Yorkshire Dales National Park Authority

Application Code: S/04/7A
Committee Date: 12/03/2019
Location: Land between Parkfield and Oaklands, Moorthwaite Lane, Barbon

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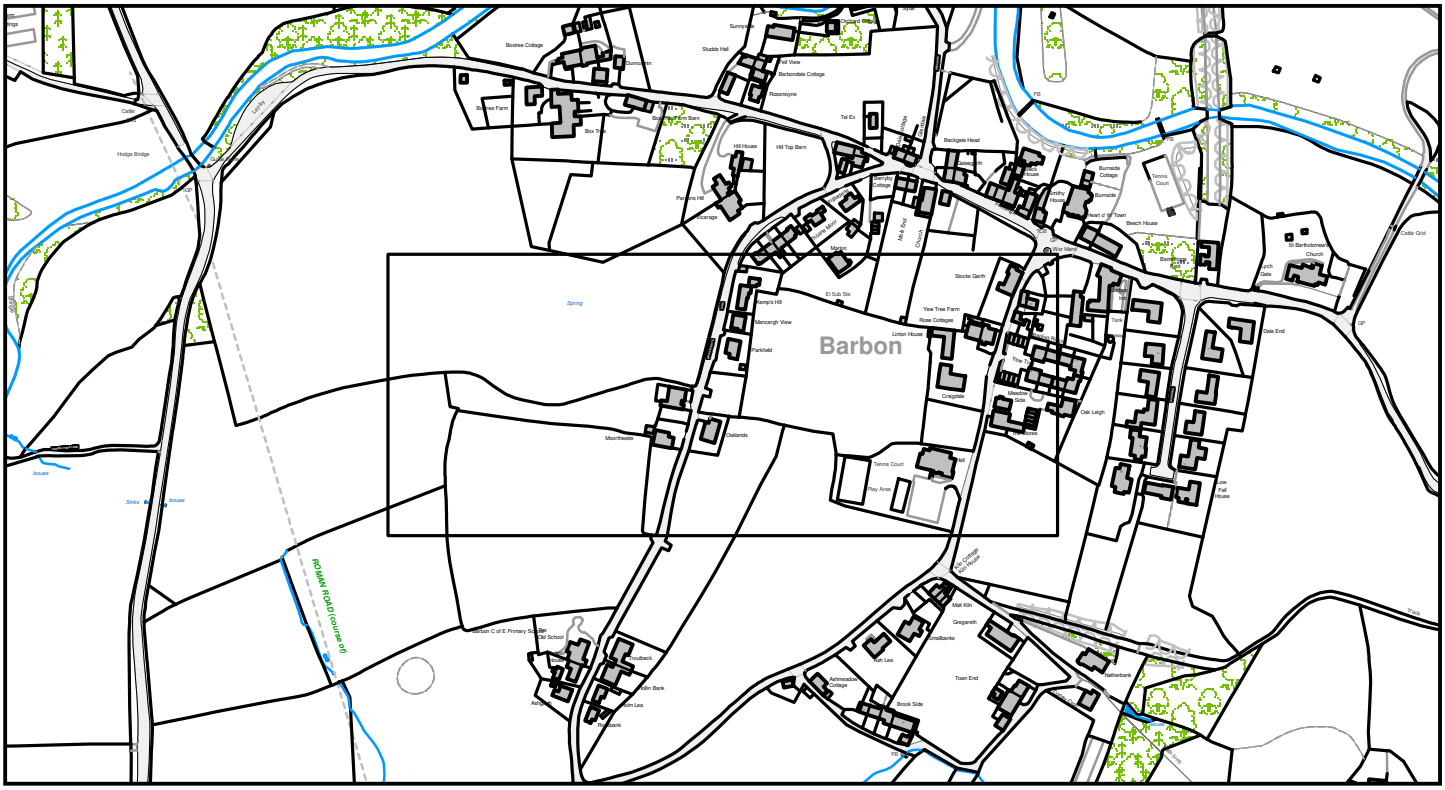

