

**Parish: Shipton**  
Ward: Easingwold  
**6**

Committee date: 27 April 2017  
Officer dealing: Mrs C Strudwick  
Target date: 5 May 2017

**17/00355/FUL**

**Construction of a dwelling  
At East Villa, Main Street, Shipton by Beningbrough  
For Mrs Chris Shepherd**

**This application is referred to Planning Committee as the proposal is a departure from the Development Plan**

**1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is a rectangular piece of land of 700sq m, which currently serves as domestic garden to East Villa. The site is outside the designated development limits of Shipton by Beningbrough. East Villa is on the corner of Main Street (A19) and East Villa, fronting onto Main Street. Between East Villa and the site is a single storey modern garage and an older two-storey outbuilding. The site is on East Lane, which is just off the A19. The eastern boundary is shared with number 6 The Old Orchard and beyond the southern boundary is domestic land for adjacent houses to East Villa. The site is has a number of trees, of varying species and quality.
- 1.2 The site faces onto East Lane, from where an access point is sought as part of this application. The Grade II listed Holy Evangelists church and St Catherine's care home are opposite. Primrose Hill, which is opposite East Villa on Main Street, is Grade II Listed. The older houses in this area of Main Street are red brick with slate roofs, East Villa and The Villa, next door, are both attractive red brick Victorian properties.
- 1.3 This application seeks full planning permission for a two-bedroom dormer bungalow, to be constructed of bricks, with a natural slate roof and painted timber windows and doors, and conservation roof lights. The dwelling would be positioned to the east of the site, with a detached cycle store to the west. Access would be approximately at the middle point of the East Lane frontage with a turning area within the site to enable vehicles to enter and exit the site in forward gear. A landscaping scheme has been submitted, showing which trees would be removed and indicating where additional planting would be carried out.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 None

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – The only access/egress from the proposed development is onto a sometimes very busy road but acknowledge that there are many other residential properties with access/egress onto this same road. Other than this, the Parish Council has no other comments to make and would be satisfied if the application were approved.
- 4.2 Highway Authority – No objection; recommends conditions.
- 4.3 Environmental Health Officer – No objection; the potential impact on amenity and likelihood of nuisance has been considered but there will be no negative impact.
- 4.4 Public comments – None received.

#### **5.0 OBSERVATIONS**

- 5.1 The key determining issues are (i) the principle of housing in this location; (ii) the impact on the character of the area; (iii) the impact on neighbour amenity; (iv) highway safety; and (v) impact on heritage assets.

##### Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant 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 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 appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 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 could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 Shipton by Beningbrough is categorised as a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The proposal would therefore be capable of supporting local services and with a footpath running to the village this could be accessed by a range of transport services. It is noted that the site is close to other properties within the settlement and close to local facilities including the village hall and public house. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.

### Character of the area

- 5.5 Development extends from the junction of Main Street with East Lane to the development limits of the village to the east, along East Lane in a largely linear form. A dwelling in this location is a logical infill to the existing character of the village and development layout, maintaining the linear form. The principle of a dwelling here would make good use of this piece of land, whilst the scale and detail of design are in keeping with the older style of housing in this area of the village, making reference to and in keeping with the character of the conservation area.
- 5.6 East Villa is a particularly attractive building, contributing to the conservation area. The design of the dwelling is sympathetic to East Villa, using similar materials and ensuring the ridge height and massing of the development is subservient to the host dwelling. Inspiration for the design of the proposal has been drawn from East Villa; the windows on either side of the front door mirror the narrow style of window above the front door of East Villa and the overall style of windows divided into smaller panes using astragals and the use of varying height gables reflect the design of East Villa. It is considered that the design is high quality and the surrounding dwellings and listed buildings have been carefully considered to ensure minimal impact and harm. Therefore the scheme is supported by CP17 and DP32.
- 5.7 A tree report, tree survey and planting schedule have been submitted in support of the application. There would be a loss of trees on site to accommodate development. Species on site are relatively common, with 54% of the trees being classified good or fair in condition and 3% dead. A total of 13 trees would be removed; of these 9 are considered to be low value 'C' category trees and a further 4 are considered to be category 'U'; being diseased or with serious structural defects. Seven new trees are proposed on site, predominantly on the southern boundary with East Road, and a new hedge would be planted along the eastern boundary shared with East Villa.

### Neighbour amenity

- 5.8 The dwelling has been designed so that it is positioned in the middle of the plot. This allows separation distances of approximately 17.5m from the eastern boundary with East Villa, and the western boundary with 6 The Old Orchard. It is considered that the ground floor windows would not cause any overlooking, with the rear northern windows proposed as obscure glazed. A window is proposed in each of the gable ends of the dwelling, one to each bedroom. Given the separation distances to the neighbouring dwelling it is considered that the neighbour's privacy would not be unacceptably affected.
- 5.9 The proposed would remove a large area of garden, currently used by the occupants of East Villa. The curtilage of East Villa would extend over 13m from the existing garage and so it is considered that there would be sufficient amenity space remaining.

### Highway safety

- 5.10 Subject to appropriate conditions being placed on any consent granted, the Highway Authority has raised no objection.

### Heritage assets

- 5.11 Opposite the proposal site are the grade II listed Holy Evangelists Church and St Catherine's Care Home. On the western side of Main Street, opposite East Villa is the grade II listed Primrose Hill.

- 5.12 The application has been considered in respect of these heritage assets. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.13 On assessment of the application it is considered that it would lead to less than substantial harm to heritage assets. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In this case, the harm is considered to be outweighed by the social and economic benefits of an additional dwelling.

## 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 SB2/A/B & SB.1 received by Hambleton District Council on 31st March & 13th February 2017 unless otherwise approved in writing by the Local Planning Authority.
  3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
  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 13th February 2017 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. 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: (a) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6; (b) Any gates or barriers shall not be able to swing over the existing or proposed highway; and (c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
  6. 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 access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road (East Lane) from a point measured 2 metres down the centre

line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; and (d) measures to control the emission of dust and dirt during construction.
8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

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 Policies CP1, DP1, CP16, DP28, CP17 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.
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. In the interests of road safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. 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.

#### 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 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.