



Report Reference Number: 2018/1123/REM

To: Planning Committee
Date: 16 January 2019
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1123/REM	PARISH:	Kellington Parish Council
APPLICANT:	Mr David Lee	VALID DATE: EXPIRY DATE:	10th October 2018 5th December 2018
PROPOSAL:	Reserved matters application including access, appearance, landscaping, layout and scale of approval APP/N2739/W/15/3136685 (2015/0546/OUT) for erection of 3 bungalows and 1 dormer bungalow		
LOCATION:	Land At Broach Lane Kellington Goole North Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as at least 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of Kellington, which is a Designated Service Village as identified in the Core Strategy.
- 1.2 The application site comprises an open area of agricultural land. To the north of the site is a residential property known as Southlands, to the east is Broach Lane, with

Meadow Lodge Care Home beyond. To the south and east is open agricultural land; beyond which is the farm packaging and distribution factory of MH Poskitt Ltd.

The Proposal

- 1.3 The application seeks approval of reserved matters (access, layout, scale, appearance and landscaping) pursuant to an outline approval (2015/0546) granted on appeal (ref: APP/N2739/W/15/3136685).
- 1.4 Therefore, the principle of the development has been established through the outline permission and only those reserved matters (access, layout, scale, appearance and landscaping) can be considered at this stage.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.
- 1.6 An outline application (reference: 2015/0546/OUT) with all matters reserved for a residential development was refused on 15th October 2015. A subsequent appeal was allowed on 22nd June 2016.
- 1.7 An outline application (reference: 2015/1172/OUT) with all matters reserved for a residential development was granted on 29th February 2016.

2. CONSULTATION AND PUBLICITY

All immediate neighbours were informed by letter, a site notice was erected and statutory consultees notified.

- 2.1 **Parish Council** – Object. Although this has outline planning permission in light of appeal decision reference APP/N2739/W/17/3185197, this reserved matters application should be refused. Selby District Council now has a five year supply of deliverable housing land. The noise from the commercial vegetable enterprise would adversely impact upon the living conditions of future residents, especially in the two bungalows closest to the enterprise. Putting residential properties so close to a large commercial vegetable enterprise would clearly impact on the ability of the business to expand in the future. The north of Kellington comprises of frontage development, mainly individually built dwellings. The proposed development would be at odds with the established character of the frontage development in the village fringe. It would be introducing a suburban feature into this rural landscape that would be seen as a harsh and unsympathetic extension of the village. The site lies outside of Kellington development limits. At the very least just two bungalows on the Frontage of Broach Lane should be allowed. If that is not possible then the application should be refused.
- 2.2 **NYCC Highways** – No objections, subject to eleven conditions relating to: (1) construction of roads and footways prior to occupation of dwellings; (2) discharge of surface water; (3) construction requirements of private access/verge crossings; (4) visibility splays; (5) pedestrian visibility splays; (6) approval of details for works in the highway; (7) completion of works in the highway; (8) details of access, turning and parking; (9) provision of approved access, turning and parking areas; (10)

garage conversion into habitable room; and (11) on-site parking, on-site storage and construction traffic during development.

2.3 **Yorkshire Water Services** – No response within statutory consultation period.

2.4 **Danvm Drainage Commissioners Shire Group Of IDBs** – No objections, subject to recommendations.

2.5 **Neighbour Summary** – All immediate neighbours were informed by letter and a site notice was erected. Eleven letters of representation have been received all objecting to the proposed development on grounds that may be summarised as:

- the siting of the proposed development outside the village curtilage, which would set a precedent for further residential development outside the village curtilage
- the non-linear nature of the development which would go against the character and appearance of the area
- highway safety issues
- flood risk and drainage
- future residents being subject to noise from the adjacent commercial vegetable enterprise which would adversely affect their residential amenities
- proposed properties would affect the ability for the adjacent commercial vegetable enterprise to expand in the future; and
- unsympathetic extension to the village which would introduce a suburban feature into the rural landscape.

3. **SITE CONSTRAINTS AND POLICY CONTEXT**

Constraints

3.1 The site has outline planning permission so the principle may not be questioned, despite the site being outside the defined development limits of Kellington.

