

**Parish: Exelby, Leeming and Newton**

Ward: Bedale

**5**

Committee Date: 13 October 2016

Officer dealing: Mrs H M Laws

Target Date: 18 October 2016

**16/01787/FUL**

**Construction of dwellinghouse and attached double domestic garage and the formation of new access**

**At The Old Forge, Exelby**

**For Mr & Mrs John Clark**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site lies at the western end of Exelby on the southern side of the village street and currently forms part of the garden of The Old Forge. The site extends to an area of 0.1 hectares. The village street ends beyond the site and a single track road, which is a public right of way, turns south along the western boundary of the application site.
- 1.2 The site is bounded on the roadside to the north and west by a mature leylandii hedge, which is more than 3m in height. There is no existing access directly onto the application site except from the existing domestic garden associated with The Old Forge.
- 1.3 Planning permission was granted in March this year for the construction of a detached two storey, four bedroom dwelling on this site, which has not been implemented. The proposed scheme is for a different development.
- 1.4 It is proposed to construct a two storey, detached, four bedroom dwelling on the site with an attached double garage. A new access is proposed from the village street by creating a gap in the boundary hedge. Approximately 25m of hedgerow would be removed along the northern boundary of the site to create the access and provide the visibility splays.
- 1.5 It is proposed to retain the section of leylandii hedge that lies on the north western corner of the application site on the roadside. A stretch of 15m along the south western roadside boundary would be removed and a new hornbeam hedge planted.
- 1.6 The proposed dwelling is a two storey double fronted dwelling in a traditional style with eaves to front and rear and side gables. Bay windows are proposed at ground floor level on the front elevation; chimney stacks are proposed at either end of the ridge.
- 1.7 The dwelling would be finished in brick with clay pantiles to the roof. No details of window and door materials have been provided. A landscaping scheme has been submitted, which proposes to plant a new hedge behind the visibility splays along the northern boundary of the site to either side of the proposed access. Trees are proposed within the front garden.

**2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 15/02819/FUL - detached dwellinghouse and associated parking; Granted 4 March 2016.

**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 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 DP9 - Development outside Development Limits  
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 - no objections to the proposed development.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Ramblers - no objection.
- 4.4 NYCC Archaeologist - The development is within the historic medieval settlement of Exelby. Earthworks of former enclosures and building platforms are visible in the fields on every side of the development plot. Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation.
- 4.5 Swale & Ure Internal Drainage Board - details of surface water discharge acceptable provided Yorkshire Water is happy with the fact and the rate of discharge.
- 4.6 Scientific Officer (Contaminated Land) - no objection.
- 4.7 Public comment - none received.

## 5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of a new dwelling in this location outside Development Limits; (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape; (iii) neighbour amenity; and (iv) highway safety.

### Principle

- 5.2 Although the current application is materially different, there remains an extant planning permission granted earlier this year for the construction of a dwelling on this site and therefore the village of Exelby has been assessed as being capable of forming a sustainable community and the principle of a dwelling has already been established in this location.

- 5.3 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies. The proposal is for a single infill dwelling and as such is considered, in principle and considering the previous approval, to be of a suitable scale.

#### Character and appearance of the village and effect on the rural landscape

- 5.4 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village but as it lies within a domestic garden area surrounded by the leylandii hedge it is very much part of the developed character of the village rather than the surrounding countryside. 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."

- 5.5 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.
- 5.6 The proposed development is of a high standard of design that respects its immediate neighbours and is in keeping with the character and appearance of the village. The design is more traditional than the scheme approved earlier this year. The NPPF in paragraph 58 suggests that development should respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. It is considered that the proposed design achieves this aim.

#### Neighbour amenity

- 5.7 The closest neighbour would be the existing property at The Old Forge, which retains the significant portion of the existing domestic garden. There would be adequate distance between the two properties for the proposed development to have no adverse impact on residential amenity.

#### Highway safety

- 5.8 A plan has been submitted that demonstrates that the required visibility splays identified by the Highway Authority can be achieved across land that is within the ownership of the applicants. On that basis there are no highway safety reasons for withholding permission.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The external surfaces to be used in the construction of the development hereby approved shall not be other than in accordance with the details submitted with the application and the email received on 22 September 2016.
3. 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.
4. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 19 September 2016 has been carried out. 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.
5. The development hereby approved shall not be undertaken other than in accordance with drawing number 1.3 that shows the finished ground floor level of the development at 31.365, other than with the prior approval in writing by the Local Planning Authority.
6. The means of disposal of surface water drainage shall be undertaken in accordance with the details received by email on 22 September 2016 and thereafter retained.
7. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation dated September 2016 and received by Hambleton District Council on 28 September 2016. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
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: d. The crossing of the highway verge shall be constructed in accordance with approved details shown on drawing 1.3 "Proposed Site Plan and Sections" and 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. 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 in accordance with approved drawing 1.3 "Proposed Site Plan and Sections". 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.
10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 1.3 "Proposed Site Plan and

Sections"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. 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.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 1240:1.1B; 1.2B; 1.3; 1.5 and 1.7B received by Hambleton District Council on 5, 23 and 30 August and 19 September 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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.
3. 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.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
6. To ensure that the development can be properly drained to prevent pollution of the water environment in accordance with LDF policies CP21 and DP43.
7. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
8. In accordance 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 that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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.

### 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977.