

**Parish: Flawith**  
**Ward: Easingwold**  
**3**

Committee Date: 2 February 2017  
Officer dealing: Caroline Strudwick  
Target Date: 17 January 2017  
Date of extension of time (if agreed): 10 February 2017

**16/02575/OUT**

**Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access (all other matters reserved)**

**At land to the north west of Foxholm House, Flawith**

**For Mr Scott Waters**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is a 0.4 hectare agricultural field at the north western end of Flawith, on the northern side of the main street and 1.8km from the development limits of Ane.
- 1.2 The site is well screened on the western boundary, with the main road through Flawith. It has access tracks to the north and south boundary. The site slopes downwards from the north east to the south west towards the main road.
- 1.3 The application seeks permission for the construction of four four-bedroom detached dwellings with access. The proposed layout shows each dwelling to have its own access onto the road. All other matters are reserved for later approval.
- 1.4 The original application sought approval for the layout of the scheme; however, through discussions with the agent this element has been removed and will be for reserved matters approval. The layout provided as part of this application is therefore indicative.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 83/0903/OUT - Outline application for two dwellings; Refused 22 December 1983.
- 2.2 06/00857/OUT - Outline application for a dwelling; Refused 29 June 2006.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP29 - Archaeology  
Development Policies DP32 - General design  
Development Policies DP9 - Development outside Development Limits

## **4.0 CONSULTATIONS**

- 4.1 NYCC Heritage Services - Recommended condition of archaeological mitigation recording.
- 4.2 Highway Authority - Recommended conditions.

4.3 Environmental Health Officer - No objection.

4.4 Yorkshire Water - Recommends conditions.

4.5 Public comment - five objections received raising the following concerns:

- Linear extension of Flawith into open countryside should be opposed;
- Loss of agricultural land;
- The incomplete, and potentially misleading, structure of the outline application - lack of detail regarding the impact of the elevation of the dwellings;
- HDC has no housing need for the next five years;
- Development will increase the risk of surface water flooding, already a serious issue for residents particularly at White Horse Farm where flooding is common and severe;
- Four new homes constitute a 12% growth in Flawith, over and above the national average. NHBC states that housing growth for the year 2015 was 7%;
- Development will have a negative impact in respect of site levels, privacy, security and noise & disturbance;
- Public transport in/out of Flawith has been severely cut from an hourly service to three per day. With no direct footpaths linking Flawith to surrounding villages then this would mean more traffic on local roads; and
- Loss of hedgerows.

## 5.0 OBSERVATIONS

5.1 The main issues to consider are (i) the principle of residential development in this location; how the scheme would affect the character and appearance of the village and the countryside; (iii) access; and (iv) residential amenity.

### Principle

5.2 Flawith is classified as an Other Settlement within the Settlement Hierarchy set out in policy CP4 and has no Development Limits. Therefore, development can only be permitted by Local Development Framework (LDF) policies in the exceptional circumstances set out in policy DP4. None of those exceptions are claimed for the application, which would therefore be a departure from the Development Plan. However, it is necessary to consider national policy that post-dates the LDF.

5.3 The National Planning Policy Framework (NPPF) was published in 2012 and 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 Council therefore developed Interim Policy Guidance (IPG) 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 LDF. 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 As an Other Settlement, Flawith is not considered a sustainable settlement in its own right. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. However, the villages in question must be sufficiently close together (approximately 2km) to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 Flawith is 1.8km from the development limits of Alne, with is classified as a Secondary Village within the Settlement Hierarchy and therefore considered a sustainable location in its own right. The proposal would therefore be capable of supporting local services in Alne and would be in accordance with the aims of sustainable development.

