

**Parish: East Harlsey**  
Ward: Osmotherley and Swainby  
**6**

Committee date: 17 October 2019  
Officer dealing: Mr Sean Rawling  
Target date: 7<sup>th</sup> October 2019

**19/01745/FUL**

### **Construction of 2no. residential dwellings**

**At Land Between Bankside Farm And Hawthorn Cottage, East Harlsey, North Yorkshire**

**For Mr Adam Robinson**

**This application is referred to Planning Committee as the proposed development is a departure from the Development Plan.**

#### **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is located on the eastern edge of the main built up area of the village of East Harlsey on land immediately adjoining the main street through the village. The site area is approximately 990 sq. metres.
- 1.2 The site comprises an open field located between Bankside Farm and the adjacent single storey semi-detached property known as Hawthorn Cottage. The land use is currently listed on the application form as vacant agricultural and last used for grazing. From the site visit it is clearly vacant and overgrown. There is an access track between the site and Bankside Farm, which serves farm buildings to the north. The site slopes down gently away from the road. The roadside boundary and the west boundary are hedged. The east boundary to Hawthorn Cottage has a high fence.
- 1.3 The village is mainly of a linear character with residential development either side of the main street. Several farmsteads are set on the edge of the village or directly behind the dwellings located on the front street. Harlsey Hall and St Oswald's church are located to the south west behind the residential properties on the road frontage and not visible from the site. The buildings in the locality are of a mixed character, size and scale.
- 1.4 The site was subject to a previous outline planning (19/00144/OUT) application for the construction of 1 dwelling. This application now seeks full consent for the construction of 2 dwellings.
- 1.5 The eastern most dwelling will be 2 storey of an agricultural barn type appearance constructed of brick with timber detailing. It will be located on a north-south axis with a front projecting gable facing the highway. To the west of this will be located a more traditional style dwelling of 2 storeys constructed of brick and timber.
- 1.6 Both houses will have individual accesses off the main highway with front and rear amenity spaces. An existing Sycamore tree will be retained in the rear amenity space of the barn type dwelling.
- 1.7 Improvements to the scheme have been negotiated to reduce the size of the western dwelling in order to increase spacing and better reflect the form and character of the area. The location of the access for the western dwelling was also relocated in order to achieve suitable visibility splays.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 15/02311/OUT - Outline application for the change of use of agricultural land to domestic and the construction of a single dwelling with all matters reserved. Approved
- 2.2 14/00618/FUL - Alterations and extension to existing farm building to form a holiday let. Withdrawn
- 2.3 15/02139/FUL - Construction of a detached dwelling house with domestic garage. Approved
- 2.4 19/00144/OUT - Outline application for change of use of agricultural land to domestic and construction of a single dwelling. Approved

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – *“East Harlsey supports the planning application for one residential property. It is felt that two properties would not be in keeping with this end of the village and would be too big for the site. Concerns were also raised on the two further driveways onto the main street.”*
- 4.2 NYCC Highway Authority – No objection subject to condition
- 4.3 Yorkshire Water – No response received
- 4.4 Public comments – One comment received observing that two dwellings would be over-development of the site
- 4.5 Environmental Health Officer – No objections

## **5.0 ANALYSIS**

- 5.1 The main issues to consider are (i) the principle of development in this location; (ii) the impact upon the built form and character of the surrounding area; (iii) the impact upon the residential amenity of neighbouring occupants; and (iv) highway safety.

### Principle

- 5.2 East Harlsey does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4.

5.3 Core Policy CP4 sets out the exceptional cases where development will be considered. The application does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a Departure from the Development Plan. However, it is necessary to also consider more recent national policy in the form of the National Planning Policy Framework (NPPF). Paragraph 78 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."

5.4 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.

5.5 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.

5.6 In the Settlement Hierarchy reproduced in the Interim Policy Guidance East Harlsey is identified as a Secondary Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development. The proposal would therefore meet criterion 1 of the IPG, in that it is located where it will support local services.

5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. The proposed development is for two dwellings and in the context of East Harlsey is considered to be small in scale and as such meets the requirements of criterion 2.

