

**Parish: Thirsk**  
Ward: Thirsk  
**14**

Committee Date : 31 March 2016  
Officer dealing : S Leeming  
Target Date: 17 February 2016

**15/02851/FUL**

**Revised application for the construction of a detached bungalow and associated parking as per amended plans received by Hambleton District Council on 24 February 2016. at 131 Long Street Thirsk North Yorkshire YO7 1BB for Mr Mark McColmont**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks permission to construct a detached single storey bungalow on land to the rear of 131 Long Street Thirsk. The bungalow is proposed with 3 bedrooms. It is proposed to be accessed through an archway between 129 and 131 Long Street and the parking area is proposed to be sited to the eastern side of the bungalow with the main garden area to the western side. The plans have been amended to address pedestrian safety issues and now include some resurfacing outside the archway on the existing highway and pavement to have 2 different coloured block paving with buff paving across the entrance and brindle tactile paving to either side of it.

1.2 The proposed bungalow is to be of brick and slate construction. A further block plan is awaited to clarify the extent of the domestic curtilage.

#### 2.0 RELEVANT HISTORY

2.1 14/02395/FUL - Increase to width of the access way approved 2015

2.2 15/01334/FUL - Construction of 3 no. dwellings with garages and associated access as amended by plans received by Hambleton District Council on 30th July 2015. Refused 2015.

2.3 15/00205/CAT3 - Enforcement Case currently under consideration relating to the use of the land to the rear as domestic gardens.

#### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Interim Guidance Note - adopted by Council on 7th April 2015  
National Planning Policy Framework - published 27 March 2012  
Core Strategy Policy CP2 - Access  
Development Policies DP4 - Access for all

#### 4.0 CONSULTATIONS

4.1 Thirsk Town Council wish to see refused.

- 1) This is back-land development on land which is in the Conservation Area and is not included in the LDF.
- 2) The entrance and exit to the site is through a narrow tunnel and there is no sightline for crossing the footpath immediately outside the tunnel.

- 3) To access and leave the site it is necessary to cross not only the footpath but also the cycle track and the access is then close to the pedestrian crossing on the A61.
- 4) The tunnel is only 2.7 m wide. This could not accommodate a fire engine.
- 5) The land where the building is proposed is very close if not actually in the flood plain and building here would increase the likelihood of flooding in this area.
- 6) We understand that some of the neighbours have not received any notification of the application.

4.2 NYCC Highways - comments on amended plans/access surfacing awaited. Response on plans as submitted initially "The Local Highway Authority has previously considered a proposed development at this location and recommended conditions. That recommendation mostly remains applicable and the relevant conditions are included here. The Local Highway Authority recommends conditions"

4.3 Yorkshire Water comments that "there is a small diameter public combined sewer recorded to cross part of the proposed access road. In this instance, it would appear that the public sewer is unlikely to be affected by building-over.

SURFACE WATER - Requirement H3 of the Building Regulations 2000 establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway, infiltration system and watercourse, then to public sewer, in this priority order. To prevent over-loading of the public sewer network, surface water discharges to the network should be restricted to the level of run-off. On-site storage/balancing - or some other means of attenuation of the surface water may be required.

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991."

4.4 Historic England - no comments

4.5 Neighbours - 7 local residents have made comments in respect of this proposal. All object to the proposal and the reasons for this include the following

- a) Dispute over the facts relating to the previous use of the access by vehicles. It is felt that this was used primarily by pedestrians only
- b) Introduction of bollards (as initially proposed) considered to be "an accident waiting to happen on this footpath"
- c) Further information required regarding tactile paving proposed as it will need to be wheelchair friendly
- d) Some concern about accuracy of submitted site plan meaning that NYCC Highways may not be able to make an accurate assessment of vehicle/pedestrian safety
- e) The bungalow will be within 20m of the neighbour's bedroom
- f) Within Conservation Area but may set a precedent for future "back-fill applications"
- g) Objections raised when previous scheme was refused will still stand now.
- h) Building close to the flood plain "would leave Bradbury Close vulnerable to flooding".

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing development on this site, in particular noting the fact that the location of the bungalow proposed falls outside the Development Limits for the town and are also situated within the Conservation Area where its impacts upon the character and appearance of the area need to be assessed. This is in addition to any impact the proposal may have upon the amenities of the neighbours, impact upon highway safety and the visual impact and design of the proposal. It is also important to ensure that the previous reasons for refusal have been adequately overcome.

