

Parish: Welbury
Ward: Appleton Wiske & Smeatons

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Committee Date : 01 July 2021
Officer dealing : Mr Nathan Puckering
Target Date: 24 June 2021
Date of extension of time (if agreed):

21/01146/FUL

Demolition of outbuildings and construction of a detached dwelling with domestic garage and modifications to the highway access.

At: Raymont Welbury North Yorkshire DL6 2SG

For: C/o Agent.

The application is brought 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 small parcel of land located on the northern edge of the village of Welbury. It forms part of an outlier to the village which sits around 250m to the north west of the main body. This part of the village currently comprises a contractor's workshop and associated dwelling on the south eastern corner, with two small bungalows to the north of this fronting the highway which exits the village. There is also permission (20/00467/OUT) for a new dwelling on a plot of land between this outlier and the main body of the village.
- 1.2 The site in question is directly to the north of the aforementioned bungalows. There are currently two outbuildings on the site, a concrete block building in the centre of the site and a timber shed in the north eastern corner. The access to the site is through an informal gap in the hedge which fronts the adjacent highway. To the north the site is bound by a hedge and several large trees, with a post and rail fence to the east separating the rear of the site from a paddock area.
- 1.3 This application is seeking permission for the construction of a dormer bungalow. This will sit roughly in the centre of the site, in line with the existing bungalows to the south. The two existing outbuildings are to be removed. The building itself will have two narrow pitched roof dormer windows, either side of two central rooflights. Adjoining the east facing rear elevation will be a glazed conservatory, with a small single garage adjoining the southern elevation of the dwelling.
- 1.4 This application for full planning permission follows an outline application which was permitted in April 2020 for the construction of a bungalow on the site, considering only access and layout.

2.0 Relevant planning history

- 2.1 20/00467/OUT - Application for outline planning permission with some matters reserved (considering access and layout) for the demolition of outbuildings and construction of a detached dwelling - Permitted

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

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

Development Policies DP1 - Protecting amenity

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Parish Council - support the application for a new bungalow in the style of the existing bungalows immediately adjacent. It should become the last property in the village. - received 26.05.2021
- 4.2 NYCC Highways - no objection subject to conditions - received 26.05.2021
- 4.3 Environmental Health - no objection subject to conditions relating to working hours and dust and noise pollution - received 09.06.2021
- 4.4 Environmental Health (Contaminated Land) - no objections - received 27.05.2021
- 4.5 Street Naming & Numbering - yes an application would be required - received 27.05.2021
- 4.6 Yorkshire Water, North Yorkshire Building Control Partnership and The Safety Control Group were all consulted but submitted no response - expired 11.06.2021
- 4.7 Site Notice & Neighbour Notification - no comments received at the time of writing - expires 23.06.2021

5.0 Analysis

- 5.1 The main issues to consider in this instance are i) the principle of a dwelling in this location, ii) the impact on the open countryside iii) design and iv) amenity and v) access.

The 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, 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.
- 5.3 Paragraph 78 of the NPPF states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".
- 5.4 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
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 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.6 Welbury is detailed in the Settlement Hierarchy as an 'Other Settlement' and therefore must be able to form a cluster with other settlements in the vicinity in order to benefit from support under the IPG. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Welbury is 2.4km from Appleton Wiske, a Secondary Village, and also from Deighton, an 'Other Settlement'. The IPG suggests that settlements should be "approximately 2km" apart in order to be able to share services and facilities. The road between Welbury and Appleton is a fairly typical country lane,

with low levels of traffic. The route is relatively flat and could be easily cycled. There is no footpath or street lighting. However, on balance the settlement is considered to be able to form a sustainable cluster with Appleton Wiske and as such criterion 1 is satisfied. This is consistent with previous applications elsewhere in the village.

