

Parish: East Harlsey
Ward: Osmotherley & Swainby
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Committee Date: 2 March 2017
Officer dealing: Mr Kevin Ayrton
Target Date: 5 December 2016
Date of extension of time (if agreed): 6 March 2017

16/02233/OUT

**Outline planning application for the construction of a dwellinghouse with details of access and layout (all other matters reserved)
at land to the north east of East Harlsey Telephone Exchange, East Harlsey
For Mr & Mrs David Porter**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the north western edge of East Harlsey, with a frontage onto the main road, which passes north (to the Rountons) and south towards Northallerton, which is approximately 7 km to the south west.
- 1.2 The site currently forms part of a wider field, which extends to the north and west of the site. The topography is such that the land rises to the north before it falls away. The majority of the site is in an L shape, fronting the road and extending to the rear of the Telephone Exchange, and includes an existing access to the south of and shared with the Telephone Exchange. The site therefore encircles the Telephone Exchange and also a strip of land between the application site and the Telephone Exchange, which accommodates a polytunnel. The supporting planning statement states that this land is not within the ownership of the applicant. There is a mature hedge along the eastern boundary between the application site and highway.
- 1.3 There is residential development in the form of modern detached dwellings to the south of the Telephone Exchange. The overall character of development in this area is modern in form and design, which is in contrast to the more historic core of the village.
- 1.4 The proposal is in outline form for the erection of one dwelling, with approval being sought for access and layout. A layout plan identifies the proposed siting of the dwelling and the supporting planning statement confirms that this would be a three-bedroom bungalow, which is considered to "best reflect the character of dwellings in the immediate locality".
- 1.5 The access to the site would be via the existing track. This would be extended around the rear of the Telephone Exchange to serve the plot.
- 1.6 The supporting planning statement advises that the agent gave pre-application advice in March 2016, when working for the Council, but there is no record of this.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None on the application site.
- 2.2 However, there have been recent applications for new dwellings in this part of the village, including:

15/01838/OUT - Detached dwelling with all matters reserved (on land adjacent to The Cat and Bagpipes PH); Granted 13 November 2015.

16/00293/FUL - Demolition of agricultural buildings and construction of two dwellings (at Town End Farm); Granted 19 August 2016.

16/00612/FUL - Two two-storey detached dwellings (on land adjacent to Brindlewood);
Refused 24 June 2016, appeal in progress.

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
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - The majority of the Parish Council would like to see this application refused for the following reasons:

- The application is to build on agricultural land;
- The application is not for building on a brownfield site;
- The site is not within the built form of the village;
- Development on the site would not be in keeping with the linear character of the village;
- The dwelling would take the total of new builds to be outside the Parish Council view of what is reasonable in the village;
- The dwelling would increase the development of new houses centred round a small part of the village; and
- Concerns regarding highway safety due to poor visibility on the brow of the hill.

4.2 Environmental Health Officer (Contaminated Land) - No objection.

4.3 Public comments - Ten representations have been received in support, making the following points:

- The application is by a local family rooted in the community running a local business;
- The site, though on the edge of the village, would not significantly extend it further;
- Its impact on the village would be minimal;
- The proposed site is substantially screened by a tall hedge, raised verge and rising gradients. A bungalow would not be visible at all from the northern approach;
- The proposal would use an existing access which is set back from the carriageway and within the 30mph limit;
- The proposed bungalow would not disadvantage the village appearance and layout;
- This is not a property speculation development, but intended for long term settlement;
- The site lends itself for building of a reasonable family dwelling;

- The village is short of family housing, which affects the numbers at the local school and the dynamics of the village;
- The applicant has lived in the village all his life and this would enable villagers to stay in the village. It seems unfair that locals are being forced out by high prices that outsiders are prepared to pay;
- There is currently a shortage of affordable housing in the area;
- The applicant intends to screen the property as much as possible by planting hedging where appropriate; and
- The proposed bungalow is of a similar nature to recent constructions in East Harlsey. It would provide a home for an agricultural worker and his family, allowing him to manage the land which he owns.

4.4 One neighbour objection (two submissions) makes the following points:

- The proposal has not met the tests of the Interim Policy Guidance (IPG), and as such, a dwelling beyond Development Limits cannot be justified;
- The areas which it is felt that this proposal conflicts with the IPG are:
 - It does not reflect the existing built form and character of the village;
 - It will have a detrimental impact on the open character and appearance of the surrounding countryside; and
 - It cannot be accommodated within the capacity of existing infrastructure. Concerns are raised with the suitability of the access arrangements and lack for visibility from the junction.
- The applicant appears to be making a case for personal circumstances that would secure both social and economic benefits. However, the applicant would already appear to be living in the village in perfectly acceptable accommodation, which already provides a base to run his machinery/contract businesses from the village; and
- East Harlsey would appear to have had its fair share of development since the introduction of the IPG, with four scheme approved under it.
- The privately funded highways report does not give a true reflection as to the volume of vehicles parking in the lay by and adjacent area to the proposed access. The vehicles parking in this vicinity restrict observations and give limited time to react to speeding vehicles entering the village from the national speed limit. The layby is used daily by BT vans which are regularly double parked causing a further obstruction to road users forcing them to overtake on the hill. Local residents, visitors and dog walkers also park in the lay by.

