

Parish: Thornton-le-Moor
Ward: Bagby & Thorntons
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Committee Date: 2 February 2017

Officer dealing: Mr Kevin Ayrton

Target Date: 19 December 2016

Date of extension of time (if agreed): 3 Feb 2017

16/02350/FUL

**Construction of two detached dwellings and garages as a replacement of the existing detached dwelling, garage and workshop
At The Hawthorns, Main Street, Thornton le Moor
For Mr & Mrs M Fortescue**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the western edge of Thornton le Moor and is approximately 0.17 hectares in size. The site accommodates a bungalow to the front corner (south east) of the site, a domestic garage, greenhouse and large shed to the rear.
- 1.2 The site is a corner plot. The main frontage is onto Main Street to the south, which also accommodates the driveway to the existing property. The eastern boundary fronts onto Endican Lane, which serves five dwellings to the east and leads to a track to the north. The eastern boundary accommodates a line of impressive sycamore trees. The other dwellings on Endican Lane are detached and two-storey.
- 1.3 There is a bungalow located a short distance to the west of the application site, before entering into open countryside. Planning permission was granted in September 2016 for the erection of a dwelling on land between the application site and the bungalow to the west.
- 1.4 The application is for the demolition of the bungalow and outbuildings, and the erection of two detached dwellings and garages. The dwellings would have low eaves with first floor accommodation served by dormer windows. Plot 1 would see the dwelling sited in a similar position to the existing bungalow, with its principal elevation facing Main Street. The dwelling would use the existing access off Main Street. The proposed materials include rendered walls set upon a brick plinth.
- 1.5 Plot 2 is sited towards the rear of the site, perpendicular to plot 1, with its frontage onto Endican Lane. Its associated garage would be sited at the northern most extent of the site. The dwelling would be served by a new access off Endican Lane, slightly further to the north than an existing field gate access. The proposed materials include stone walls.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant history relating to the application site but the following history relates to a plot immediately to the west, between Hawthorns and Thornton Lodge:
- 2.2 15/01109/OUT – Dwelling; Granted 24 July 2015.
- 2.3 16/00876/FUL - Dwelling and detached garage; Granted 16 September 2016.

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 Policies DP1 - Protecting amenity
Development Policies DP3 – Site Accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council: Supports this application but query whether the existing drainage system is adequate and whether or not the trees would remain.

4.2 Public comment - Five letters of objection received making the following comments:

- The proposal looks like a lot of housing to place on the plot;
- Additional street lighting would add too much light pollution at this end of the village;
- Noise etc. associated with development added to a third dwelling approved in this part of the village;
- Plot 1 - The height of the proposed building is substantially higher than the current structure and the current hawthorn hedge will not provide any sufficient screening. The garage appears to be a two storey building rather than a simple garage;
- Plot 2 - The development of the garden of the existing house is an over development of the site and could be argued is an example of garden grabbing. It will have an adverse visual impact but also will impact upon the character of the lane which is itself an ancient by-way. This lane will become a road with development on both sides;
- The repositioning of this access will involve the paving/concreting over part of the unmade lane with a real adverse impact upon the character of the lane;
- Future pruning or removal of the trees that line the lane given the proximity to the proposed house;
- The lane is frequented by bats and owls thus there will be an impact upon the wildlife of the area in terms of their habitat. No ecological survey has been carried out;
- Impact on internet reception;
- This development would add up to 10 people in the village, but is in a position where there is a limited availability of public transport making access to support local services only safely possible by car which contravenes the environmental aspirations of the council. There are no immediate services in the village, not even a pub so this development would fail to meet this requirement as it fails to give ease of access to any service villages identified in CP4 of the core strategy;
- It does not respect local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be entirely out of the character of the area, to the detriment of the local environment;
- The proposal would harm the amenities enjoyed by local residents, in particular safe and available on-road parking, valuable green space, privacy and the right to enjoy a quiet and safe residential environment;