3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.3 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

Selby District Core Strategy Local Plan

3.4 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP5 – The Scale and Distribution of Housing

- SP9 – Affordable Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

3.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

3.6 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

4. APPRAISAL

4.1 Since the principle has been established, the main issues to be taken into account when assessing these reserved matters are:

- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety

Design and Impact on the Character and Appearance of the Area

4.2 Residential development within the vicinity of the application site is mixed in nature, with a variety of dwelling types, sizes, ages and materials. It is noted that on the western side of Broach Lane there are predominantly bungalows and dormer bungalows, while on the eastern side of Broach Lane are predominantly two storey dwellings and a two storey care home.

4.3 In the appeal decision the Inspector stated that *“While the appeal site is located outside the settlement limits of Kellington, it is a modest area of land, read within the context of the MH Poskitt Ltd site and the care home opposite. Moreover, the proposal would be well contained and would assist in providing a transition from the open countryside to the village context of Kellington”.*

4.4 The Inspector also stated that *“the location [of the application site] outside of the settlement limits would not be unduly harmful”.* There is nothing within the appeal decision to suggest that the Inspector considered the indicative layout of four dwellings as shown on drawing no. DL/1 submitted with the appeal proposal (similar in layout to that of the current proposal) would have any adverse impact on the character and appearance of the area.

- 4.5 The proposed site layout plan (drawing no. DL1/A) builds on that submitted with the appeal proposal. This shows the application site laid out to accommodate four dwellings, two to the front of the site and two to the rear of the site. A dormer bungalow and a bungalow would be provided to the site frontage, with two bungalows to the rear. Each dwelling would site centrally in its plots, with the provision of hardstanding for parking and turning and grassed areas. The bungalows would be served from a shared private drive leading from Broad Lane, while the dormer bungalow would be served from its own private drive leading from Broach Lane and would benefit from a double detached garage within its curtilage alongside hardstanding for parking and turning and a grassed area wrapping around the south side of the dwelling.
- 4.6 In terms of the size of the plots it is considered that these are commensurate with bungalows within the vicinity of the application site. In terms of the layout the Inspector considered the indicative layout would not have any adverse impact on the character and appearance of the area. The frontage properties would be set back from the highway by approximately 11 metres, which is not as much as Southlands is set back from the highway (at 14 metres) but is more than other neighbouring properties. Taking into account various setbacks of dwellings from the highway in the vicinity of the application site and the extent of the outline approval, it is considered that the layout of the proposed dwellings would be acceptable in respect of the impact on the character and appearance of the area.
- 4.7 On scale and appearance, the existing properties along the western side of Broach Lane are predominantly bungalows and dormer bungalows constructed of a range of external materials. The proposed dwellings would be a mix of bungalows and dormer bungalows and the submitted elevation drawings for each house type sets out that the materials to be used in the external construction of all of the proposed dwellings which are considered acceptable.
- 4.8 The landscaping shows the provision of planting beds to the front of each dwelling (for which detailed specifications of planting are provided on the submitted drawing); grassed areas around each dwelling; planting of a number of trees adjacent to the north, east and south boundaries of the site (for which detailed specifications are provided on the submitted drawing); and the planting of a hawthorn hedge to the south and west boundaries of the site.
- 4.9 The existing copse to the western boundary of the site would be retained as part of the proposals. The details of the landscaping scheme are considered to be acceptable and a condition could be attached to any planning permission granted requiring the landscaping scheme to be carried out in accordance with the submitted details within a specified time period and maintained for a period of five years. The proposed landscaping scheme would aid assimilation of the proposed development into the street scene.
- 4.10 The boundary treatments, in association with the hawthorn hedge to the south and west boundaries include a timber post and rail fence; the retention of an existing copse to the western boundary of the site; the provision of a 1.8 metre high timber panel fence to the northern boundary of the site; and the provision of a 0.9 metre high random stone wall to the site frontage, adjacent to Broach Lane. Internally, there are 1.8 metre high timber panel fences subdividing the proposed

dwelling. These boundary treatments are considered appropriate having regard to the context of the site and the character and appearance of the area and can be secured by way of condition.

