

**Parish: Bagby**  
**Ward: Bagby and Thorntons**  
**3**

**Committee date: 17 August 2017**  
**Officer dealing: Mrs C Strudwick**  
**Target date: 24 August 2017**

**17/01223/OUT**

**Construction of 2 dwellings with provision of new access to the public highway (all other matters reserved)**

**At West View, Bagby Lane, Bagby**

**For Mrs Debbie Price**

**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 This proposal relates to a 1600 sq.m piece of land to the rear of two dwellings known as Longways and Westlands and to the south of West View. The site is on the north western side of Bagby Lane, at the southern end of the village.
- 1.2 The land abuts a larger parcel of land which was granted outline permission for three dwellings in September 2016 (16/01468/OUT). The indicative layout shows the dwellings to the south west of the larger site, to the rear of Sandown Close.
- 1.3 The site is currently grazing land; the general topography slopes up from the A19. The site is not within Flood Zones 2 or 3, although there is a watercourse 85 metres to the north west. There is a public footpath beyond the watercourse, and a bridleway approximately 200m beyond that. The watercourse has a good level of mature tree landscaping along its length, providing some screening of the site from both public rights of ways.
- 1.4 Approximately 35m to the north west of the proposed site there is a large hybrid black poplar tree which is protected by a Tree Preservation Order (16/00008/TPO2). The tree is large, and so an extensive root network is expected.
- 1.5 This application seeks outline planning permission for two houses with access off Bagby Lane. Each plot would measure approximately 12m by 12m. The remaining matters of appearance, landscaping and layout would be for a later application if this is approved. The application form indicates that the dwellings would each have three bedrooms.

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

- 2.1 16/01468/OUT - Construction of three dwellings with provision of new access to the public highway; Granted 20 September 2016.
- 2.2 16/00008/TPO2 – Tree Preservation Order 2016 No: 8; Made 22 July 2016, confirmed 21 September 2016.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development  
Development Policy DP1 - Protecting amenity  
Development Policy DP28 – Conservation

Core Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Policy CP2 – Access  
Core Policy CP4 - Settlement hierarchy  
Development Policy DP3 - Site accessibility  
Development Policy DP8 - Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP4 - Access for all  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

### **4.1 Parish Council – Objects to the proposal on the following grounds:**

- An agricultural field next to a sewerage works;
- The site is not a preferred Parish Council site for development;
- There are more suitable sites in Bagby with better access;
- The proposed properties will impinge on existing properties;
- Bungalows would not cause loss of amenity to residents;
- The development would be detrimental to the current view of the village;
- The proposed new entrance is regularly blocked by large tankers turning into Bagby Airfield; this new entrance would only intensify the problem;
- The entrance is too narrow and too close to Longways causing poor visibility.
- The site is known to flood on occasions with sewerage after heavy rainfall; and
- Residents have been told by Yorkshire Water that the sewerage system cannot take any more properties without improvements.

### **4.2 Highway Authority – No objection subject to conditions.**

### **4.3 Environmental Health Officer – No objection.**

### **4.5 Public comments - 14 objections raising the following points:**

- The close proximity to the Black Poplar tree endangers its future;
- Further development will detract from neighbouring properties;
- Bagby Road is a busy road, a new access will be hazardous and disruptive;
- The cumulative impact of infill sites in Bagby;
- Impact on landscape and views across the Vale of York;
- Over-stretched sewerage system in the village; and
- This development brings no added value to the village.

### **4.6 Yorkshire Water - No observation comments, as the developer has stated surface water being drained to existing watercourse, included within the blue line of their ownership, as per location plan. Generally, foul water flows are negligible compared to both foul and surface water going into foul sewers. Hence YW's promotion of surface water hierarchy under Requirement H3 Building Regulations 2000 - soakaway/infiltration system, land drain/watercourse and finally (as last resort) sewer.**

With regard to the sewerage network, this is an operational matter, outside of planning, and YW always advises customers to get in touch when sewer flooding occurs, so that they can be investigated via Customers Services and Sewage Operations teams, to check what's going on (if any - examples like root infestation,

wrong types of material/greasy products causing blockages and anything else). Obviously it is best for residents etc. to continue to contact YW, I would have thought that those who have done so already, will have correspondence with a contact person, likely from Customer Services, who can register any more complaints for the operation teams to investigate further, for any future works to resolve the situation. Please note - there are also issues beyond YW's control - example surface water flooding in times of storm, whether from fields, blocked road gullies, land drains etc.

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the likely impact of the proposal on local character; (iii) the impact on the black poplar tree which is subject to a provisional Tree Preservation Order (TPO); (iv) access issues; and (v) the impact on residential amenity.

### Principle

- 5.2 Bagby does not feature in the Settlement Hierarchy published in the 2007 Core Strategy and therefore does not have Development Limits. For that reason any new housing in the village is contrary to the development plan unless it benefits from an exception as set out in Core Policy CP4. No such exception is claimed in this case. The village is designated a Secondary Village in the updated Settlement Hierarchy published with the Council's Interim Policy Guidance (IPG), which allows small-scale development to be considered within the village.
- 5.3 The National Planning Policy Framework (NPPF) 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 IPG was adopted 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 Local Development Framework. 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:
- Development should be located where it will support local services including services in a village nearby.
  - Development must be small in scale, reflecting the existing built form and character of the village.
  - Development must not have a detrimental impact on the natural, built and historic environment.
  - Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  - Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  - Development must conform with all other relevant LDF policies.
- 5.5 The approach of the IPG is that Service and Secondary Villages are deemed sustainable in their own right and this site is located on the fringe of the village of Bagby. The proposal would be capable of supporting local services and would be in accordance with the aims of sustainable development, complying with the first criterion.

