2 Bagby is a Secondary Village within the Settlement Hierarchy set out in policy CP4 and updated by the adopted Interim Policy Guidance (IPG) which provides for a more flexible consideration of new development at the edge of settlements.
- 5.3 The National Planning Policy Framework (NPPF) states, in paragraph 55, "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".
- 5.4 The IPG was adopted to enable consistent decision-making in respect of small-scale development in villages with due regard to the NPPF and the spatial principles of the Local Development Framework. It states that "Small scale housing development will be supported 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."
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the main village facilities of Bagby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development.

## Character

- 5.6 The development is small in scale at three dwellings and this site is located close to other properties within the settlement and close to local facilities including the children's play area. As such the location of the proposed dwellings would relate well to the existing settlement. A plan submitted as part of the application shows three plots marked out along an access track, with the full site running to the rear of 11 – 25 Sandown Close. The three dwellings, when considered alongside West View and its annexe, would round off development at this end of the village
- 5.7 The site is screened to some degree by housing on Bagby Lane; however there are extensive views of the site on the approach from the A19, north up Bagby Lane. Therefore any reserved matters submission for this development would need to take into consideration the need for soft landscaping within this rural landscape setting to avoid detrimental impact on the natural environment.
- 5.8 It is considered that the dwellings can be accommodated within the capacity of the existing village infrastructure.

### Tree issues

- 5.9 Reserved matters to finalise the scale, design and location within the plots should also recognise and respect that the hybrid black poplar tree is the singular most important feature in the field, and to avoid any detrimental impact on the open character and appearance of the surrounding countryside the dwellings should be positioned so that they do not encroach on the tree and impact on the setting of the tree, as well as protecting the health of the tree.
- 5.10 A tree report prepared on behalf of the applicant has identified the tree as likely to be a hybrid black poplar, but it is a large landmark tree which should be retained as part of the proposed development. The report goes on to advise that the layout for the proposed development is located at least 15 m from the tree and that shading issues are also considered in the layout. An amended plan shows the road curving round the tree on the outside of the tree protection area and the areas of plot one and two reduced. This is an indicative plan and if approved a more detailed plan demonstrating how the tree will be protected can be required for submission at the reserved matters stage.
- 5.11 The site is highly visible from both Bagby Lane when approaching the village and from the two public foot paths to the north of the site. Careful consideration will be required at the detailed stage as to the most appropriate position of the dwellings and their design and materials to respect the natural and existing built environment and to preserve the views of the village.
- 5.12 A large number of letters of concern refer to the preservation of the protected tree. The use of planning conditions and the need for detailed approval of the layout and design can provide adequate protection for the site.

### Access issues

- 5.13 The access arrangements proposed would be satisfactory and the Highway Authority has no objection subject to the imposition of appropriate conditions. As such the proposal is in accordance with policy. The final details of the road from the access point on Bagby Lane to the new dwellings would be decided at the reserved matters stage, although more detailed plans showing how the road would be constructed to avoid any damage to the tree can be required by a condition at this outline stage.

### Residential amenity

- 5.14 The proposed plot areas are generous and would allow for significant planting to protect existing residential amenity of dwellings on Sandown Close and Bagby Lane. It is considered that three dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties if due regard is paid to the existing dwellings and the tree. The scale and positioning of the dwelling houses, of which no details have been submitted, would be dealt with through reserved matters.

## **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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: (i) Three 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 means of access to the building plot(s); (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. 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.
4. 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(es) 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; and (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6VAR. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. 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 from a point measured 2.0 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.
6. 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 in consultation with the Highway Authority: (a) vehicular parking; (b) vehicular turning arrangements; and (c) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. 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.

8. 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; and (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.

The reasons for the above conditions are:

1. To ensure compliance with 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. In the interests of highway safety.
4. In the interests of highway safety.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

#### Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
  - 1 x 240 litre black wheeled bin for general waste
  - 1 x 240 litre green wheeled bin for garden waste
  - 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
  - 1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.