

**Parish: Flawith**  
Ward: Easingwold  
**2**

Committee date: 20 July 2017  
Officer dealing: Mrs C Strudwick  
Target date: 28 July 2017

**17/01062/OUT**

**Outline planning application including access for the development of 4 residential dwellings  
At Land to the North West of Foxholm House, Flawith  
For Alcuin Homes**

**This application is referred to Planning Committee as the proposed development is considered to be a departure from the Development Plan**

**1.0 SITE, CONTEXT 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. Flawith is defined as an Other Settlement in the updated Settlement Hierarchy. The site is 1.8km from the development limits of Alne, which is defined as a Secondary Village in Settlement Hierarchy.
- 1.2 The site is well screened from the main road through Flawith by mature hedging on its western boundary. It has access tracks to the north and south ends and a pronounced slope down from the north east to the south west towards the main road.
- 1.3 The application is in outline form and seeks detailed permission for the access and shows the layout of four four-bedroom detached dwellings with detached garages. The proposed layout shows an access point at the north western corner of the site which then curves into the site to allow access to each plot.
- 1.4 Details of appearance, landscaping, layout and scale are reserved for later approval. Whilst details of finished floor levels have been submitted these are indicative.
- 1.5 This is a re-submission of a similar scheme refused in February 2017. Since the refusal the access arrangements have been changed from each dwelling having its own access point off the main road, to a single access point serving all the dwellings.

**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.
- 2.3 16/02575/OUT - Outline planning application for the development of 4 residential dwellings and associated infrastructure with details of access (all other matters reserved); Refused 10 February 2017.

The reason for refusal identified the following harm:

- i. Harm to the character of the settlement due to the earthworks that would be required to form accesses to the site as a consequence of the difference in levels between the elevation of the site above the level of the highway;
- ii. The adverse impact upon the character of the settlement and the countryside beyond the settlement through the dominating effect of the elevated position of the dwellings on the site; and

- iii. The significant overbearing impact on the neighbouring residential property due to the dominant elevated position for the proposed dwellings.

### **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  
Interim Guidance Note - adopted by Council on 7th April 2015  
Supplementary Planning Document - Size, Type and Tenure of New Homes  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Aldwark Area Parish Council objects to the application. It states that whilst there have been some changes to the layout, siting and access arrangements the reasons for the previous refusal appear not to have been addressed, namely issues around sustainable development; the Settlement Hierarchy; protection and enhancement of natural assets; protecting amenity; being outside Development Limits; the form and character of settlements (protection of intrinsic qualities of open areas); and protection of character and appearance of the countryside. The principal concern remains that of the overbearing impact of the proposed dwellings on the properties opposite and this application fails to address that issue.
- 4.2 Highway Authority – No objection; conditions recommended.
- 4.3 Environmental Health Officer – No objection.
- 4.4 Yorkshire Water – No objection; conditions recommended.
- 4.5 NYCC Heritage Services – Response awaited. (Officer note: On the previous application (16/02575/OUT) a condition of archaeological mitigation recording was recommended. In the absence of an update that advice is considered relevant.)
- 4.6 Public comments – Four objections on the following grounds:
  - Loss of privacy of existing residents due to the elevated site;
  - The foul sewerage system is unable to cope with further development;
  - The current drainage system is unable to cope with the level of surface water run-off;
  - The single point of access is in too close to the access point opposite and the farm track adjacent;
  - Lack of detail regarding the heights and elevation;
  - The policies cited in the previous reason for refusal have not been answered in the positive with regard to this application;
  - Given the large size of the development, approximately a 12% growth, this likely suburban character could be detrimental to the rural character of the area;
  - Loss of agricultural land; and

- Hambleton has no housing need for the next 5 years.

## 5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of residential development in this location; (ii) 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 updated Settlement Hierarchy 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 to form a sustainable community 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 between settlements) to be able to cluster and have a good collective level of shared service provision in order to be considered a sustainable community.
- 5.6 Flawith is separated from the development limits of Alne by 1.8km of road. Alne 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 Aine and would be in accordance with the aims of sustainable development.