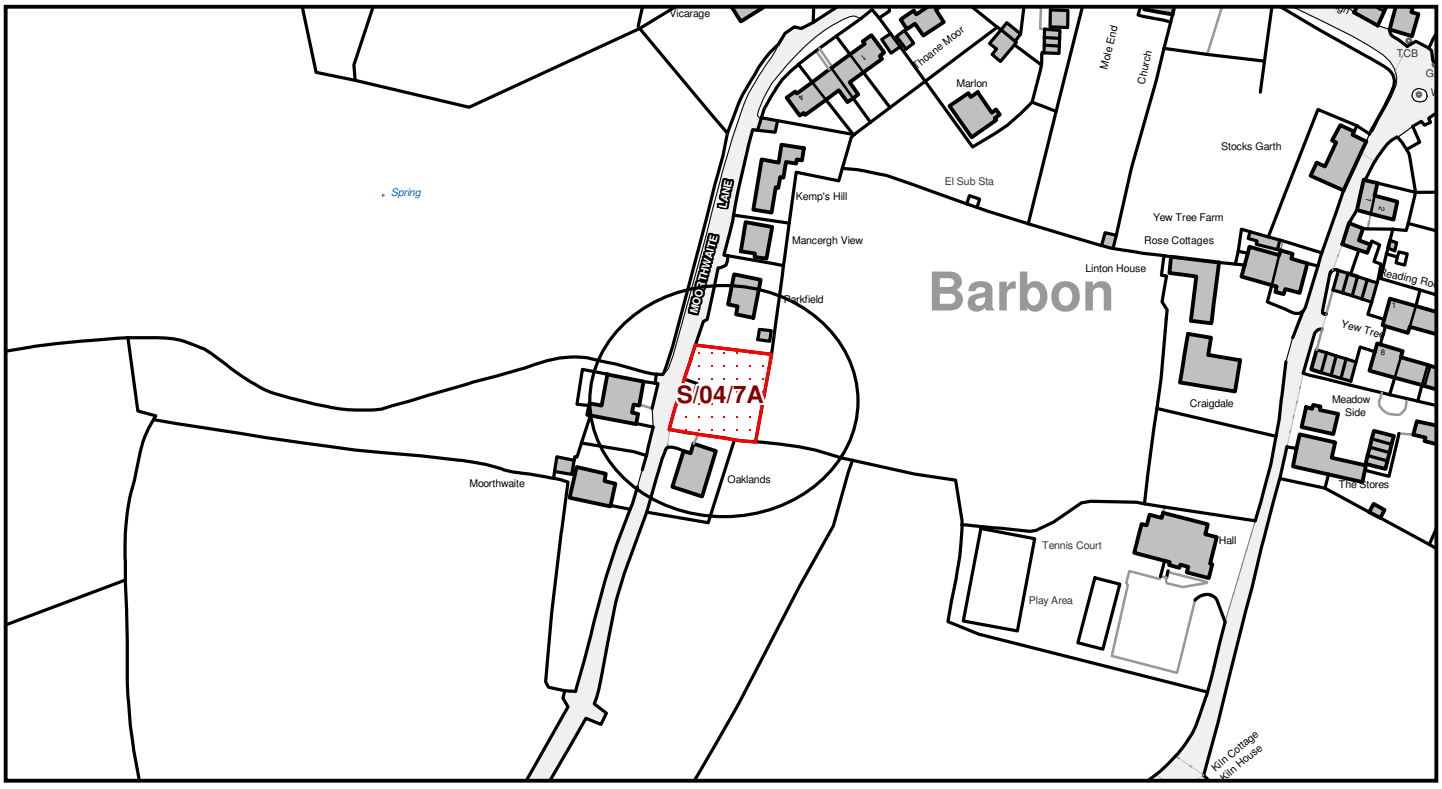

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Schedule No:6

Application No:	S/04/7A		
District:	South Lakeland		
Parish:	Barbon		
Applicant's Name:	Mr Fisher,		
Grid Ref:	SD62648238		
Received by YDNP:	10/12/2018	**Officer:**	Andrew Moxon

PROPOSAL: **outline application (with some matters reserved) for erection of single storey dwelling, associated parking and landscaping and provision of package treatment plant**