- One of the Council's broad aims is to protect or enhance the local environment including wildlife habitats, trees and woodland. The trees concerned are a wildlife haven for many birds and animals and add significantly to the amenity of the area;
- The height of the proposed buildings will give rise to overlooking;
- We have no objection to the proposed Plot 1 which will suit the existing character and street scene of the village (including the proposed dwelling adjacent to Plot 1 which will shortly commence construction - 16/00876/FUL). However, the proposed Plot 2 represents an over-development of the site and if approved would directly contradict the requirements of Hambleton District Council during the approval process of 16/00876/FUL, as follows:
 - The original design 16/00876/FUL was deemed to be unsuitable and set so far back into the plot that it would have had a negative impact on the amenity of adjacent properties, and those situated on Endican Lane;
 - It is worth noting that the applicant of this proposal 16/02350/FUL raised an objection to the original design of 16/00876/FUL on the basis that it was set too far back into the site;
 - The proposed Plot 2 incorporates windows at the first floor level which will look immediately across to the dwellings on Endican Lane and across the proposed dwelling of 16/00876/FUL; and
 - The proposed Plot 2 features parallel ridge-lines between the North/South and East/West elevations. Again, this was not acceptable in the amended design of 16/00876/FUL and the final approved design constituted a North/South ridge submissive to the East/West premier ridge, limited street scene details appears to indicate a plinth around the lower structure of the both proposals again this detail was deemed inappropriate by planning; and
- We support a proposal to re-develop this site, but taking into account the location and neighbouring properties, Plot 1 should be the sole property on this site.

4.3 Highway Authority - No objection subject to conditions.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of residential development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; (iv) the impact on trees; and (v) highway safety.

Principle

5.2 Thornton le Moor is beyond any Development Limits identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances identified in that policy and as such the proposal is a departure from the Development Plan. However it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 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.
- 5.4 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.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Thornton le Moor is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 South Otterington, which is a Secondary Village, is the largest settlement in close proximity at approximately 1.5km. Newby Wiske (an Other Settlement) is located a little further to the west. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines “significant distance” as approximately 2km. It is therefore considered that Thornton le Moor can be viewed as an example of a cluster village with South Otterington and Newby Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development is therefore acceptable.

Impact on character

- 5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings; however that does not automatically mean that five dwellings would be appropriate in every settlement. In this instance a net increase of one dwelling is proposed, which is considered to be an acceptable scale. The question of the cumulative growth of the village also requires consideration. As set out earlier in this report planning permission was granted for a single dwelling on a site to the west of the current application. These sites will be seen in the same context, but taken as a whole are not considered harmful. There have been no other dwellings approved in the village since the adoption of the Interim Policy Guidance.
- 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 and built form.
- 5.9 The submitted site plan shows how the siting of the dwellings would respect the general built form of the village and not be viewed as an element in the surrounding

rural landscape. Lodge to the west and the junction of Endican Lane and Back Lane to the north form logical limits to this part of the settlement.

- 5.10 Plot 1 would replace the existing bungalow and is consistent with the frontage development that extends through the village. Plot 2, whilst set back, responds to the development on the opposite side of Endican Lane. The spacing around the buildings is also considered to be an appropriate link between the more spacious development (including the approved bungalow yet to be built) to the west and the higher density development along Endican Lane to the east.
- 5.11 Policies CP17 and DP32 require high quality design. The proposed dwellings would be of limited height due to the provision of first floor accommodation in the roof spaces. This scale of development is suitable for the site, which is sandwiched between bungalows and two storey dwellings. It is also consistent with the scale of the recently approved dwelling on the neighbouring plot.
- 5.12 Thornton le Moor is a village with a variety of styles and designs of building, ranging from traditional cottages to large modern detached properties. The design of the proposed dwellings includes the use of dormer windows and sensitive use of architectural detailing, including porches, chimneys, headers details and well-proportioned windows. The design is not dissimilar to the recently approved dwelling on the adjoining site.
- 5.13 It is noted that one of the objections raises concern over the design of the dwellings. Whilst the Local Planning Authority offers advice and guidance, the NPPF (paragraph 69) is clear in stating that planning decisions should not attempt to impose architectural styles or particular tastes. It goes on to however, that it is proper to seek to promote or reinforce local distinctiveness. Considering the variety of building design in the village and surrounding area, the proposed design is considered to be respectful of this and is in accordance with the design policy requirements.

