

**Parish: Welbury**  
Ward: Appleton Wiske & Smeatons  
**10**

Committee date: 27 April 2017  
Officer dealing: Mr K Ayrton  
Target date: 28 April 2017

**16/02254/OUT**

**Outline planning application for a detached dwelling with garage with all matters except access reserved**

**At Colwell House, Welbury**

**For Mr & Mrs M T Johnson**

**This application is referred to Planning Committee as the proposal is a departure from the Development Plan**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site currently forms part of the residential curtilage of Colwell House. The host property is two-storey, forming the eastern end of a terrace. There are detached properties to the east and on the opposite side of the road.
- 1.2 The curtilage is relatively large for the host property when compared with the other terraced properties. The application site effectively takes the eastern half of the curtilage, with the remainder retained for the host dwelling.
- 1.3 The property is currently accessed directly to the front, with an additional, recently formed access to the west, which wraps around the rear of the terraced properties before meeting the highway (Tofts Lane). The indicative access arrangements show the new dwelling making use of the existing access to the front of the site, albeit shifted slightly to the west; with the host property (Colwell House) using the access to the west.
- 1.4 There is a hedgerow to the front, side and rear of the site. Trees are located within the site, including a large tree to the front.
- 1.5 The application is in outline form with the only matter for approval at this stage being access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application should the outline application be approved.
- 1.6 An illustrative layout plan has been submitted in support of the application, which shows a detached dwelling sited in line with the existing property.

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

- 2.1 14/00729/FUL - Construction of a two storey extension to the rear of dwellinghouse and detached garage and new vehicular access/driveway (with changes to the access); Granted 23 May 2015.

### Land adjacent to Sunnyside, Welbury

- 2.2 16/00953/OUT - Outline planning application with all matters reserved for construction of detached single storey dwellinghouse; Granted 16 September 2016.
- 2.3 This site is located on the opposite side of the road, close to the current application site. In approving the application, it was accepted that the village of Welbury represented a sustainable village for the purposes of the IPG.

## Glebe Farm, Welbury

- 2.4 16/00602/OUT - Outline application for the construction of a single dwelling; Granted 16 September 2016.
- 2.5 This site is located on the southern edge of Welbury. In approving the application, it was accepted that the village of Welbury represented a sustainable village for the purposes of the Interim Policy Guidance.

### **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 DP3 – Site Accessibility  
Development Policies DP4 - Access for all  
Development Policies DP10 - Form and character of settlements  
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 comments received.
- 4.2 Highway Authority – The access that is indicated as serving the proposed dwelling was approved and constructed under planning permission 14/00729/FUL. When the Highway Authority considered this application particular weight was given to the reasons included in the application documents for the residents wanting a new access to Colwell House (which still had substandard visibility) instead of the existing shared access to the Colwell House further to the west.

As a part of this application process concerns have been raised with respect to the visibility available at the new access and to address these concerns the applicant has commissioned a transport consultant to investigate the matter. The transport consultant's report acknowledges that there is a short fall in visibility at the new access but concludes that there is adequate visibility for the proposed dwelling. Consideration must also be given to the nearby accesses on the north side of the road as they too have limited visibility because of the narrowness of the footway and the height of some of the hedges along there. Consequently it is considered that a refusal on highway grounds would be difficult sustain given the above and the Local Highway Authority recommends that conditions are attached to any permission granted.

- 4.3 Public comments – One (neutral) letter making the following comments:
- Policy CP4 only permits new housing in exceptional circumstances. The IPG only permits development where all six criteria are met;

- A full detailed application would be more appropriate to allow proper and full evaluation of the proposal against the IPG;
- The existing ground level is significantly higher than the finished floor level at Colwell House. The finished floor level should be kept as low as possible;
- To protect privacy no windows should be placed on the eastern elevation of the proposal at first floor level; and
- The mature sycamore is a very attractive feature and will be a great pity if it has to be felled.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on highway safety and; (iv) the impact on residential amenity.

### 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 or settlements, 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.

#### Character

- 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 character of the village, the village clearly has a linear form. Whilst in outline form, the submitted illustrative site plan demonstrates how it is possible to achieve development on site that reflects this characteristic. It is recognised that the development would have some impact on the appearance of the village by in-filling the existing gap. However, this impact would not be significant, with opportunities to mitigate, including the retention/addition of landscaping, along with scope to develop the site in a sympathetic manner that retains space around the building.
- 5.9 Details of design and siting would be considered at reserved matters stage. However, the illustrative siting provided shows that there is scope for a dwelling to be provided without detriment to the character of the village.
- 5.10 It is recognised that planning permission has been given for two other properties under the IPG, one of which is located close to the application site. However, the nature of these sites, which are both infill and for single dwellings, means the cumulative impact of the proposals would not be harmful.
- 5.11 The illustrative plan shows a large tree in the proposed front garden area to be removed. This is a relatively good quality specimen, which makes a positive contribution to the appearance and amenity of the area. The applicant has indicated that they are willing to retain the tree, which is only marginally impacted by the proposed layout and could be retained within the scheme. It is recommended that should permission be granted a condition is imposed to retain this tree and provide suitable protection to it.

#### Highway safety

- 5.12 It is proposed to use the existing access to the front of the site to serve the new dwelling, albeit the plans show it being moved to the western edge of the frontage. The local highway authority initially raised concern with the proposed access

arrangements due to substandard visibility. Consequently the applicant commissioned a transport consultant to investigate the matter. This concluded that whilst there is a shortfall in the visibility that can be achieved, this is similar to existing access arrangements in the vicinity because of the narrowness of the footpath and height of hedgerows. This leads the local highway authority to conclude that a refusal would be difficult to sustain on highway grounds.

#### Residential amenity

- 5.13 The site and its relationship with the existing dwellings to either side would allow for it to accommodate a dwelling that is a sufficient distance from neighbouring dwellings, subject to a suitable design, such as to protect the amenity of neighbouring occupiers.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission 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 scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; (d) the landscaping of the site.
  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 in consultation with the Highway 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 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: vehicle access, parking and turning arrangements.
  5. No part of the development shall be brought into use until the approved vehicle access, parking manoeuvring and turning areas approved under condition number 4: 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.
  6. The development shall not be commenced until a site specific arboricultural method statement has been submitted to and approved by the Local Planning Authority. The statement will include details of how the large tree in the proposed front garden

(identified on the existing site plan) will be retained and protected as part of the proposed development.

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 in the interests of highway safety
4. 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.
5. 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.
6. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

#### Informatives

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 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.