- 4.11 Subject to the aforementioned conditions, it is considered that these reserved matters are acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP4 and SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.12 To the north of the application site is a residential property known as Southlands while to the east of the application site is Broach Lane, with Meadow Lodge Care Home beyond.
- 4.13 Given the size, siting and design of the proposed dwellings and their relationship to neighbouring residential properties outside the application site, it is not considered that the proposals would result in any significant adverse effects of overlooking, overshadowing or oppression on the residential amenities of any neighbouring residential properties outside the application site. Furthermore, the proposed dwellings would each benefit from an adequate amount of useable external amenity space for the occupiers of the proposed dwelling.
- 4.14 It is noted that a condition has been attached to the outline approval requiring a scheme of protecting the proposed development from noise to be submitted to and approved by the Local Planning Authority prior to the construction of the proposed development and implemented in accordance with the approved scheme prior to the first occupation of the dwellings. This would need to be done through a separate discharge of condition application.
- 4.15 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.16 The site layout plan demonstrates that the three bungalows would be served from a shared private drive leading from Broach Lane and would each benefit from an integral garage and an area of hardstanding to the front of the respective dwelling for parking and turning. Meanwhile, the dormer bungalow would be served from its own private drive onto Broach Lane and would benefit from a detached double garage and an area of hardstanding to the front and north side of the dwelling for parking and turning.
- 4.17 NYCC Highways have been consulted on the proposals and raise no objections, subject to eleven conditions relating to: (1) construction of roads and footways prior to occupation of dwellings; (2) discharge of surface water; (3) construction requirements of private access/verge crossings; (4) visibility splays; (5) pedestrian visibility splays; (6) approval of details for works in the highway; (7) completion of works in the highway; (8) details of access, turning and parking; (9) provision of

approved access, turning and parking areas; (10) garage conversion into habitable room; and (11) on-site parking, on-site storage and construction traffic during development. Not all of these conditions are considered reasonable and necessary and as such, Officers would recommend only those, or variations of those, which they consider are reasonable and necessary to attach to any planning permission granted.

- 4.18 Having regard to the above, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

5. CONCLUSION

- 5.1 The application site benefits from outline approval which was granted at appeal (reference: APP/N2739/W/15/3136685) with all matters reserved for future consideration. Therefore, the principle of the development has been established through the outline permission and only the reserved matters (access, layout, scale, appearance and landscaping) can be considered at this stage.
- 5.2 Having assessed the proposals against the relevant policies, the reserved matters for the access, layout, scale, appearance and landscaping are considered to be acceptable. The details ensure that the proposal would not result in detrimental impacts on the character and appearance of the area, the residential amenity of the occupiers of neighbouring properties or highway safety.
- 5.3 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan, Policies SP1 SP2, SP5, SP9, SP15, SP18 and SP19 of the Core Strategy and the advice contained with the NPPF.

6. RECOMMENDATION

- 6.1 This application is recommended to be GRANTED subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

DL/1 – Location Plan
DL/1A – Site Layout Plan
758/2 – Proposed Floor Plans Type A
758/3 - Proposed Elevation Plans Type A
758/4 - Proposed Garage Type A
758/5 – Proposed Plans Type B
758/6 - Proposed Plans Type C

Reason:
For the avoidance of doubt.

02. The landscaping and tree planting scheme as submitted on Drawing No. DL1A shall be carried out in its entirety within the period of twelve months beginning

with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

In order to ensure that the proposals integrate with the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

03. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

04. A site compound within the application site shall be provided as soon as the means of access to the site has been constructed and is available for use so that all contractor parking, materials storage and deliveries can take place within the site so as to prevent the need for parking or disruption of the free flow of traffic on the public highway. The compound shall be retained in use until the substantial completion of the development.

Reason:

In order to protect the amenities of the area and the highway safety of users of the highway and to make provision for an on-site contractor's compound to reduce the tendency for any kerb side parking on Broach Lane, in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan.

05. Prior to the development being brought into use, splays shall be provided giving clear visibility of 45m measured along both channel lines of the major road Broach Lane from a point measured 2m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Details of highway improvement works, namely the relocation of the existing gateway feature, shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority and shall be completed in accordance with the approved details. Once created, the visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of road safety.

7. Legal Issues

7.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

7.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

8. Financial Issues

Financial issues are not material to the determination of this application.

9. Background Documents

Planning Application file reference 2018/1123/REM and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer

Appendices: None