Neighbour amenity

- 5.14 In assessing the impact on neighbour amenity, consideration needs to be given to the recently approved dwelling, which will be sited to the west of the site. The impacts of plot 1 would not be dissimilar to the existing dwelling. Whilst it would have windows at first floor level, the orientation of the dwelling would ensure that there was no adverse impact in terms of overlooking or overshadowing.
- 5.15 Plot 2 is sited and designed as such to avoid harm to neighbour amenity. It is noted that the owners of the proposed bungalow to the west of the site have objected to the proposed first floor windows. However, the only window facing the shared boundary to the west would serve a bathroom. Obscure glazing of this window can be secured through condition.
- 5.16 The other windows at first floor level would be sited to avoid looking directly onto the neighbouring plot. For these reasons the proposed development would not unacceptably affect the amenity of neighbours and so accords with Policy DP1.

Trees

- 5.17 The application has been supported by a detailed arboricultural report and impact assessment. This includes a condition survey of the sycamore trees on the eastern boundary and the impact of the development on them, including guidance on the construction methods and protection required.
- 5.18 The report confirms that the trees to be removed (an apple, a plum and three Lawson cypress) are relatively small and their loss can be mitigated by new planting within

the gardens of the new dwellings. The report (and supporting plans) confirms that the sycamore trees would be retained. The impact assessment recognises that some of the proposed built form, including the garages, the front part of plot 2 and the access drive to plot 2, would be sited within some of the identified root protection areas of the sycamores. However, it goes on to set out suitable construction methods that would need to be undertaken to avoid impact to the health and amenity value of the trees. These can be secured through condition.

Highway safety

5.19 The Highway Authority has raised no objection subject to conditions.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations the application 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. 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.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the application site have been implemented. 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.
4. The development shall not be commenced until a site specific arboricultural method statement has been submitted to and approved by the Local Planning Authority. The statement will include the recommendation sets out in the submitted Arboricultural Report and Tree Condition Survey prepared by Peter Wilkins, dated September 2016, received by Hambleton District Council on the 01/11/2016.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 16/042/1RevB, 16/042/GRevA, 16/042/GRevB, 16/043/GFRevB, 16/043/FFRevB, 16/043/SECRRevB, 16/043/E1RevB, 16/043/E2RevB, 16/043/1RevB and 16/043/GRevB received by Hambleton District Council on 24/10/2016 and 16/042/201/Rev E, 16/042/202/Rev D received by Hambleton District Council on 23/01/2017 unless otherwise approved in writing by the Local Planning Authority.
6. The windows on the first floor (including roof space) of the west elevation of plot 2 shall at all times be glazed with obscured glass.
7. 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.

8. 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: (i) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number A1 (bituminous construction) for the area of carriageway to be relaid and Standard Detail E6 for the west side verge to be made into a vehicle crossing; (ii) Any gates or barriers shall not be able to swing over the existing highway; and (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.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 16/042/202 REV D. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. 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.
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: (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.

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. 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.

3. In order to soften the visual appearance of the development and preserve the character and appearance of the Conservation Area in accordance with LDF Policies CP16, DP28 and DP30.
4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
5. 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.
6. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
7. In accordance with policy DP3 and in the interests of highway safety.
8. In accordance with policy DP3 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with policy DP3 and 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.
10. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informative

1. 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 green wheeled bin for garden 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 its own Neighbourhood Services.

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.