5.2 Relating to the principle of allowing this development, it is noted that the site is closely related to the main built up area and development limits of the town. The bungalow proposed is sited roughly in line with the existing dwellings on Bradbury Close immediately to the south. As such it is considered that the construction of dwellings on the site proposed will in

principle be acceptable due to its location and its relationship with the existing built up area of the town. It must be noted that the Interim Housing Policy Guidance does not include residential development on the edge of development limits within Market Towns so cannot be given any weight in this case.

5.3 Part of the site is located within the Conservation Area and it is clear from evidence submitted by neighbours and from local knowledge of the site that a number of recent changes have been made to the site including the removal of some trees and outbuildings/agricultural buildings and the erection of boundary fencing to create more formalised gardens to serve the dwellings to the front. The proposed development will however introduce additional hedge and tree planting and the general layout of the site will satisfactorily respect that of the surrounding area and particularly Bradbury Close to the south.

5.4 Due to the location of the site there is concern that this is an example of "back land Development" bringing with it a number of likely concerns and problems associated with such proposals, for example noise and disturbance and overlooking impact, particularly upon the dwellings to the front of the site. It is noted that the occupants of these dwellings have no objections to the proposal and also noted that the applicant owns one of them (131). The proposed bungalow with its main windows to living rooms on the front and rear elevations and the western elevation overlooking its own domestic garden area will not result in any major overlooking of the dwellings along the frontage but it is noted that there are also 3 windows on the eastern elevation that will overlook the garden area of 131. However the boundary to this garden is formed by a 1.8m high fence and a hedgerow is also proposed here. The bungalow is of sufficient distance away from the neighbours to the sides to not result in any significant overlooking or loss of privacy.

5.5 The vehicular access will result in a possible harmful impact upon the amenities of the neighbours particularly those to either side of the access at 127, 129 and 131 Long Street. The vehicular access which will serve the new bungalow (in addition to possibly the 3 existing dwellings that do have vehicular rights to use it but presently park on the highway at the front) will lead to an increase in the number of car movements per day past these properties. The access will run directly adjacent to the dwellings at 129 and 131 and underneath the upper storey of 131. The agent has clarified that there has been the addition of soundproofing to the archway itself but the rear of these properties, as well as their rear external courtyard areas are likely to suffer from a harmful impact of noise and disturbance from use of the access road. In addition and to a lesser extent the use of the access track and turning circle may also result in noise and disturbance to the residents of neighbouring Bradbury Close. Overall, and in contrast to the previous application where 3 dwellings were proposed, the introduction of a single dwelling, whilst resulting in an increase in vehicle movements is not considered to be to an extent where the increase in vehicle movements would result in significant harm to the neighbours' amenities (although it must be noted that the bungalow proposed due to its size and number of bedrooms may well be occupied by a family with more than one car).

5.6 There is also the concern that the use of the access may again result in the highway safety concerns that were previously highlighted in the refusal of consent. There is a lack of visibility on exiting the archway resulting in possible safety issues for pedestrians walking on the pavement outside. As a pedestrian there is currently no indication and no view of the archway, meaning that pedestrians have no warning of a vehicle exit ahead. The Agents have now amended the proposal from the installation of bollards on the pavement outside the archway to instead application of differing surfacing treatments which will clearly indicate to the pedestrians that a vehicular access is present. The comments of NYCC Highways on the amended proposals are awaited in order to confirm whether the safety of pedestrians and access users has adequately been protected.

5.7 The proposed dwelling is to be constructed of brick and slate with timber detailing and timber windows and doors which is considered acceptable. It is of a fairly simple design but is considered to appropriately respect its general surroundings.

5.8 Approval is therefore recommended for this proposal subject to the Highways Authority finding the amended access surfacing details acceptable.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 PP02A and PP03 received by Hambleton District Council on 23 December 2015 and 24 February 2016 unless otherwise approved in writing by the Local Planning Authority.

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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 24 February 2016 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

5. 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.

6. 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 a detailed highway management method statement relating to the programme of demolition and construction works shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. The statement shall include arrangements for the following: -Protection of footway users at all times during construction -Removal of materials from the site. -Delivery of

materials and plant to the site. - Loading / Unloading of materials and plant. - Storage of materials and plant - Parking of contractors vehicles. -Likely timescales. The approved details shall be adhered to for the full duration of the site clearance and construction works. No materials associated with on-site construction works shall be stored on the public highway.

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) DP28 and DP32.
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 order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP1.
5. In accordance with Policy DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. For the safety and convenience of highway users