

Parish: Welbury
Ward: Appleton Wiske & Smeatons
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Committee Date: 15 September 2016
Officer dealing: Mrs B Robinson
Target Date: 21 June 2016
Date of extension of time: 16 September 2016

16/00953/OUT

Outline planning application with all matters reserved for construction of detached single storey dwellinghouse at Land adjacent to Sunnyside, Welbury for Mr & Mrs L Meynell

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a grass paddock between two single storey dwellings, with a hedge on the roadside boundary. The site is accessed across a grassed verge via an opening with hardcore surface. There is a slight rise in the land from the street. The site is in the middle part of the village, opposite the Duke of Wellington public house. The adjacent property to the east is a single storey cottage, located close to the roadside. To the west, Sunnyside is a C20th bungalow with hipped roof and is set back from the roadside approximately 22m. The boundary of the site with Sunnyside is a close boarded fence, rising to approximately 2 metres adjacent to the side of Sunnyside.

1.2 The proposal seeks consent for a single dwelling with all matters reserved. An indicative plans shows a dwelling set approximately 10 metres back from the road frontage, with an access made in the approximate position of the existing access.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/00232/FUL - Demolition of outbuilding and the construction of a dwelling and detached garage; Refused 14 February 2013, Appeal Dismissed 5 February 2014.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Development Policy DP1 - Protecting amenity
Development Policy DP9 - Development outside Development Limits
Core Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP30 - Protecting the character and appearance of the countryside
Core Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
Core Policy CP21 - Safe response to natural and other forces
Development Policy DP43 - Flooding and floodplains
National Planning Policy Framework
Interim Policy Guidance

4.0 CONSULTATIONS

4.1 Parish Council - No observations received.

4.2 Yorkshire Water - No observations received.

4.3 Highway Authority - Observations awaited.

4.4 Public comments - None received.

5.0 OBSERVATIONS

5.1 The main considerations in the determination of this application are: (i) the principle of development in this location and the likely impact on (ii) residential amenity and (iii) highway safety.

Principle

5.2 The site falls outside of the development limits of a sustainable settlement, as Welbury has no status in the settlement hierarchy set out in Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development in exceptional circumstances, six of which are set out in policy CP4. The application does not claim any of the exceptional circumstances identified in that policy 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, in 2015, 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 provides for a more flexible consideration of new development within and at the edge of settlements. The IPG details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy. Welbury is included in the updated hierarchy as an Other Settlement.

5.4 The IPG 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 Interim Guidance is that a settlement must be deemed sustainable in its own right or through clustering with another settlement, in terms of existing services and facilities. The village has facilities including a church, village

hall, and public house, but does not reach the level of services that would equate to a Service or Secondary Village and in those terms is not deemed sustainable in its own right.

- 5.6 It is necessary therefore to consider whether Welbury forms a sustainable cluster with any other settlements. Appleton Wiske lies to the north of Welbury and has a school, village hall, church chapel and post office and is included within the updated hierarchy of the IPG as a Secondary Village. The IPG suggests that a cluster is unlikely to form a sustainable community if there are significant distances (greater than approximately 2km) or other barriers between the settlements. In this case the distance between the settlements is approximately 2.3 km from the south edge of Appleton Wiske (which is relatively clearly defined) to the west edge of Welbury. There is a smaller outlying group of houses just beyond the village edge which are not taken into account. On this basis, Welbury is considered capable of forming a sustainable cluster with Appleton Wiske.
- 5.7 The proposal is for the development of a single dwelling and thus the development is considered to be small in scale. Owing to the distance to the nearest villages it would not lead to coalescence of settlements and there is no evidence to suggest that existing infrastructure does not have the capacity to support an additional dwelling.
- 5.8 In terms of the built form and character of the village, the village is mainly linear and the application site forms part of the general line of development on the south side of the village street. The site is an open space bounded by existing hedges and fences and assuming existing hedges can be retained, the development will not affect natural features and would not affect historically important buildings in the village.
- 5.9 The built environment locally benefits from the gap in development between Sunnyside and The Cottage, to the east, and forms a natural break in the frontages between the older parts of the village to the east and south, and the more modern developments to the west. The location thus makes a modest contribution to the character of the area, however this was not considered so valuable as to justify refusal by the Planning Inspector determining the appeal in respect of the previous application; he noted that an additional dwelling in this location could respect its surroundings. Details of design and siting would be considered at reserved matters stage, however the indicative siting provided shows that there is scope for a dwelling to be provided without detriment to the character of the village.

Residential amenity

- 5.10 The site is capable of accommodating a dwelling at sufficient distance from neighbouring dwellings, subject to a suitable design, such as to protect the amenity of neighbouring occupiers.

Highway safety

- 5.11 The Highway Authority's observations are to be confirmed however there is no evidence that circumstances have changed significantly since the previous application, which was not refused on highway safety grounds. This is subject to the final views of the Highway Authority when received.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external 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. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
4. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 3 above.
5. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
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 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: (i) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail E9; (ii) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; and (iii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 consultation with the Highway 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: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) 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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

The reasons 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. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
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5. In accordance with policy number CP2 and DP4 and in the interests of highway safety.
6. In accordance with policy number 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.
7. In accordance with policy number CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with policy number CP2 and DP 4 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

Informative

1. 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 or by telephoning 01609 779977.