

Parish: Aiskew

Ward: Bedale

1

Committee Date: 16th December 2021

Officer dealing: Helen Laws

Target Date: 17th December 2021

21/02260/OUT

Application for outline planning permission with some matters reserved (considering access and layout) for the construction of a two bedroom bungalow with first floor room in the roof

At: Land forming part of The Covert, Back Lane, Aiskew

For: Mrs Fox & Mrs Mortimer

This application is presented to Planning Committee as it is a departure from the Development Plan

1.0 Site, Context and Proposal

1.1 The site is located on Back Lane at the eastern end of Aiskew and north of the existing dwelling known as The Covert. It is located to the south of Aiskew Bank Farm. On the opposite side of the access road leading to the Farm lie two dwellings known as Highfield View and Highfields.

1.2 The application site forms a corner of a larger field, which lies between the edge of Aiskew, Aiskew Bank Farm and the Wensleydale Railway line, wrapping around the rear of properties on Back Lane and Ascough Wynd. The site lies towards the north eastern corner of the field and is gently sloping downwards from The Covert towards Aiskew Bank Farm. A timber post and rail fence forms the boundary with the access track. The boundary between the site and The Covert is formed by a 1m high timber fence. The land also has lower ground levels than the dwellings opposite to the east.

1.3 The application is for outline planning permission for the construction of a detached dwelling on a site covering an area of 0.04 hectares.

1.4 The matters for approval at this stage are layout and access. The remaining matters, i.e. appearance, scale and landscaping and would be for a later application if this development is approved in principle.

1.5 The proposed layout is in the form of a T-shaped footprint with a parking (for 2 vehicles) and turning area at the front of the site. The remaining area surrounding the dwelling would be garden with a post and rail fence proposed for the rear elevation and a fence with a mixed species hedge proposed for the northern boundary.

1.6 The site would use the existing access that serves the existing dwellings. Access is gained from Back Lane.

2.0 Relevant Planning History

2.1 12/02337/FUL – Construction of a dwelling and a new vehicular access. Permission granted 8/4/2013. This dwelling is The Covert. Part of this

application site was retained within the field and forms a small part of the current application site.

3.0 Relevant Planning Policies

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
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 DP8 – Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
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
Hambleton emerging Local Plan Publication Draft July 2019

Policy S1 - Sustainable Development Principles
Policy S3 - Spatial Distribution
Policy S5 - Development in the Countryside
Policy HG5 - Windfall Housing Development
Policy E2 - Amenity
Policy E3 - The Natural Environment
Policy IC1 – Infrastructure Delivery
Policy IC2 - Transport and Accessibility

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 at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>
The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

4.0 Consultation

4.1 Aiskew Parish Council – no comments received

4.2 NYCC Highways – The proposed development site is outside of the extents of the adopted highway and the traffic flows associated with a single additional property would not be considered to intensify the use of the site access. Whilst there are no local highway authority objections to the proposal to the development, upon submitting the full application, as access is gained through a residential estate, it would be expected that restricted hours were considered regarding delivery of materials from larger goods vehicles.

4.3 Yorkshire Water – no comments received

4.4 HDC Environmental Health Officer – recommends conditions regarding construction hours and control of noise and dust.

4.5 HDC Environmental Health Officer (contaminated land) - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.

4.6 Publicity – a total of four objections have been received from local residents whose comments are summarised as follows:

- Back Lane is a private road poorly maintained; traffic has increased considerably in the last 15 years; further traffic will make a once quiet bridleway not fit for purpose
- More properties will add to an increasingly unsafe situation regarding access
- An existing unobstructed view of trees and church from two neighbouring properties would be lost
- The proposed development extends outside the Development Limits

One letter of support has been received, summarised as follows:

- A business, run from adjacent premises has now relocated so even one additional dwelling would not result in extra traffic
- Two local residents have been maintaining the lane at their own expense

5.0 Analysis

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 residential amenity; and (iv) highway safety.

Principle of development

5.2 Paragraph 79 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. 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”.

