

Parish: East Harlsey
Ward: Osmotherley & Swainby
8

Committee date: 9 November 2017
Officer dealing: Mr K Ayrton
Target date: 10 November 2017

17/01521/FUL

**Construction of one detached dwelling with integral garage
At land adjacent Cat and Bagpipes Inn, East Harlsey
For TSJ Developments Ltd.**

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 located on the western edge of East Harlsey, adjacent to the Cat and Bagpipes public house. It fronts onto a north south through-road and opposite the junction with the main street that passes through the village. There are a variety of buildings styles and forms in the vicinity of the application site.
- 1.2 The two storey public house is constructed of brick with a distinctive plain tiled, hipped roof with dormers. It is set back from the road with a car park to the front which is partially cobbled. To the rear facade of the pub is a first floor conservatory sited on top of a single storey flat roof addition.
- 1.3 To the north of the site, Baildon is a large detached house constructed of brown brick. The house is off-set from the boundary by approximately 13m, and has windows facing the site. There are further, modern detached properties that extend north along the road frontage.
- 1.4 A public right of way enters the site from the north east corner, and then runs along the outside of the north boundary, between the site and Baildon, where it is partially enclosed by fencing.
- 1.5 Opposite the site, the village road is lined by houses of a variety of styles, but generally of a more traditional character.
- 1.6 Outline planning permission was previously granted in November 2015 for the construction of a single detached dwelling on the site.
- 1.7 The application is for full planning permission for a single dwelling finished in red, reclaimed brickwork under a red lay tiled roof. The application proposes a four bedroom house, with the fourth bedroom within the roof-space serviced by a dormer window to the rear elevation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/91/043/0073 - Outline application for the construction of a dwellinghouse; Granted 2 April 1991.
- 2.2 2/96/043/0073B - Renewal of consent for a dwelling; Granted 27 November 1996.
- 2.3 15/01838/OUT – Outline application for a single detached dwelling with all matters reserved; Granted 13 November 2015.
- 2.4 16/02000/FUL - One pair of semi-detached dwellings with integral garages and vehicle access; Withdrawn 17 July 2017.

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 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 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 Parish Council – Supports the principle of development. Considers the site is capable of enhancing this part of the village but remains concerned over the impact on highway safety and on the public right of way that passes through the site.
- 4.2 Highway Authority – No objection. Permission has been granted for a single dwelling using the existing access and this application is in line with that. The Highway Authority had recommended refusal of 16/02000/FUL to construct two dwellings with an amended access because of restricted visibility.
- 4.3 Drainage Board – No objection subject to condition
- 4.4 Ramblers Association - No objection subject to the public right of way being kept free of obstacle.
- 4.5 Yorkshire Water - The submitted drainage details are not acceptable as they appear to show foul water being discharged to a dedicated surface water sewer. Development of the site should take place with separate systems for foul and surface water drainage. This can be dealt with separately to the planning system when the developer makes an application for a new connection.
- 4.6 Environmental Health Officer - Recommends that the site is screened from the pub car park and beer garden to reduce noise levels and that habitable rooms be sited to avoid a direct line of site from the public house.
- 4.7 NYCC Public Rights of Way Officer – No objection; suggests an informative is added.
- 4.8 Public comments – One objection received making the following comments:
- The design is at odds with previous discussions in that it sits forward of the public house and will be prominent in the landscape;
 - The public footpath should be fenced off;
 - Access to the war memorial via the public footpath should be retained; and
 - The building that used to be on the site was never used as a garage. Instead it was used as storage. It was also used in association with the public house. The highways impact is unacceptable.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity; (iv) impact on the public right of way; and (v) 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 Although the proposal is considered to be a departure from the Development Plan, 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".

- 5.4 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 IPG 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. In this instance the proposal for one dwelling is considered to be an acceptable scale. Outline planning permission has already been granted for a detached dwelling and that permission remains extant, thus three

principle has already been established. This is also relevant in considering the cumulative impact of development within the village.

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 determining the previous outline planning application, the committee report recognised that the site is a largely unused space and that “overall the development of the site would not be harmful to the historic or built environment”. There have been no material changes in the relevant planning issues since that decision.
- 5.10 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.
- 5.11 In this instance the proposed dwelling would be mainly viewed in the context of the public house. The design has introduced elements that are found in the public house, most notably the window detailing, curved brick headers and chimney. The scale of the proposed building is appropriate for a dwelling and the mass would be broken up by varying the ridge height. The overall design is considered to respond positively to its context.
- 5.12 The siting of the dwelling is slightly forward of the public house, albeit a generous setback is still retained from the road frontage to accommodate on-site car parking and manoeuvring. There is no rigid building line in this part of the village and when combined with the separation distance from the public house, the siting is not considered to be harmful.

Residential amenity

- 5.13 The main consideration in this regard is in relation to Baildon. This was considered in the determination of the previous outline planning application where it was noted that Baildon is offset, and benefits from an established hedge. The proposed dwelling includes a single small window (to serve an en-suite) on the facing gable end, which would not result in harm to residential amenity.
- 5.14 The relationship with the public house was considered in determining the previous outline planning application, where it was noted that many village pubs have a similar relationship with neighbouring properties. As such the proposed development is not considered to be prejudicial to the existing pub use nor is the existence of the pub considered to be prejudicial to the amenity of the proposed dwelling.

Impact on public right of way

- 5.15 There is a public right of way that passes through the site. The Ramblers and the County Council have raised no objection on the basis that public right of way is kept free of obstacles. The proposed site plan confirms it would be retained at a minimum width of 1.8 metres.

Highway impact

- 5.16 Outline permission has already been granted for a single dwelling using the access point now proposed. The conclusion was formed that the proposal is capable of

being considered acceptable in highway safety terms, subject to appropriate conditions.

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 03, 04, 05, 06, 07 and 08 received by Hambleton District Council on 7 July 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 use of the development hereby approved shall not be commence until the approved foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the approved details (drawing no. 07).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 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 existing access shall be improved by reconstructing in accordance with Standard Detail number E6; (b) Provision to prevent surface water from the site discharging onto the existing highway shall be constructed in accordance with the approved details shown on drawing 1637/03 and maintained thereafter to prevent such discharges; and (C) 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.
5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 1637/03). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
7. 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.

8. 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.

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 DP30.
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 avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
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. To ensure the retention of adequate and satisfactory provision of offstreet accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. 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. 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 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.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7 April 2015.
3. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.