

Parish: Shipton
Ward: Easingwold
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Panel date: 21 October 2021
Officer dealing: Andrew Cotton
Target date: 12 August 2021

21/01544/FUL

**Revised application for the construction of 2no semi-detached dwellings
At: Land to the rear of Redworth Bungalow, Main Street, Shipton by
Beningbrough
For: Mr C Reynard**

**This application is presented to Planning Panel as the proposed
development is a departure from the Development Plan**

- 1.0 Site, context and proposal
- 1.1 The site lies just beyond but adjacent to the Development Limits for Shipton-by-Beningbrough.
- 1.2 Redworth Bungalow fronts Main Street to the east of the application site. To the north east of the site lies Redworth House which comprises offices, directly to the north lies some disused single storey outbuildings with low eaves height and dual pitched roof form. To the rear of Redworth House (further north of the application site beyond the disused outbuildings) lies a parking area within a courtyard. To the south lie two residential properties and to the west a large residential bungalow.
- 1.3 The site is relatively enclosed by outbuildings in adjacent plots to the north and south with the common boundary to the east shared with Redworth Bungalow's rear garden area and to the west with the front garden of Field View bungalow, which is separated by a large leylandii evergreen hedge approximately 3 metres high which is contained on the application land.
- 1.4 The site is located relatively centrally within the village of Shipton-by-Beningbrough to the east side of the Main Street (the A19). The village of Shipton is defined as a Secondary Village within the settlement hierarchy, making it a sustainable location. Amenities and facilities in the village are not to include:
 - The Anglican Church,
 - Primary School,
 - St Catherine's Care Home,
 - Dawnay Arms Public House,
 - Community Centre
 - Bowling Green,
 - Children's Play Area,
 - Sports Field,
 - Bus links to York, Easingwold and outlying villages.

- 1.5 Vehicular access to the site is via the existing vehicular access that serves Redworth Bungalow, Redworth House, Field View Bungalow the two cottages 3 and 4 Field View and the surrounding commercial units.
- 1.6 The application seeks full planning permission for the construction of two dwellings (semi-detached pair). The semi-detached pair would be 1.5 stories in height (6m to the ridge and 4m to the eaves).
- 1.7 This application is a resubmission of a previously withdrawn proposal for a larger development of 3 mews dwellings.
- 2.0 Relevant planning and enforcement history
- 2.1 88/1666/OUT - Outline Application for Residential Development - Permitted
- 2.2 93/0905/OUT - Outline Application for Residential Development - Refused
- 2.3 95/51261/O- Outline application for a dwelling as amended– Refused
- 2.4 01/000978/FUL - Alterations to existing disused agricultural building for use as Class B1 offices - Permitted
- 2.5 20/02177/FUL- Construction of 3no dwellings - Withdrawn
- 3.0 Relevant planning policies
- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. 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
 - Core Strategy Policy CP21 - Safe response to natural and other forces
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP4 - Access for all
 - Development Policies DP10 - Form and character of settlements
 - Development Policies DP30 - Protecting the character and appearance of the countryside
 - Development Policies DP32 - General design
 - Interim Guidance Note

Hambleton Emerging Local Plan
 The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>.

The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF. National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Comments received raising the following concerns:

- While the application has changed in terms of the number of dwellings and the height of the dwellings proposed, the issues regarding traffic are still relevant. The comments made previously by the PC therefore still stand with regards to the application:
- From the plans, it shows that the car park area in front of the houses will require cars leaving the property to join the highway to navigate a blind spot to first join a shared drive. There are several businesses that use this drive, often receiving deliveries from HGV's. The additional cars will add to the already busy traffic on the yard and add a new danger by the lack of visibility due to the building blocking the view to the left when joining the shared drive.
- Other points raised at the meeting were the impact on safety additional cars leaving and entering the highway would have, particularly given that there are already other developments on Main Street that would add to traffic.

4.2 Highway Authority – No objection subject to conditions.

4.3 Environmental Health (land contamination) – No objection subject to a condition.

4.4 Public comments – One objection received raising the following points:

- Planning history shows refusal in 1995 for two reasons and withdrawal in 2020,
- Site is small and all surrounding buildings are single storey,
- Overlooking/loss of privacy for neighbours,
- Back land development of this scale is out of character for the village,
- Site is outside development limits and as such is contrary to policy,
- Private drive is inadequate to serve this proposal,
- Highway safety concerns with the visibility splays and width of the access onto the A19.

5.0 Analysis

5.1 The main issues to consider are: i) the principle of development in this location; ii) impact on the character and appearance of the area; iii) design; iv) amenity; v) highways Safety

Principle

5.2 The site falls outside of Development Limits of Shipton-by-Beningbrough, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "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 NPPF.

5.3 The NPPF states that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

5.4 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:

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 Shipton-by-Beningbrough is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies roughly within the centre of Shipton-by-Beningbrough which has numerous facilities as set out in section 1 of this report. Criterion 1 would be satisfied.

Impact on the character and appearance of the area

5.6 It is important to consider the likely impact of the proposed development with particular regard to criteria 2, 3 and 4 of the IPG. In this case the site is not rural in character although in proximity to the open countryside, which lies beyond Field View Bungalow to the north. The following detailed advice within the IPG is considered to be relevant:

"Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its

historical evolution and its logical future growth and how the proposal relates to this."

"Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

- 5.7 The proposed dwellings would be on land that is currently surrounded by built form on all sides with residential uses on three sides. The site therefore has more in common with the village than the rural landscape beyond and as such it is considered that the development proposed, and the limited loss of openness, would appropriately respect the character of the countryside.
- 5.8 The form of the village itself is not linear, with numerous instances of residential properties extending back from Main Street including a recently approved application to the opposite side of Main Street (at the old Methodist Chapel, 20/00933/FUL). The addition of a dwelling to the rear of road fronting properties is not considered therefore to be out of character when considered with the existing character of the site as detailed above.
- 5.9 Previous planning applications were refused permission in the 1990's for the construction of dwellings on this site due to the impact of back-land development on the character and appearance of the village and to the amenity of neighbouring residents. It has been established above that the site is part of the village in terms of character and form and it is understood from the agent that the site has been used from time to time as a storage area for the office uses to the north east. An existing access serves the site and is not therefore a contrived form of development that would alter the character of the village. The built form of Shipton-by-Beningbrough already extends further into the countryside than the application site and as such it is considered that the development proposed, without the loss of rural landscape as it is within the existing built form, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.
- 5.10 Criteria 2, 3 and 4 are considered satisfied.

Design

- 5.11 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.12 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.
- 5.13 The National Planning Policy Framework supports this approach and states that planning permission should be refused for development of poor design

that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.14 The semi-detached dwellings proposed are 1.5 stories in height (6m to the ridge and 4m to the eaves) orientated north to south with single storey elements to the rear. The design appears domestic but alludes to a rural outbuilding which sits well with the surrounding outbuildings ensuring the new buildings would harmonise with their setting. The scale of the proposal is reduced from the previously withdrawn scheme both in terms of number of units proposed and in height and mass. The reduced scale of the proposal is now considered to relate well to the scale of surrounding buildings, including both residential and commercial properties.
- 5.15 Both dwellings would be two bedroomed and would meet nationally described space standards. Adequate private amenity space is provided to the rear of each property. The agent describes the forecourt area to the front of the properties as reminiscent of a fold yard which would be in keeping both with the setting and the character of the properties proposed.
- 5.16 Each dwelling would be provided with two parking space and the forecourt would be landscaped to soften the appearance of the sit, helping the new development settle into its surroundings.
- 5.17 Considering the above the design and form is therefore acceptable.

Amenity

- 5.18 LDF Policy DP1 requires development to adequately protect amenity, particularly with regard to privacy, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.19 There is concern from the neighbouring residents that the scale of the dwellings would result in overlooking and loss of privacy. Overlooking could be assumed from the front and rear bedroom windows, however, the intervening distance, structures and angle of views are such that the proposal would adequately protect the amenity of neighbours..
- 5.20 The proposed block plan demonstrates that the following interface distances can be achieved. From the front elevation of the proposed dwellings a distance of approximately 14.5m to the common boundary with Redworth Bungalow and a distance of approximately 28.4m to the rear elevation of Redworth Bungalow is maintained. These distances are considered adequate to protect the privacy and amenity of both existing neighbouring residents and future occupiers.
- 5.21 At its closest point the rear elevation of the northern most unit would maintain a distance of approximately 7m to the approximately 3m leylandii hedge which is to be retained. Approximately 13.5m is maintained to the closest elevation of Field View bungalow. Given these interface distances, the height of the proposed properties, the orientation of neighbouring properties adjacent and the presence of the approximately 3m evergreen hedge the proposed distances are considered acceptable in this instance.

- 5.22 There are no windows proposed at first floor level in the side elevations of either property. Any windows at ground floor level in the side elevations as proposed would be effectively screened by existing boundary treatments so as to result in no loss of amenity to neighbouring residents.

Highways safety

- 5.23 The Highway Authority has no objections regarding the proposed development and the use of the existing access from Main Street. It is considered that the proposed development would not adversely impact highway safety and conditions are recommended.
- 5.24 The objection received and comments from the parish council raised highways safety concerns and comment regarding a 1995 refusal where one of the reasons were highways safety, when the A19 was a trunk road. NYCC highways engineers have commented that in 1995 the design standard used at the time for highway visibility was the "Design Manual for Roads and Bridges" (DMRB). In 2007 the DMRB was replaced by "Manual for Streets" for non-trunk roads and this document, amongst other things, set lower requirements for visibility splays by which time the A19 was no longer a trunk road. In 2010 "Manual for Streets 2" was published which expanded on the guidance of the original publication to clarify its application to "busier streets and non-trunk roads ...regardless of traffic volumes". This application has been assessed against the guidance of the relevant updated guidance and it is considered that the proposal is satisfactory and there are no highway grounds to support a recommendation of refusal of this application.

Planning balance

- 5.25 The proposal would create two new homes in a sustainable location, without causing harm to the appearance of the settlement, to highway safety, and residential amenity. The proposal is considered to comply with the policies of the Local Development Framework and the interim Policy Guidance. There are no other material considerations would preclude a grant of planning permission. Overall, the scheme is found to be acceptable.

6.0 Recommendation

- 6.1 That 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) titled 'proposal drawings' WG917 01D dated August 2020 as received by Hambleton District Council on 17.06.2021 unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the

development have been submitted in writing to the Local Planning Authority for approval and samples 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 dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference WG917 01D. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

5. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

6. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

7. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

8. No above ground development shall commence until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, and all boundary fencing/screening details have been submitted to and approved by the Local Planning Authority. The landscaping scheme shall include a mix of native species, with known wildlife value. The landscaping scheme shall be implemented not commence before the end of the first planting and seeding seasons following the approval of the landscaping scheme. 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.

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) .
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. 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.
5. In the interest of public safety and amenity.
6. In the interest of satisfactory and sustainable drainage.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. To ensure adequate screening and amenity for future occupiers and safeguard the visual amenity of area.