

Parish: Brompton
Ward: Northallerton North & Brompton
3

Committee date: 12 October 2017
Officer dealing: Mr K Ayrton
Target date: 13 October 2017

17/00611/FUL

**Construction of 3 detached dwellings and new access to Plots 2 & 3
At land to the east of 15 Lead Lane, Brompton
For Mr & Mrs A Maynard**

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 application site is located on the eastern edge of the settlement of Brompton. It is approximately 0.34 hectares in size, rectangular in shape, and currently grazing land. The site is close to a road junction, with a frontage onto Lead Lane and a shorter frontage onto Stokesley Road. Lead Lane links Stokesley Road to the centre of Brompton. The site is at a higher level than Lead Lane. The land also rises up as it extends back from Stokesley Road.
- 1.2 There is residential development to the west which extends along Lead Lane. The adjacent property is a large detached property owned by the applicant. The dwelling is located within the Development Limits for Brompton. However, the application site falls beyond them. There is further residential development to the north, which extends along Stokesley Road. The dwellings are predominantly bungalows, although there is also a public house (Green Tree Inn) that is two storeys in height. The land to the south east is open countryside.
- 1.3 The application is in detailed form for the construction of three detached dwellings. The scheme was amended during the consideration of the application, which resulted in one of the dwellings being reduced in size. The proposed mix includes a three-bedroom dwelling and two four-bedroom dwellings. The existing access would serve the western most dwelling, with a new access being formed to serve the other two dwellings.
- 1.4 The edge of the Brompton Conservation Area adjoins the western boundary of the application site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 – Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP8 – Type, size and tenure of housing
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility

Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP13 – Achieving and maintaining the right mix of housing
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council – Requests refusal of the application on highway grounds due to the intensity of traffic that the development would cause at an already busy location at the entrance/exit to the development. There needs to be a reduction in height of the proposed dwellings should the Planning Authority be minded to approve the application, or bungalows instead of houses.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to a condition to secure the submission of a contaminated land risk assessment.
- 4.4 Public comments – None received

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character and appearance of the surrounding area, including the setting of the Conservation Area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

- 5.2 The site is outside the Development Limits of Brompton. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". 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 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 residential development within 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, Brompton is identified as a Service Village, which is at the top end for the purposes of the IPG. 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.
- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not automatically mean that five dwellings would be appropriate in every settlement or on every site. Considering the status as a Service Village and the nature and form of the site, the scale is considered to be acceptable.

Character and appearance

- 5.7 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 Plan.
- 5.8 The proposed layout plan demonstrates how the siting of the dwelling would respect the linear form of development along Lead Lane and not be viewed as an isolated element in the rural landscape to the south east. The junction of Lead Lane and Stokesley Road form logical limits to this part of the settlement.
- 5.9 The relatively low density of development would allow for generous plots, consistent with those in the surrounding area. This allows for large front gardens with the dwellings set well back from the road frontages. Opportunities for landscaping are also created.
- 5.10 The agent has submitted a detailed sectional drawing. This shows how the levels fall towards Stokesley Road, resulting in the ground floor level of the eastern most dwelling being approximately two metres lower than the eastern most one.
- 5.11 The main design challenge for the site is to deliver a dwelling that responds positively to the corner plot, having taken into consideration the two road frontages, site levels and relationship with the adjoining bungalow. This was highlighted to the agent and they amended the scheme by introducing, a smaller three-bedroom dormer bungalow with a reduced ridge height and more active eastern gable end. It is considered that the revisions submitted successfully meet these requirements.
- 5.12 The appearance of the dwellings is generally traditional and similar to others in the vicinity, most notably the property to the west of the site. The proposed design is considered to be in accordance with the design policy requirements.

Neighbour amenity

- 5.13 The size and shape of the site allows the dwelling to be positioned to achieve an acceptable level of amenity for current and future occupiers. There are no amenity issues raised by the proposals for the occupiers of any existing nearby properties and as such the proposed development is considered to comply with the requirements of Development Policy DP1.

Highways

- 5.14 The Parish Council has raised concerns about the use of the local junctions. However, the scheme is on a small scale, introducing only a limited number of additional vehicle movements. It is also noted that the local highway authority has raised no objection to the proposed development. The proposals are considered to have no significant detrimental impact on road safety.

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 2C, 3A, 4C and 5A received by Hambleton District Council on 13 March 2017 and 24 September 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. 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. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
6. 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.

7. 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 shall be constructed in accordance with the approved details and Standard Detail number E6; (ii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the highway and shall not be able to swing over the highway; (iii) The access extending into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10; and (iv) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
8. There shall be no access or egress by any vehicles between the highway and the application sites (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along both channel lines of the Lead Lane from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing SCH844 DWG No. 2 REV A. 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 b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
12. 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 submitted details shall demonstrate that the surface water can be managed, including surface water as a result of the

development, managing the risk associated with surface water from elsewhere and all without increasing the flood risk to existing premises.

13. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 13 above.
14. The development 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 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) 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 in accordance with Local Development Framework Policy DP32.
5. 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 Hambleton Local Development Framework CP21 and DP42.
6. In accordance with policy DP3 and in the interests of highway safety
7. 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
8. In accordance with policy number DP3 and in the interests of road safety.
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.
12. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
13. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.

14. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

Informatives

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 or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.