LOCATION: **Land between Parkfield and Oaklands, Moorthwaite Lane, Barbon**

CONSULTEES

Barbon PC	This plot has been the subject of numerous applications over the past 20 years all of which have been rejected for planning criteria applicable to Barbon. As far as the Council is aware nothing has changed over that time so we assume they still apply and this will be rejected. There are significant drainage issues in this area, issues that have a significant impact on local residences. If it is deemed by YDNPA that this outline planning application positively addresses all the previously raised issues with the previous planning application on this site, then the Council would view the application more favourably. The Parish Council recommends refusal.
Highways Control Officer	Highways: no objection subject to conditions.
Wildlife Conservation Officer	No comments or observations
CEHO - South Lakeland District Council	No comments or observations
United Utilities Water Ltd	No objections subject to a condition relating to the drainage of the site.
Trees & Woodlands	No concerns other than a plan showing the positioning and specification of protective fencing marking out the construction exclusion zone is required. The tree report has a picture of heras style fencing from BS5827:2012 but we need to see the position so this can be referenced in any consent. (The fencing needs to cover the RPA, not the canopy spread).
Cumbria County Council - SuDS	No comments or observations

PUBLIC RESPONSES

6 letters received objecting to the proposal:

-The site is known to flood and drainage is a problem.
-Permission has been refused for housing on this site in the past.
-The site is not allocated for housing in the Core Strategy.

RELEVANT PLANNING POLICIES

S2 - South Lakeland Design Code

CS1.1 - Sustainable Development Principles

CS1.2 - The development strategy

CS8.4 - Biodiversity and geodiversity

CS10.2 - Transport impact of new development

CS8.10 - Design

OFFICER OBSERVATIONS

REASON FOR COMMITTEE CONSIDERATION
This application is reported to Committee for the following reason:
The Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE
The site comprises a rectangular shaped plot of land located on the eastern side of Moorthwaite Lane between two dwellings; 'Oaklands' to the south and 'Parkfield' in Barbon. Moorthwaite Lane is on the south-western side of the village of Barbon and is characterised by clusters of buildings along the roadside separated by open spaces. The site is a relatively small parcel of land with a recently improved access directly onto the lane. The perimeter of the site is already partially screened by trees and hedges.

The plot is roughly square shaped which is slightly narrower at the north than the south. The site measures 29m (narrowing to 25m) in depth x 29m in length. To the east of the site is an agricultural field used to graze livestock. Across the field to the east, around 120m away, is the village hall.

The site has a stone wall with hedging on the front boundary and there is a large Sycamore tree in the south west corner of the plot which is protected by a Tree Preservation Order. The other boundaries comprise stone/fencing with some planting. The plot is relatively flat and is, at present, overgrown.

PROPOSAL
The proposal is in outline for the erection of a dwelling on the site identified with access, landscaping, layout and scale considered. The only matter reserved is appearance.

It is proposed to erect a single storey dwelling to the north of the site. The proposal utilises the existing access point onto Moorthwaite Lane with modification to widen it and create a visibility splay. The plans show proposed landscaping to the south of the plot and the retention of the sycamore, the installation of a rain activity attenuation system, ACO drain and package treatment plant.

RELEVANT PLANNING HISTORY
The following previously determined planning applications are of relevance to this proposal:

SL/1997/0312: application for a detached 3-bedroom bungalow with garage on land at Moorthwaite Lane – refused and dismissed on appeal, 17/09/1997.

SL/1998/2239: application for creation of vehicular access to highway from field, land at Moorthwaite Lane – approved (conditional), 27/11/1998.

SL/1999/2909: application for residential development (outline) on land at Moorthwaite Lane – refused and dismissed on appeal, 08/02/2000.

SL/2001/3000: application for erection of a stable and temporary site for caravan on land at Moorthwaite Lane – refused, 04/01/2002.

S/04/7: full planning permission for erection of 3 bedroom detached bungalow – withdrawn 12/12/2018

Summary of planning history
Previous applications which have been refused for this plot of land under previous development plan policies include two applications (one outline) for small-scale residential development, and one application for the erection of a stable and the siting of a temporary caravan pitch. In each of these cases, the principal reasons for refusing the application included the impact of development upon the character and appearance of the area. Previous appeals against the refusal of planning permission for residential development on the site were dismissed on the grounds that consolidation of the existing loose-knit building pattern would result in the loss of an important open break and the rural views afforded by the open site. The appeal decision also states that approval of the scheme would increase pressure for further consolidating new development which, cumulatively, would erode the visual charm of Barbon village.