- 5.6 It is considered that the dwellings can be accommodated within the capacity of the existing village infrastructure. It is noted that residents have questioned sewer capacity; however, the advice from Yorkshire Water reported in section 4 above offers appropriate assurance.
- 5.7 The application form proposes two three-bedroom houses. Policy CP8 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure. The Council's Size, Type and Tenure of New Homes SPD, adopted September 2015, identifies that to meet the District's housing needs a greater number of two and three bedroom market homes are required. The development would support that aim and a condition could be applied to any consent to ensure it.
- 5.8 Any reserved matters application should give consideration to the Government's Nationally Described Space Standards (NDSS) and the size of dwellings should be in conformity with these standards. Space standards are set out in the SPD mentioned above.

#### Character

- 5.9 The development is small in scale at two dwellings and the indicative plans show the houses to be located to the rear of Westlands and Longways with a 7m piece of land forming a landscaped buffer between the driveway off the access road and the rear boundaries of Longways and Westlands. The location of the proposed dwellings would extend development to the rear boundary of West View. Development would be kept in line with and not extending into the countryside beyond the southernmost residential curtilage of West View, relating well to the existing settlement.
- 5.10 The site is screened to some degree by housing on Bagby Lane; however there are extensive views of the site on the approach from the A19, north up Bagby Lane. Therefore any reserved matters submission for this development would need to take into consideration the need for soft landscaping within this rural landscape setting, particularly on the southern boundary of the southern plot to avoid detrimental impact on the natural environment.

#### Tree issues

- 5.11 Reserved matters to finalise the scale, design and location of the dwellings within the plots should also recognise and respect that the hybrid black poplar tree is the singular most important feature in the field, and to avoid any detrimental impact on the open character and appearance of the surrounding countryside the dwellings should be positioned so that they do not encroach on the tree and impact on its setting, as well as protecting its health.
- 5.12 A tree report submitted in support of the previous application 16/01468/OUT identified the tree as likely to be a hybrid black poplar, but it is a large landmark tree which should be retained alongside any development. The report goes on to advise there should be a root protection area of 15m and shading issues should be considered in the layout. It is considered that that advice is also applicable to this development and if this application is approved a more detailed plan demonstrating how the tree will be protected, noting the cumulative impact of this development and that approved under 16/01468/OUT, can be required at the reserved matters stage.
- 5.13 Careful consideration will also be required at the reserved matters stage as to the design and materials in order to respect the natural and built environment and to preserve views of the village.

- 5.14 A large number of letters of concern refer to the preservation of the black poplar. A plan has been received in support of this application demonstrating the crown spread and appropriate root protection area of the tree and indicating that these are beyond the application site. It is considered that the use of appropriate planning conditions and the future approval of the layout and design can provide adequate protection for the tree.

#### Access issues

- 5.15 The Highway Authority has raised concerns that the access road serving these two plots and the three approved under reference 16/01468/OUT should be 4.1m wide, preferably wider. Any width less than 4.1m may mean vehicles stop on the public highway to let others out of the access point, which would be a highway safety concern. The required width can be achieved, although final details of the road, including the width, from the access point on Bagby Lane to the new dwellings would be decided at the reserved matters stage. Details demonstrating how the road would be constructed to avoid any damage to the tree should also be submitted at that stage.
- 5.16 The proposed sight lines are satisfactory and the Highway Authority has no objection subject to the imposition of appropriate conditions. As such the proposal is in accordance with policy relating to access.

#### Residential amenity

- 5.17 The proposed plots have a separation distance of approximately 8m, narrowing to 7m, from the rear boundaries of Westways and Longways. The strip of land between the rear boundaries and proposed plots is not within the site but is shown to be in the applicant's ownership and therefore the landscaping details to be submitted at the reserved matters stage can include planting on this land to help limit any impacts on residential amenity. The agent has confirmed that this gap presents a buffer to the adjoining properties, with a view to planting.
- 5.18 It is considered that two dwellings can be achieved on this site without causing significant harm to the amenities of existing and proposed properties if due regard is paid to the existing dwellings and careful consideration of the dwellings' orientation and window openings. The scale, design and positioning of the dwellinghouses, of which no details have been submitted, would be dealt with through reserved matters.

## **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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.

This decision grants permission for not more than 2 dwellings and each dwellings, each with not more than 3 bedrooms.

- 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. 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 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; and (d) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6VAR. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 5 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 giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. 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.
- 6 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 parking; (b) vehicular turning arrangements; and (c) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle 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.
- 7 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning. 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.
- 8 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 51 of the Planning and Compulsory Purchase Act 2004.
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 the interests of highway safety.
4. In the interests of highway safety.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

#### 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. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
3. An explanation of the terms used in condition 5 is available from the Highway Authority.

4. The proposal shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).
5. With regard to condition 2, the Local Planning Authority will expect to see details of landscaping between the application site and the rear boundaries of Westways and Longways, on land shown to be in the applicant's control.