

Parish: Exelby, Leeming and Newton

Ward: Bedale

5

Committee Date:

18 November 2021

Officer dealing:

Mr A Cotton

Target Date:

13 August 2021

21/01561/REM

Application for approval of reserved matters for 1No. dwelling (layout, scale, appearance, access and landscaping) following outline approval of application 20/02373/OUT - Outline permission for construction of 2No dwellings

For: Mr & Mrs Lenton

At The Old Forge, Exelby

This application is reported to Planning Committee due to the applicant being related to an employee of the Council.

1.0 Site, Context and Proposal

- 1.1 The site lies at the western end of Exelby on the southern side of the main village street and currently forms part of the garden of The Old Forge. The site extends to an area of 0.17 hectares. A new dwelling lies beyond the site to the west on a plot that previously formed part of the same extended gardens associated with The Old Forge.
- 1.2 The site is bounded on the roadside to the north by a mature leylandii hedge, which has a height of approximately 3m.
- 1.3 Outline application with all matters reserved was earlier this year. This application seeks approval for all matters reserved including layout, scale, appearance, access and landscaping for one of the plots.

2.0 Relevant Planning History

- 2.1 20/02373/OUT - Outline application with all matters reserved for the construction of two dwellings; Granted January 2021.
- 2.2 17/02334/OUT - Outline application with all matters reserved for the construction of two dwellings; Granted 11 January 2018.
- 2.3 The following applications relate to land to the west, which previously also formed part of the garden of The Old Forge:
- 2.4 15/02819/FUL – Detached dwellinghouse and associated parking; Granted 4 March 2016.
- 2.5 16/01787/FUL – Revised dwellinghouse and attached double domestic garage and the formation of new access; Granted 14 October 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 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

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 Swale and Ure IDB - No comment

4.2 NYCC Highways – No objections subject to conditions.

4.3 MOD – No safeguarding objection.

4.4 Environmental Health (land contamination) – The assessment did not identify any potential sources of contamination on the proposed site during the intrusive investigations and therefore the risk of contamination affecting the development or end users is considered to be extremely low. Therefore, the Environmental Health Service has no objections to this scheme.

4.5 Public comments – two letters of support:

- Attractive design which will compliment street and surrounding properties.

5.0 Analysis

5.1 The main issues to consider are: (i) design and visual amenity; (ii) residential amenity; and (iii) highways safety.

Design and Visual Amenity

5.2 The proposed dwelling is two storey in height, with a modern character and appearance. The dwelling height has been reduced significantly since the original submission to an acceptable height (max 8.6m) when compared to other nearby dwellings.

- 5.3 The proposed dwelling would be set back from the main road, well screened by mature boundary vegetation, and would be viewed against the existing built form in the immediate area. The residential properties surrounding the site are a mix of single and two storey dwelling of a variety of architectural styles, a broad range of materials and have been built out over an extended period of time. It is considered the proposed external appearances of the dwelling including materials are of their time whilst respecting the character of the existing built form and the vernacular of the settlement.
- 5.4 The dwellings is located relatively centrally within its plots with ample garden areas to the front and rear. The scale of the dwelling responds well to the site as a whole, the individual plot and the scale of the surrounding properties.
- 5.5 Landscaping often helps new dwellings integrate into their setting. It is noted no details other than annotations on the block plan have been submitted with regard to proposed landscaping. As the proposal is only or a single dwelling it is considered that a condition to secure full details of proposed landscaping could be included on any grant of permission to ensure the new dwelling settles into its surroundings.

Residential amenity

- 5.6 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The closest neighbour to the proposed dwelling would be the existing property at The Old Forge, to the east and the new dwelling known as Aschilebi House to the west. It is also noted that the second plot with outline permission would sit between Aschilebi House and the proposed house.
- 5.7 It is considered the layout shown would provide for sufficient space between the properties themselves and would protect the amenity of the approved dwelling.
- 5.8 Future occupiers would be provided with adequate levels of amenity, with habitable rooms having access to natural light and ample private outdoor space.
- 5.9 The proposed development would accord with LDF Policy DP1

Highways

- 5.10 The Highway Authority has no objections to the proposal subject to appropriate conditions. The access is considered acceptable to serve a single dwelling and there is ample space shown for parking and manoeuvring within the site.

Planning Balance

- 5.11 The proposed development will not be detriment to the character and appearance of the area and is acceptable in terms of siting, design, materials and landscaping.
- 5.12 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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 416/LP2 as received by Hambleton District Council on 18th June 2021 and 416/P3 rev-A; 416/P1 rev B as received by Hambleton District Council on 19th October 2021 unless otherwise approved in writing by the Local Planning Authority.
3. Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall only be constructed using materials that match those stated on the approved plans as listed in condition 2 above.
4. Prior to the occupation of the dwelling hereby approved, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. The dwelling 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 curtilage of that dwelling 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.
5. 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.
6. The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.
 - Any gates or barriers must not be able to swing over the existing or proposed highway.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highwayAll works must accord with the approved details.
7. There must be no access or egress by any vehicles between the highway and the application site until the splays provided in drawing number 416/LP2 are achieved. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details as shown on drawing number 416/LP2. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. 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:
 1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 2. the parking of contractors' site operatives and visitor's vehicles;
 3. areas for storage of plant and materials used in constructing the development clear of the highway;

The reasons 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 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 DP23.
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 Policies CP17, DP32 and DP33.
5. In the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity.

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. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_in_d_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.