Impact on the surrounding area

- 5.7 The first part of Criterion 2 of the IPG requires development to be small in scale. By definition, a single bungalow is small in scale. Similarly, criterion 5 requires development to be capable of being contained within planned or existing infrastructure. Again, there are no concerns that a single small scale bungalow would not meet this requirement.
- 5.8 The second part of criterion 2, followed by criteria 3 and 4, requires an assessment to be made as to the impact of the proposal on the natural environment and the character and appearance of the surrounding area - in this case open countryside. Also relevant in this regard is policy DP30 which states that development must protect the open nature and intrinsic character of the District's landscape.
- 5.9 Whilst it is noted that the cluster of dwellings of which the proposal would be a part is detached from the main body of the village, it is still a significant area of built form which is long-established. As such it will not appear as part of the open countryside, but rather part of the existing village. This further ensures the proposal can be considered natural and organic growth of the settlement. Furthermore, the site is currently part of the extended domestic curtilage of the existing neighbouring bungalow and as a result appears somewhat detached from the open countryside.
- 5.10 Overall, the proposal complies with criteria 2, 3 and 4 of the IPG. There are no heritage assets in the vicinity of the site which will be affected as a result of the proposal and therefore this aspect of criterion 3 is not relevant. Criterion 6 of the IPG requires proposals to be in line with all of the other relevant LDF policies, this will now be assessed in the following sections of this report.

Design

- 5.11 Policies CP17 and DP32 of the Local Development Framework require development to be of a high quality design which is in-keeping with local character and context.
- 5.12 The overall design of the dwelling is considered to be appropriate and fits in well with the site context. The introduction of dormer windows on the front elevation and the fact that these aren't currently a feature of the streetscape is noted but this does not lead to a level of harm which warrants refusal. Indeed, the designs of the dwellings in the immediate surrounding area are at present very mismatched and do not follow a completely uniformed code in terms of materials of design features.
- 5.13 Overall, the proposed development is considered to comply with policies CP17 and DP32 and is considered acceptable on design terms.

Amenity

- 5.14 Policy DP1 of the LDF precludes any development which would have a detrimental impact on the amenity of either the neighbours or future occupiers of the proposed development.
- 5.15 The layout of the proposed bungalow in relation to the existing neighbouring property to the south means that overall, the proposal will be relatively inconsequential with regards to amenity. It is noted that it will utilise part of the existing amenity space for this neighbouring dwelling but there remains ample to serve this existing small bungalow. The fact it will be in line with the neighbouring dwelling prevents any loss of daylight provision. The proposed fenestration also ensures no concerns regarding overlooking or loss of privacy. The requirements of policy DP1 are therefore met.

Access

- 5.16 The Highways Officer responded with no objection to the proposal subject to conditions. As a result, the proposal is considered acceptable on highways grounds and will not compromise highway safety. It should also be noted that one of the requested conditions relating to a Construction Management Plan was submitted throughout the course of the application and hence the wording of the condition is different to that on the formal consultee response.

Planning balance

- 5.17 The proposal in this case is considered to comply with all 6 criteria in order to gain support in principle from the Interim Policy Guidance. It demonstrably complies with all other relevant Local Development Framework policy by representing a high quality design which is in keeping with the local context and does not give way to any concerns regarding amenity. The proposed access arrangements have been assessed as being acceptable by the NYCC Highways Department and as a result this aspect is considered to be adequately addressed. On this basis, approval is recommended.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered GH/1/4/21-03, GH/1/4/21-02 Rev A and GH/1/4/21-01 received by Hambleton District Council on 29.04.2021 and 26.05.2021 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning

Authority for approval and samples 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. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
5. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
6. The crossing of the highway verge must be constructed in accordance Standard Detail number E50 or E70 and the following requirements:
 - Any gates or barriers must be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - The final surfacing of any private access within 4.5 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details contained in Drawing GH/1/4/21-03 approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. 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 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.

10. Construction of the permitted development must be undertaken in accordance with the details contained in the Construction Management Plan (Drawing GH/1/4/21-04) approved in writing 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(ies) CP17, DP1, DP30 and DP32.
3. To ensure the proposed materials are high quality and in keeping with the surroundings as per the requirements of policies CP17 and DP32.
4. In the interest of amenity and the requirements of policy DP1.
5. In the interest of amenity and the requirement of policy DP1.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interests of highway safety.
10. In the interest of public safety and amenity.