### Character and appearance

- 5.7 The development of four units is within the scope of the IPG guidance as small in scale and this site is located close to and opposite residential properties within the settlement. As such, four dwellings fronting the road would relate well to the existing linear 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 from public vantage points, particularly roads. 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 IPG 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. There has been very limited development occurring in Flawith in recent years. In that context, the level of growth, whilst significant for a village of this size, is not considered to be harmful to the character of the settlement. However, 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 without significant impact on the character and form 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 well screened by hedgerows on the main road through the village. One section of hedgerow would be removed to allow the creation of a single access point, which will serve all of the dwellings. 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 The site is elevated above the main road. The road is shown as 21.94 as a fixed datum point. It is indicated that the finished floor level of plot one would be 23.50 and plot four would be 25.00. To help limit the impact of the elevated site the plots are shown cut into the slope reducing the indicative height of the dwellings by 0.5m in comparison to the previously refused application. A maximum building height could be set by condition. The concerns leading to the previous refusal regarding the elevated nature of the site persist however the proposed reduced finished floor levels will reduce to some extent the dominant effect of dwellings. However the changed access arrangements and retention of the boundary hedge will make a more substantial difference in the impact of the development on the area and must also be taken in to account, as discussed below.

### Access arrangements

- 5.12 The proposed single access point is considered an improvement on the previous scheme. This single access arrangement whilst close to other accesses is found to be satisfactory in terms of movement and highway safety. The formation of a single access point is considered to avoid harm to the character and appearance of the area. Additionally the changes address the impact of the earthworks required to achieve the individual accesses shown in the previous scheme.

### Residential Amenity

- 5.13 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 indicative details have been submitted, are matters to be properly dealt with through reserved matters submission.

### The planning balance

- 5.14 The harm previously identified to be caused by the elevated position of the dwellings that would be dominant over the neighbours and the countryside are addressed by the scheme. These are (i) lowering of the proposed dwellings would reduce the impact and this can be controlled by a planning condition. The earthworks required to form multiple accesses is overcome by (ii) the use of a single point of access and the extent of change in the landscape is substantially reduced. The single point of access would also allow (iii) the retention of the unbroken boundary hedge along most of the site frontage and thereby minimises the extent of change and overcomes the harm previously identified. The separation distance to the neighbours are unchanged but by the retention of the boundary hedge and reduced earthworks, the extent of change and the actual, and perceived, scope for overlooking and consequent loss of privacy would be reduced. It is considered that these factors taken together are significant and address the requirements of the LDF policies and overcomes the previous reason for refusal.

## **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 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 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 layout and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site. This decision grants permission for no more than 4 dwellings.

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. No part of the western boundary hedge shall be reduced to a height lower than 1.6m above the adjacent ground level or removed.
6. 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.
7. 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.
8. No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition 6.
9. 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.
10. 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. The works shall be implemented in accordance with the approved details and programme.
11. 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 details of the access shall have been approved in writing by the Local Planning Authority; (b) The existing access shall be improved by construction in accordance with the approved details and Standard Detail number E6Var; (c) 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; (d) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10; and (e) The final surfacing of any private access metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway.

12. 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 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.
13. 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 required off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority: (a) Provision of a 2 metre wide footway linking the dwellings 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.
14. 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: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. 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 details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. 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.
16. 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.

17. 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 Local Development Framework 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. The hedge is considered to make an important contribution to the setting of the site, to provide screening and soften the impact of the new development on the countryside, the village street and to neighbouring property and should be retained in accordance with LDF Policies CP1, CP16, and DP30.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. 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. This condition is imposed in accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
10. In the interests of highway safety
11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
12. In the interests of road safety.
13. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.



14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
15. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
16. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
17. 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. 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 Hambleton District Council - Waste and Streetscene.

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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.