

Parish: Carlton Miniott
Ward: Thirsk
2

Committee date: 28 June 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 29 June 2018

18/00116/FUL

Construction of three terrace houses (two three-bedroom and one four-bedroom) and associated works, parking and formation of new vehicle access
At: Land north east of 6 School Terrace, Carlton Miniott
For: Jean Wood

This application is referred to Planning Committee at the request of a Member of the Council

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is on the southern side of main road within the village of Carlton Miniott.
The application site is an overgrown garden plot serving Number 5 & 6 School Terrace. The gardens are within a plot of 815 square metres. Within the proposals, the garden for number 6 and the remote garden for number 5 have been lost. However the front gardens to the houses remain and remote gardens are proposed to the southwest of the site and are proposed to serve these two existing dwellings.
- 1.2 To the south west of the site are the six terrace properties known as School Terrace. To the north east of the site is the bungalow known as 2 The Bungalows. Opposite the site is Carlton Miniott Community Primary School and the residential dwelling of 1 Mowbray Houses and to the south east of the site is an open field.
- 1.3 The initial scheme sought the construction of four terrace houses. A summary of the main changes to the current proposal are:
- The number of houses has been reduced from four to three units;
 - The terrace has been set back further from the main road, level with the building line of the existing terrace;
 - The terrace also does not stand as far forward of the adjacent bungalow;
 - A pathway has been put between the terrace and the boundary with the bungalow;
 - The design of the houses has changed; the terrace no longer steps down and the houses are not dug in and the front gardens are more usable; and
 - The rear box dormer has been removed and replaced with pitched roof dormers and roof lights.
- 1.4 Plot 1 is the plot to the most north easterly point of the site. This dwelling has four bedrooms over three floors, and projects further at the rear compared to the other two plots. There are two rear pitched roof dormer windows and a single storey lean to addition to the rear that forms a larger kitchen/dining space. This dwelling has a rear garden that extends the full length of the site and has two car parking spaces.
- 1.5 Plot 2 is the 'middle' plot and has three bedrooms over three floors. It has a one rear pitched roof dormer window to the rear. This dwelling has a rear garden with a 1.8 metre boundary fence that forms the boundary between the plot and the gravelled turning area. This dwelling has two car parking spaces.
- 1.6 Plot 3 is the plot to the southernmost point of the site, adjacent to the 4.1 metre width driveway between the new vehicular access to the site and the car parking to the

rear. This dwelling has three bedrooms over three floors and one rear pitched roof dormer window to the rear. This dwelling has a rear garden with a 1.8 metre boundary fence that forms the boundary between the plot and the gravelled turning area. This dwelling has two car parking spaces.

- 1.7 Each dwelling has a grassed area to the front and a path from the grass verge and public footpath. The front garden would be planted with grass behind a 1.1m high brick wall with a hedge behind. Each dwelling has lean to front porch. Three roof lights are positioned on the front roof slope of the dwellings and each dwelling will have a chimney.
- 1.8 There would be a 1.8 metre timber fence between plot 1 and the adjacent bungalow and to 6 School Terrace. There is also a path between plot 1 and the bungalow. This has resulted in the gable being between 0.75 metres – 1.2 metres further away from the angled boundary of bungalow. A refuse and recycling collection point area is to be positioned adjacent to the driveway and will have brick wall to form the boundary between this point and the front garden of plot 3.
- 1.9 Further to the two car parking spaces available within the site for each dwelling, one visitor space is also proposed.
- 1.10 The proposed three dwellings have been designed so that they are level with the building line of the existing terrace and the eaves and ridge line is also level with the existing terrace. The dwellings would be set back 12.6 metres from the road, would have gable ends, and would be constructed from brick under a slate roof.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/01241/FUL - Construction of five dwelling houses; Withdrawn November 2017. This application was withdrawn due to changes in the ownership of the applicant and the density, scale and design of the dwellings being unacceptable.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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 Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework – published 27th March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No response received to date regarding the revised scheme. It is expected that a response will be received after the publication of the agenda. However, the Parish Council objected to the initial proposal and a summary of its points are:

Points considered to be addressed by the amendments

- Overbearing and overshadowing of No. 1 Bungalow to the north east of the proposal;
- The proposal is forward of the hypothetical building line;
- Overall “massing” of the development is out of character;
- In order to try and achieve the development the site level has to be reduced to try and achieve the height. The “sitting down” of the development is not a character of the existing street scene and due to this proposed design it triggers the need for a ramped access to the front and a “stepped” garden to the rear;
- The proposal does not include any real private amenity space for the proposed occupants;
- It is understood that the visibility splays shown are not correct as they show to the mid-point of the lane when they should show to the near side kerb;
- It is understood that where the road is subject to a speed limit and no speed measurements have been taken, then in a 30mph limit the visibility distance should be 90 metres,(not the 59 metres shown on the proposal) this includes an allowance for motorists travelling at 10kph above the speed limit;
- The proposal would incorporate tall gable elevations which would not include any features to break up the continuity of the uniform brick walls;
- The north east elevation of the building would be immediately adjacent to No.1 Bungalow, from where the large blank gable would appear stark and dominant in the street scene;
- The development would be situated close to the side boundary with, but significantly forward of the north west elevation of No 1. Bungalow. The windows in this north- west elevation of the bungalow are serving habitable rooms. This raises significant concerns about the position of the proposed development in relation to the adjacent bungalow, in terms of its impact on light and outlook;
- The proximity and height of the proposed building would lead to overshadowing, these factors would result in a detrimental impact on the living conditions of the occupiers of the bungalow;
- The development would result in harm to the living conditions of the occupiers of the adjoining bungalow in terms of outlook, overshadowing of the private garden area;
The proposal would be in conflict with one of the core principles of the NPPF which states that planning should always seek to secure a good standard of amenity for occupants of land and buildings. Whilst the proposal is for new residential development it would nevertheless be out of keeping with the principles set out in national and regional policies which seek to avoid unacceptable overshadowing and loss of outlook.

Other points

- The proposal only provides for one parking space for visitors, to four properties, which would therefore lead to vehicles parking on the public highway. It is important to also highlight that there is a bus stop directly opposite the proposed site;
- Parking on the highway could also lead to conflict with the traffic island to the north east of the proposed site;
- The proposal would increase vehicle movements in a location within the village which already experiences significant issues;
- An increase in vehicle movements is a potential danger to school children;
- The proposal would lead to the removal of semi mature vegetation which currently enhances and softens the street scene;
- The development would result in the removal of current amenity space. The National Planning Policy Framework (NPPF) states that existing open space

should not be built on unless, amongst other things, an assessment has been undertaken which clearly shows the space to be surplus to requirements. This area is currently the amenity space for Nos. 5 & 6 School Terrace, and therefore not surplus;

4.2 Highway Authority – No objection subject to conditions regarding the discharge of surface water, construction requirements of the private access and verge crossings, parking for dwellings, precautions to prevent mud on the highway and on-site parking, on-site storage and construction traffic during development.

4.3 Public comments – No comments received to date.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village (iii) design; (iv) residential amenity; (v) highway safety; (vi) drainage issues; and (vii) land contamination

Principle

5.2 The site is located within Development Limits of Carlton Miniott. Carlton Miniott is classified as a Service Village within the Settlement Hierarchy. Policy DP8 (Development limits) states that permission for residential development will be granted within the settlement Development Limits, provided that the proposal is consistent with other LDF policies. It is considered that the principle of development is acceptable in this instance.

The character of the village

5.3 Policy DP8 states that new development should be sympathetic in scale and location to the form and character of settlements. Furthermore, development should be considered to be a natural infill within the settlement.

5.4 The site is positioned between the existing residential dwellings of School Terrace and 2 The Bungalow. The proposal is therefore regarded as infill development in an otherwise built up frontage within the village. This site is currently used as private amenity space for the properties of 5 and 6 School Terrace. The site is set to lawn, with shrubs and bushes along the boundaries.

5.5 It is considered that the three dwellings mirror the scale, form and positioning of the adjacent dwellings of School Terrace. Whilst they may be three storey, the use of roof lights and traditional pitched roof dormers has ensured that the dwellings are kept to the same height as the adjacent terrace in terms of the ridge and eave line. It is considered that the proposal is sympathetic in scale and location to the form and character of the settlement of Carlton Miniott and complies with Policy DP8.

Design

5.6 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "*To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.*"

5.7 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character

and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

- 5.8 This part of Carlton Road includes a variety of house types, age of properties and use of materials, including two storey semi-detached dwellings, detached dwellings and bungalows, render, brick, stone, pantile and slate.
- 5.9 The predominant building material is brick and the proposal seeks the construction of brick built terraces under a slate roof. Whilst the dwellings are three storey in floor plan, the use of roof lights and traditional pitched roof dormers has ensured that the dwellings are kept to the same height as the adjacent terrace in terms of the ridge and eave line. The overall design of the dwelling, including the fenestration, lintel, cill and chimney details is similar to the adjacent terrace and therefore reinforces the local distinctiveness of the area.
- 5.10 The boundary treatments, with a combination of brick, fencing and hedging are considered appropriate in this village location. The first two metres of the new access will be tarmac with the rest of the driveway, turning area and car parking being gravel.
- 5.11 It is considered that the overall design of the proposed dwellings and the landscaping has taken into account the local character of the village and the proposal is therefore considered to comply with Policies CP17 and DP32.