4.5 Highway Authority - The Highway Authority has previously asked for further information in relation to the speed of vehicles approaching from the north and requested that the speeds of vehicles were measured and the visibility available was justified in terms of the advice in Manual for Streets. Transport consultants working on behalf of the applicant have submitted a report showing the 85th percentile speeds of vehicles approaching from the north to be 31.0mph which would correspond to a visibility splay requirement of 45m. The visibility splay that is available to the north is in excess of this requirement.

Concern must be expressed with regard to vehicles which are sometimes parked in the layby and obscuring visibility to the north however consideration must be given that there are two existing accesses at that location and that there have been no injury accidents recorded at that location.

Consequently an objection on highway safety grounds would be difficult to sustain.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 East Harlsey does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.

- 5.3 Whilst the planning statement makes some references to the proposed dwelling being for a local agricultural worker (described as an agricultural machinery and agricultural contracting business) and his family, it is clear that the application has not been made on the basis of exceptional circumstances identified in that policy (e.g. agricultural workers dwelling) and as such the proposal is a departure from the Development Plan. The planning statement also confirms that the applicant already lives in the village.

- 5.4 Although the proposal is considered to be a departure from the Development Plan, 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".

- 5.5 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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 new housing in villages.

- 5.6 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.

- 5.7 In the Settlement Hierarchy reproduced in the IPG East Harlsey is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

- 5.8 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this instance the proposal for one dwelling is considered to be an acceptable scale.

Character and Appearance

- 5.9 The question of cumulative growth also needs to be considered. It is accepted that other development in the village has already been approved under the IPG. At the time of writing this report, six dwellings have been granted planning permission under the IPG. These would be sited throughout the village with the closest ones being at Town End Farm, some 30m from the site access, on the opposite side of the road, and on land to the north of the Cat and Bagpipes public house, approximately 100m from the site access. Owing to the greater separation from other IPG sites, it is considered that the proposed dwelling would not be viewed in the same context as them. In this part of the village, if development proceeds adjacent to the Cat and Bagpipes and on Town End Farm, they and this site could be perceived together. However, the cumulative housing growth of these three sites is four dwellings (two of which would replace a large barn on Town End Farm) and this cumulative impact is not considered to be harmful.
- 5.10 There is also a pending appeal for two dwellings on land adjacent to Brindlewood, located to the east of the application site, on the opposite side of the road. Even if the appeal were allowed, the site, whilst close, is not viewed in the same context and would not change the view formed on the cumulative impact of the proposals.
- 5.11 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Plan.
- 5.12 There is no doubt that the proposed dwelling would encroach into the countryside. However consideration needs to be given as to whether this would be to a detrimental level. As set out in section 1 of this report, the site forms part of a wider field, therefore it is currently seen in the context of the wider countryside. However, in its favour, the topography of the land rises to the north of the site before falling away. Therefore views of the site are limited when approaching the site from the north because of the crest of the hill. The site also benefits from a mature hedgerow along its eastern boundary, which would soften the impact of development and which can be retained in full due to the proposed use of the existing access to the south of the Telephone Exchange.
- 5.13 Whilst in outline form, the supporting planning statement explains that a bungalow is considered to be the most appropriate scale of development for the site. This is reflected in the submitted layout plan, which aims to secure the layout of the dwelling at this stage.
- 5.14 It is considered that a bungalow would be in keeping with the relatively small scale of the Telephone Exchange building to the south of the site and further mitigate the impact of the development on the character of the surrounding countryside. The layout plan also demonstrates that the siting of the dwelling would be consistent with the existing built form in this area of East Harlsey.
- 5.15 Therefore it is concluded that the proposed development would not be detrimental to the surrounding natural environment and would be in keeping with the built environment.

Residential Amenity

- 5.16 Layout is a matter for determination at this stage. The submitted layout plan clearly demonstrates sufficient separation from the nearest residential property, namely

Goosecroft, to the south of the Telephone Exchange. Therefore it can be concluded that the development would not be harmful to neighbouring residential amenity.

Highway safety

- 5.17 It is proposed to use the existing access to the site. This is supported by a highway access appraisal, which includes a speed survey.
- 5.18 The submitted information has been considered by the Highway Authority. Whilst some concern has been expressed with regard to vehicles which are sometimes parked in the layby and obscuring visibility to the north, consideration must be given to the two existing accesses at that location and that there have been no injury accidents recorded at that location.
- 5.19 Consequently, and as the Highway Authority advises, an objection on highway safety grounds would be difficult to sustain.

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 approve
 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 scale of the proposed dwelling; (b) design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.
 3. 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) vehicle parking and turning areas.
 4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 3 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.
 5. 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.

6. 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 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 accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
4. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
5. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. In accordance with policy DP3 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.