#### Character and appearance

5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Development Framework.

5.9 In terms of design, 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.

- 5.10 There is a varied pallet of materials visible in East Harlsey with numerous examples of brick, render and timber. It is considered that the proposed development is reflective of this character. Furthermore, the proposed barn type building is reflective of an existing structure on the site, albeit on a larger scale.
- 5.11 Concerns were raised by officers with regards to the overall scale of the more traditionally designed dwelling and how it related to the surrounding area. In response the applicant revised the scheme to reduce the size of the traditional dwelling. It is considered that the reduction of the scale provides a separation between the two dwellings that is more reflective of the locality.
- 5.12 The Parish Council and local representations have raised the question of overdevelopment, considering that the development of a single unit is acceptable, but that the second unit would be harmful.
- 5.13 In assessing the application, officers have looked at the plot ratios in the vicinity and find that there is a significant mix. However, the plot size and form within the proposed development is not considered to be unusual given the context of the site and will ensure an optimal use of the space, whilst providing sensibly sized plots in term of the opportunity to provide amenity space and parking.
- 5.14 On this basis, it is considered that the proposed development will be suitably designed and complies with criterion 2 of the IPG as well as policies CP17 and DP32 of the LDF.

#### Residential Amenity

- 5.15 Policy DP1 seeks to protect the amenity of the occupiers of neighbouring properties. The site is adequate in size to accommodate two dwellings whilst still retaining enough private amenity space for each dwelling.
- 5.16 In terms of neighbouring dwellings, there are no windows which would result in an overlooking impact. Furthermore, the relationship between the proposed layout and the existing properties is such that daylight will not be restricted. It is also noted that there were no objections received with regards to amenity issues.
- 5.17 The application has also been considered by the Environmental Health Officer who has confirmed that they have no objections.
- 5.18 On this basis, it is considered that the proposed development will not result in a harmful impact upon residential amenity and complies with policy DP1 of the LDF.

#### Highway Safety

- 5.19 The proposed development will result in the formation of 2 new access points, one for each of the two new dwellings. The comments received from the Parish Council raising concerns over the safety impacts of this are noted.
- 5.20 The application was considered by the highways authority who raised concerns over visibility to the east from the eastern most dwelling. In response to this, the applicant revised the scheme to relocate the proposed access further west and improve visibility.
- 5.21 On this basis, the highways authority are content that suitable visibility can be achieved and that the proposed development will not result in a detrimental impact upon highway safety.

#### Planning Balance

- 5.22 Due to its size and location the site is capable of accommodating 2 dwellings without resulting in unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies. Therefore the proposal is considered to meet all the criteria of the Interim Policy Guidance Note.

## 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 drawing(s) numbered 19014 D 00 05 Rev B; 19014 D 00 04 Rev B; 19014 D 00 03 Rev B; 19014 D 00 06 Rev A; 19014 D 00 07 Rev A received by Hambleton District Council on 01 October 2019 and 04 October 2019 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
6. 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 accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E50.
  - (ii) Any gates or barriers erected shall not be able to swing out over the existing highway.
  - (iii) 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.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site accesses) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C9 from a point measured 2.4 metres down the centre line of the access roads. These visibility splays shall be provided at both of the proposed accesses into the site, as shown on drawing sequence number 04 revision B (Proposed Site Layout). The eye height shall be 1.05 metres, and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawings, drawings sequence numbers 03 revision B and 04 revision B (Proposed Site - Block Plan / Roof Plan, and Proposed Site Layout).

Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. There shall be no access or egress by any vehicles between the highway and the application site until 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning 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 agrees in writing to their withdrawal.
10. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
11. 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:
  - (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
  - (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site; and
  - (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1; CP16; CP17; DP28; DP32.

3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework Policies CP3 and DP6.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
5. In the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
7. In the interests of road safety
8. To provide for adequate and satisfactory provision of off-street accommodation for vehicles, in the interests of safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
10. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

### **INFORMATIVES**

1. Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.
2. An explanation of the terms used above is available from the Highway Authority.
3. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
4. 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](http://www.hambleton.gov.uk) or by telephoning 01609 779977