KEY ISSUES:
Principle of development
Impact on the settlement and landscape character
Residential amenity
Biodiversity
Transport impact of new development
Utilities/flooding
Parish council comments

PRINCIPLE OF THE DEVELOPMENT
The site is within Barbon village, which does not have a defined development boundary and is not classified as a Principal, Key or Local Service Centre. Therefore, the principle of a new dwelling in this location is governed by policy CS1.2 of the 2010 South Lakeland Core Strategy, which states that “new small-scale infilling or rounding off development will be permitted outside the service centres, in order to satisfy local need across the numerous smaller villages and hamlets scattered across the district”. The site is an undeveloped parcel of land within a loose row of modern houses along the eastern side of Moorthwaite Lane and the proposal is considered to constitute “infilling” development since it is located between existing residential properties. Permitting a dwelling in this position would not extend the built edge of Barbon into open countryside.

This policy is considered to be consistent with NPPF paragraph 78 which 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.” The site cannot be said to be in an isolated location, where there is a presumption against new residential development. Whilst it is the case that Barbon does not have defined development boundary the development site is not in a remote location but rather is within the built confines of the village.

It is acknowledged that development proposals for this plot have been refused in the past and the site is not allocated in the 2013 Land Allocations DPD. The last application for residential development on this site that was determined was in 2000 when a different planning regime was in force. The NPPF and Core Strategy now allow for infilling plots in villages and hamlets. That being the case, previous planning decisions have to be read in the context of the planning policies in force at the time and the current application has to be determined on the basis of the applicable planning policies presently in force.

It is considered that there is no policy that opposes the principle of a new dwelling in this location, and as such one may be acceptable, subject to considering the impact on the landscape and settlement character.

IMPACT ON THE SETTLEMENT AND LANDSCAPE CHARACTER
In order to comply with policy CS8.2 of the South Lakeland Core Strategy, the proposed development should protect, conserve and enhance (where possible) the special qualities and local distinctiveness of the area, including the pattern of distinctive features. It is noted that there is currently planting around the perimeter of the site, including hedges, bushes and trees, which has served to screen the site from public view and reduce the openness of the site as an undeveloped gap between existing houses. However, significant concerns have been raised under previous applications to develop the site regarding the loss of an open space which makes a substantial contribution towards the character of the settlement.

Previous planning decisions, particularly decisions made at appeal, are of importance when considering similar proposals as applicants should be able to expect consistency in decision making. The 2000 appeal decision is therefore of particular interest. The inspector found that a dwelling would tie the existing cluster of buildings to the south of the appeal site into the existing ribbon, the end of which is formed by Parkfield. The inspector was considering the proposal with regard to the policies of the development plan that existed at that time, particularly policies H5 and S4 of the South Lakeland Local Plan 1997 which has now been replaced.

Policy H5 generally accepted housing on small village sites provided they would not result in the loss of important open spaces. Policy S4 identified key important open spaces (this site was not identified) but it explains that other, unspecified sites may also be judged to form important open spaces and will be considered on their merits. Barbon was described as a loose knit settlement made up of a large central cluster and a number of lanes containing smaller clusters. The open spaces between the clusters were considered to allow the intrusion of the surrounding countryside into the heart of the village, making a substantial contribution to the character of the settlement and the manner in which it relates to the surrounding landscape.

The inspector was clear that the three buildings to the south of the site were clearly distinct from the linear development to the north. It was found that the ribbon of development would be lengthened and the effect of the cluster would be lost. The open and undeveloped nature of the site was considered to be important and to warrant protection under policies H5 and S4. The prominence of the site in views from the east, particularly from the Village Hall and from the A683 to the west, were specifically referred to.

Moving forward the current development plan does not now contain a policy that is directly comparable with the former policy S4 in relation to the protection of open spaces, although reference is made to the need for development to be of a character which maintains or enhances the quality of the landscape or townscape and of layouts that reinforce specific local distinctiveness. Buildings should be located to sit comfortably in the landscape and skyline development should be avoided.