Residential amenity

- 5.12 Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.13 It is considered that due to the positioning of the dwellings in terms of the relationship between both School Terrace and 2 The Bungalow, the positioning of the proposed openings and the boundary treatments, there will be no adverse impact on residential amenity as a result of overlooking or overshadowing. The proposed development is in accordance with Policy DP1.
- 5.14 The site is considered capable of providing adequate private amenity space for the proposed dwellings. Whilst the proposal involves the loss of the garden for number 6 and the remote garden for number 5 School Terrace, there is land within the applicant's ownership that allows for the gardens to be repositioned. This has clearly been shown on a plan and it is considered that this loss of amenity space has been addressed to ensure the existing occupiers of 5 and 6 School Terrace have sufficient private amenity space.

Highway safety

- 5.15 The Highway Authority has raised no objection to the forming of the new vehicular access and the car parking space that is available on the site. There are two car parking spaces per dwelling and one visitor space. The driveway will have a width of 4.1 metres and there is on site turning space to ensure that a vehicle can leave the site in a forward gear.
- 5.16 It is noted that there is a bus stop directly opposite the site and parking on the highway could also lead to conflict with the traffic island to the north east of the proposed site.
- 5.17 Furthermore, concerns have been raised about the increase in traffic and car parking in close proximity to the site given the Primary School being opposite. The

congestion on the highway is a pre-existing issue, a matter of particular concern at school drop off and pick up times. The addition of 3 dwellings and the associated vehicular movements associated with these dwellings and the existing traffic movements, cumulatively are not considered to result in a significant change in the demands on the capacity of the highway network or significantly reduce the opportunity for roadside parking such that there would be a significant detrimental impact on highway safety.

- 5.18 It is considered that there is sufficient on site car parking and turning space for the units and one visitor space. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage

- 5.19 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village

Land contamination

- 5.20 The submitted information does not identify any unacceptable risks from land contamination. The conclusions of a Desk Study Report state that historically the site has always remained a generally undeveloped parcel of grassland, apart from a small shed/outhouse building situated in the north east of the site. No on-site sources of contamination have been identified. The surrounding area is largely residential or open farmland, and therefore no off-site sources of contamination have been identified.
- 5.21 In summary, on the basis of the above listed contaminant sources it is concluded that no contaminants are likely to be present in, on or under the land at the site from either on site or off site sources; and future on site receptors to any form of contamination have been identified as the construction workers, employees, the new buildings, surface water and the groundwater.
- 5.22 It is generally recommended that a small scale intrusive investigation is carried out on the site to assess the soils for geotechnical properties, thus aiding in the design of foundations and sub-structures for the new dwellings.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 drawings numbered:

Location Plan 6ST_PL_009, Proposed Curtilage Demies 6ST_PL_012 A, Visibility Splay 6ST_PL_010 B, Proposed Road Elevations 6ST_PL_005 B, Proposed Front and Site Elevations 6ST_PL_003 A, Proposed First and Second Floor Plans 6ST_PL_002 B, Proposed Ground Floor 6ST_PL_001 A, Drainage Site Plan 6ST_PL_011 B, Proposed Site Layout Plan 6ST_PL_007 B, Proposed Rear and Side Elevations 6ST_PL_004 B.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
5. 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; (b) The access shall be formed as a dropped kerb crossing of the footway/verge, to give a minimum carriageway width of 4.1 metres, and shall be constructed in accordance with Standard Detail number A1; (e) Any gates or barriers shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway; and (h) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference 6ST_PL_007 Rev.B. Once created these parking 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 Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. 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 in consultation with the Highway 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.

9. Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or other alteration of a dwelling house

Class B: Additions etc to the roof of a dwelling house

Class C: Other alterations to the roof of a dwelling house

Class D: Porches

Class E: Buildings etc incidental to the enjoyment of dwelling house

Class F: Hard surfaces incidental to the enjoyment of a dwelling house

Class G: Chimneys, flues etc on a dwelling house

Class H: Microwave antenna on a dwelling house

10. Prior to development commencing, a small scale intrusive investigation shall be carried out on the site to assess the soils for geotechnical properties. The results of this shall be submitted to and approved in writing by the Local Planning Authority.
11. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
12. Prior the commencement of the development hereby approved or once the residential of 5 and 6 School Terrace do not have access to their existing gardens, the re-positioned garden spaces 5 and 6 School Terrace shall be laid out in full and made available for the occupiers of 5 and 6 School Terrace.

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 Policies CP1, DP1, CP17, DP32 and the NPPF.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In the interests of highway safety.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of 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.

9. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
10. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with the Local Development Framework CP21 and DP42.
11. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
12. In the interests of residential amenity, in accordance with Hambleton Local Development Framework Policies CP1 and DP1.

Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website www.hambleton.gov.uk
2. 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 or by telephoning 01609 779977.