#### Character and appearance

- 5.7 The development of four units is small in scale and this site is located close to other properties within the settlement. As such the proposed scale of dwellings would relate well to the existing form of Flawith and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship (including elevations) to neighbouring properties. Flawith is a linear village in so much as development is limited to lining the main road, often close to the road, with very limited development to rear of frontage development. Development itself is not rigidly set and there is variety in the separation distances of dwellings from the road, and how development is perceived in the street scene, for example there are instances of dwellings with gables facing the road. This adds variety and distinctiveness to the village character. This assortment of design should be acknowledged and reflected in layout at reserved matters stage.
- 5.8 There are approximately 29 dwellings along the main street of Flawith and an additional four would represent an estimated 13% increase in development. The Interim Guidance Note advises that small scale would normally be considered to comprise up to five dwellings but it does not provide any guidance as to what is an appropriate overall level of growth for a settlement. In March 2007 permission was granted for four dwellings at the other end of the village, also outside development limits as an exception to CP4 as affordable housing. There has been very limited development occurring in Flawith between the 2007 approval and submission of the current application. The level of growth, whilst significant for a village of this size is not considered to be harmful to the character of the settlement.
- 5.9 The boundaries of this site are well defined by the tracks to the north and the south, and the main road to the west. The four proposed houses would form a natural termination to development at the northern end of the village, facing White Horse Farm and separated from the open countryside further north by the access to Headlands Hall Farm.
- 5.10 The site is screened to some degree by hedgerows on the main road through the village. However, some sections of hedgerow would be removed to allow the creation of four access points, one for each dwelling. Full landscaping details to mitigate this

should form part of a reserved matters application. Reserved matters for this development would also need to take into consideration the need for soft landscaping within this rural landscape setting to avoid detrimental impact on the natural environment. It is envisaged that this can be achieved without detriment to the character of the settlement or the open countryside.

- 5.11 In determining any reserved matters application, the assessment of the reserved matters should recognise and respect that the site is slightly elevated along with the separation distances to the dwellings on the opposite side of the road in order to preserve their residential amenity.
- 5.12 It is considered that the proposed four dwellings represent the highest level of growth that can readily be accommodated within the capacity of the village infrastructure and without significant impact on the character and form of the settlement.

#### Access arrangements

- 5.13 The proposed access arrangements would be satisfactory in terms of movement and highway safety and are not considered detrimental to either highway safety or the character and appearance of the area.

#### Residential Amenity

- 5.14 The indicative plan shows the proposed dwellings to be opposite Pebble Cottage, Pebble House and White Horse Farm house. The indicative plans shows a separation distance of 27m from plot two to White Horse Farm, 28.5m between plot three and the outbuilding of White Horse Farm, over 29m between plot four and Pebble Cottage and approximately 27 between plot four and Chandlers Cottage. It is considered that four dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties. The scale and positioning of the dwelling houses, of which no final details have been submitted, will 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on WG417-04A unless otherwise agreed in writing by the Local Planning Authority.
  - 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. 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.
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. No demolition/development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (a) the programme and methodology of site investigation and recording; (b) community involvement and/or outreach proposals; (c) the programme for post investigation assessment; (d) provision to be made for analysis of the site investigation and recording; (e) provision to be made for publication and dissemination of the analysis and records of the site investigation; (f) provision to be made for archive deposition of the analysis and records of the site investigation; and (g) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
7. No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 6.
8. 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 Archaeological Investigation approved under condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
9. 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 crossings of the highway verges shall be constructed in accordance with the approved details and/or Standard Detail number E6; (b) 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; and (c) provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
10. No part of the development shall be brought into use until the existing access on to Main Street has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway 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 for each dwelling giving clear visibility of 45 metres measured along both channel lines of the major road (Main Street) from a point measured 2 metres down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. 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 until the details of the following off site required highway improvement works listed below have been submitted to and approved in writing by the Local Planning Authority : (a) provision of a 2 metre wide footway linking with the existing north eastern footway; and (b) a programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority.
13. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) wheel washing facilities; and (e) measures to control the emission of dust and dirt during construction.
14. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

The reasons 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. 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 Policy DP32.
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. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Local Development Framework Policy DP 32 and DP33.
5. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
6. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.

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9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
10. In the interests of highway safety.
11. In the interests of road safety.
12. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
13. In the interest of highway safety.
14. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

#### 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.