With regard to new housing provision, the Core Strategy does not include settlement boundaries for small villages such as Barbon. Policy CS1.2 advises that no development boundaries will be identified for the smaller villages and hamlets. New small-scale infilling and rounding off development will be permitted outside the service centres, in order to satisfy local need across the numerous smaller villages and hamlets scattered across the District. Barbon was considered during the development of the emerging Local Plan for South Lakeland. The Local Plan in not now being progressed within the National Park area. However, it is a significant policy document in that it identifies public and amenity open spaces and Green Gaps. The appeal site was not identified as such a space.

There has therefore been a significant change in policy in that the site is no longer within a development boundary, although housing would be accepted within the village on the basis of it being small-scale infilling development. The site was previously found to be an important open space, despite not being identified on the proposals map, which was subject to specific policy protection. There is no longer such specific policy protection and it was not identified on the Development Plan Document as being land to be safeguarded.

The site continues to represent a gap between the linear development extending from the north and the small group of properties to the south. The substantial sycamore tree, which lies within the northern corner of the site, is an extremely important feature that ensures that the greenery of the site would remain to some extent if the dwelling was constructed to the north of the plot. The property to the south, Oaklands, has a higher built form and as a result, is clearly distinguishable from the lower height of the properties to the north. What is proposed is a single storey building and so would be comparable with the neighbouring properties, although it should be born in mind that whilst scale is for consideration as part of this application, appearance is a reserved matter.

The sycamore tree would assist in maintaining Oaklands as a relatively distinct element in the landscape. Although not a characteristic feature within the landscape, the conifer on the boundary also helps to separate Oaklands from the remaining developed area and as the proposal retains this tree and would be set to the north of it, when viewed from the Village Hall, this would assist in maintaining the gap.

It is considered that the low profile design of a bungalow on this site would not be harmful to the distinctive characteristics of the settlement. A gap would be maintained by siting the dwelling towards the north of the site and retaining the large sycamore tree in the south western corner of the plot.

With regard to siting and design, policy CS8.10 of the South Lakeland Core Strategy requires that the "siting, design, scale and materials of all development should be of a character which maintains or enhances the quality of the landscape or townscape". The policy also states that "new developments should… incorporate layouts that reinforce specific local distinctiveness". The new dwelling would be of a scale which would not overwhelm or dominate the site or neighbouring properties along the road. The appearance is a reserved matter but it is envisaged that a bungalow could be designed that would sit unobtrusively within its setting. The limited areas of hardstanding and retention and enhancement of existing landscaping would reduce the impact of the development. Overall, it would have a minimal wider impact on the appearance and character of the area to the extent that it would maintain the important characteristics and relationships that currently exist.

IMPACT UPON RESIDENTIAL AMENITY
Saved policy S2 of the 2006 South Lakeland Local Plan requires consideration to be given to the impact of new development upon public views into, over or out of the site. This applies to the amenity of future residents, as well as the amenity of neighbouring residents and users of the adjacent highway. In order to avoid building in the root protection area of the protected sycamore tree the proposed dwelling is located towards the north of the site around 2m from the northern boundary with Parkfield and around 18m from the southern boundary with Oaklands. This results in an adequate separation distance between the application dwelling and the existing residential properties to the north and south.

The appearance of the proposed dwelling is a reserved matter but it is considered that it can be designed in a way which would not reduce the level of amenity and privacy presently enjoyed by the neighbouring residents.

IMPACT ON BIODIVERSITY
Policy CS8.4 of the South Lakeland Core Strategy states that all development proposals must "protect, enhance and restore the biodiversity and geodiversity value of land…" The proposal would protect the existing large tree and retain much of the boundary planting. The perimeter of the site is well served by established planting and the proposed landscaping, which seeks to enhance the planting at the south of the site, will improve the biodiversity of the site and treed characteristic of the site.

Further enhancements such as bat and bird boxes could also be required by condition. Overall, the proposal would satisfy the policy requirements.

TRANSPORT IMPACT OF NEW DEVELOPMENT
Policy CS10.2 of the South Lakeland Core Strategy requires new development to provide safe and convenient access, and the site must be capable of being served by a safe access to the highway network without detriment to the amenity or character of the locality.