- 5.3 Policy CP4 of the Local Development Framework states that outside defined Development Limits development will only be supported where an exceptional case can be made for the proposal as follows:
- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. it would make provision for renewable energy generation, of a scale and design appropriate to its location; or
 - vi. it would support the social and economic regeneration of rural areas.
- 5.4 Policy DP9 indicates that permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4.
- 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 This hierarchy guides the application of the IPG. Aiskew is defined in the settlement hierarchy, together with Bedale, as a Service Centre and is therefore considered to be a sustainable community. It does not however fall within the requirements of the IPG as this specifically excludes Service Centres. In this case therefore development of the site would need to comply with the exceptional criteria listed in CP4. No information has been provided that would support an exceptional case for development at this stage.
- 5.8 It should also be noted, however, that the Emerging Local Plan is currently being given some weight. The Local Plan will not carry Development Limits forward, however, applications such as this will still be considered against similar principles as the IPG. Policies S5 and HG5 of the Emerging Local Plan are likely to be of relevance to this proposal.
- 5.9 With regard to the emerging Local Plan, the sustainable development principle of Policy S1 requires development to make effective and efficient use of land and minimise the need to travel. Aiskew is included with Bedale as a Market Town within Policy S3 where development will be supported where it is proportionate to the size of the settlement and its level in the hierarchy. The principle of residential development would therefore be considered acceptable under the emerging policy.

Impact on the character and appearance of the surrounding area

- 5.10 LDF Policies CP16 and DP30 of the LDF require development to preserve and enhance the District's natural assets and to respect the openness of the countryside. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access and layout.
- 5.11 Only a small part of the site lies within the Development Limit boundary and all of the site is undeveloped. The plot forms part of a larger field but has as much in common with the village as with the rural landscape beyond, being adjacent to and opposite existing residential development. The site therefore has a close relationship with the built form of the village.
- 5.12 Back Lane is a public right of way and the site would be visible from this route. There would however be limited views of the site relative to other properties in the immediate vicinity, and as such it is considered that there would be a limited impact on the natural environment.
- 5.13 With regard to the emerging Local Plan, Policy S5 requires new development to recognise the intrinsic beauty, character and distinctiveness of the countryside as an asset. The site lies outside but adjacent to the existing built form of Aiskew, which means that the site lies in the open countryside. Development will only be supported where it would not harm the character, appearance and environmental qualities of the area. It is discussed in the paragraph above that the impact on the rural landscape would be limited and it is therefore considered that one dwelling can be supported without causing harm to the character and appearance of the area.

Residential amenity

- 5.14 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution, odours and daylight).
- 5.15 The proposed dwelling would be relatively close to the existing dwelling at The Covert, but it is anticipated that a satisfactory design would achieve an acceptable level of amenity for both properties.
- 5.16 The application site lies opposite the existing dwellings at Highfields and Highfield View, which are dwellings set at a higher ground level with views over the application site to the railway line and beyond. These long-range views would be affected by the development to the detriment of the enjoyment of the existing residents. The loss of a view such as this is not material to the consideration of the planning application as these are private interests. The proposed dwelling would lie at such a distance and at a lower ground level to prevent overlooking and avoid an overbearing impact. It is considered that the proposed development would not conflict with Policy DP1.
- 5.17 In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

Highway safety

- 5.18 The proposed access will make use of the existing access track, which serves The Covert and its neighbours. There are several local concerns regarding the condition of Back Lane and the volume of traffic now using this private roadway. The local highway authority has raised no objection to one additional dwelling and as the proposal is small in scale it does not raise any concerns in terms of potential conflict with other users.
- 5.19 There is scope within the site to provide parking and manoeuvring space and it is considered that the proposed development would have no detrimental impact on highway safety. In terms of the emerging Local Plan the proposal would satisfy Policies IC1 and IC2.

Planning balance

- 5.20 In assessing this application, it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and rural landscape and without harm in terms of residential amenity or highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. The proposals are considered to be in-line with emerging Local Plan policy. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **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 design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; and (c) the scale of all the buildings.
3. The outline permission for the development hereby approved shall be for one dwelling only.
4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property. The hard surfacing shall thereafter be retained as such in perpetuity unless otherwise with the written approval of the Local Planning Authority.
5. Prior to construction of any building or regrading of land 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 and the relationship to adjacent 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. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
6. No building works including delivery of materials, excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. The dwelling hereby approved shall not be occupied until the vehicle access, parking, manoeuvring and turning areas illustrated on drawing number 2021:30/01E have been made 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.

8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing number 2021:30/01E received by Hambleton District Council on 17 September 2021 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions 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 order that the scale of development is acceptable and to accord with the requirements of DP32 and the Council's Interim Policy Guidance.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To ensure that the development is appropriate to the environment in terms of amenity and drainage in accordance with LDF Policies.
6. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
7. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. 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 Policies.