The Highway Authority has suggested conditions requiring a sight line of 215m in both directions. It is acknowledged that Moorthwaite Lane is narrow with thick hedgerows to either side. Whilst there is no speed restrictions along this part of Moorthwaite Lane, it is highly unlikely that vehicles travel at 60mph past the front of the site. A new, or altered, access onto a 60mph road would usually require a visibility splay of 215m in both directions. This is not possible at this site due to the position of the access point in relation to the boundary with the neighbour to the south.

Officers consider that it is highly unlikely that vehicles travel along Moorthwaite Lane at high speed due to its narrowness and its winding nature. The proposed residential use of the site will lead to an increase in the frequency of vehicles entering and exiting the site, however, the relatively low level of traffic that uses Moorthwaite Lane and the low speeds involved means that the development would not result negatively on the highway safety. For this reason the condition requiring sight lines of 215m are considered necessary in this case.

UTILITIES/FLOODING
Local residents and the Parish Council have commented that the site floods from field runoff which then runs down Moorthwaite Lane and they have queried how the site can be adequately drained.

The Lead Local Flood Authority do not raise any objection to the proposal and United Utilities recommend a condition requiring foul and surface water to be drained on separate systems. The installation of a rain activity attenuation system, a channel drain (referred to on the plans as an ACO drain) and package treatment plant all seem to be sensible and necessary precautions to prevent the development flooding or increasing flooding. The rain activity attenuation system is a solution to any excessive water that may cross the site and the ACO drain across the entrance to the site should prevent water from flowing onto Moorfield Lane.

The site layout includes an area of hard landscaping in order to provide a satisfactory turning space for vehicles in order for them to enter and exit the site in a forward gear. The plans show that this will be a permeable surface in order to prevent surface water run off from the site. The employment of an ACO drain should prevent any run off from the this hardstanding onto Moorthwaite Lane.

There are no objections from the relevant consultees in relation to flooding and drainage of the site. The proposed development includes flood alleviation measures and, as such, sufficiently mitigates the impact the development may have on the immediate surroundings. It is not for the developer to solve pre-existing problems that may exist outside of the application site. What is proposed mitigates the impact the development may have on the drainage and flooding of the site.

PARISH COUNCIL COMMENTS
Barbon Parish Council has made two points in relation to the application:

•This plot has been the subject of numerous applications over the past 20 years all of which have been rejected. As far as the Council is aware nothing has changed over that time so we assume they still apply and this will be rejected.

•There are significant drainage issues in this area, issues that have a significant impact on local residence.

In response, the Development Plan has changed in the last 20 years. Importantly, policy CS1.2 of the Core Strategy (2010) permits the small-scale infilling development in smaller villages and hamlets and this is consistent with the NPPF. Secondly, the drainage issues are addressed in the application and are not considered to represent a reason to refuse planning permission in this instance.

ANALYSIS OF MATERIAL CONSIDERATIONS

Whilst the development may be classed as infilling for the purposes of policy CS1.2, its acceptability is dependent on the impact on the landscape and the settlement character. The proposed footprint is limited and located in the northern part of the site. This single storey dwelling to the north of the access and the retained tree, together with the landscaping proposals, would maintain the general openness of the site and importantly maintain a clear gap to Oaklands. It would satisfy policy S2 and policy CS8.10. It would make an efficient use of this site and add to the housing stock and as it lies within the settlement, the residents would help to support local facilities. The proposal does not conflict with the development plan and gains support from the sustainability objectives of the NPPF.

RECOMMENDATION

Planning permission is granted subject to conditions.

-standard time limit for outline permission
-development in accordance with drawings
-application for reserved matters (appearance) to be submitted to the LPA
-biodiversity enhancements (bat and bird boxes) to be implemented
-any external lighting to be agreed
-details of bin store to be agreed
-surface treatment to be agreed
-parking spaces to remain for vehicle parking
-highway improvements at crossing point
-root protection area fenced off
-sample stone and roofing material to be agreed
-landscaping to be implemented
-any changes to boundary wall along Moorthwaite Lane to be agreed
-permitted development rights for extensions and outbuildings to be removed
-Foul and surface water shall be drained on separate systems