

**Parish: Aiskew**

Ward: Bedale

**1**

Panel Date: 13 January 2022

Officer dealing: Mrs H Laws

Target Date: 30 September 2021

Date of extension of time: 10 December 2021

**21/01932/FUL**

**Construction of a single storey room-in-the-roof dwelling with detached double garage and creation of field access as amended by plans received by Hambleton District Council on 1 November 2021**

**At: 69 Leeming Lane, Leeming Bar**

**For: Mr & Mrs Smith**

**The application is referred to Committee as the proposal is a Departure from the Development Plan.**

## **1.0 Site, context and proposal**

- 1.1 The site is part of an open grassed paddock with an area of approximately 0.12 hectares, located on the northern side of Leeming Lane on the south eastern edge of Leeming Bar. The site lies adjacent to the eastern boundary of the existing dwelling at 69 Leeming Lane. The front boundary of the site is formed by timber post and rail fencing.
- 1.2 It is proposed to construct a detached dwelling on the site with a detached double garage. The dwelling would be single storey in style with first floor accommodation within the roofspace served by rooflights.
- 1.3 A new access is proposed direct from Leeming Lane with parking and manoeuvring to the side of the dwelling.
- 1.4 The dwelling and garage would be finished in brickwork and clay tiles with upvc windows, glazed to achieve a sound insulation rating appropriate to its location.
- 1.5 It is proposed to erect a 2m high brick boundary wall around the boundary of the proposed rear garden; with a lower level wall to the front and the side. Landscaping is proposed within the site including hedging and the planting of several trees including rowan and silver birch.
- 1.6 It is also proposed to provide a field access to the east of the proposed dwelling to allow access into the field to the rear. Timber gates and fencing are proposed along the site frontage.
- 1.7 An existing foul water drain crosses the site and the position of the proposed dwelling. It is proposed to divert or build over the sewer, in compliance with the appropriate Building Regulations.

## **2.0 Relevant planning and enforcement history**

- 2.1 21/01978/FUL - Construction of 5no single storey room-in-the-roof dwellings with attached/detached single and double garages. Application concurrent and not yet determined.

### **3.0 Relevant planning policies**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows:

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 DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 – General design  
Development Policies DP33 – Landscaping  
Development Policies DP44 – Very noisy activities  
Interim Guidance Note - adopted by Council on 7th April 2015

Hambleton emerging Local Plan

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 Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

National Planning Policy Framework

### **4.0 Consultations**

4.1 Parish Council – objects to the application as follows:

- Extends the village into the countryside and if allowed to continue the villages will meet in the middle
- Proposed access too close to the bend and would be unsafe
- There is always a problem with sewerage in the village

4.2 NYCC Highways – It is acknowledged that a separate application has been submitted under 21/01978/FUL which, if granted, will alter the proposed access for this dwelling under this application. Conditions are recommended.

4.3 Yorkshire Water – a condition is recommended

- 4.4 MoD – The application site is 0.47km north west from RAF Leeming, within the 72dB noise contour for the operational airfield.  
On reviewing the design and access statement, design measures have been established to include acoustically treated glazing and mechanical ventilation systems to provide sufficient noise attenuation for the property. It is recommended that a condition be added to any permission granted requiring the applicant to carry out the development in accordance with the details laid out in the submitted design and access statement. An informative is recommended to make future occupants aware that military aircraft may be seen and heard operating in the area.
- 4.5 Natural England – no comments
- 4.6 HDC Environmental Health Officer - This service has considered the potential impact on amenity and the likelihood of the development to cause a nuisance and consider that there will be no negative impact. However, the above application falls within the 70 dB contour of RAF Leeming and there is a requirement to protect the amenity of the residents by reducing the effects of aircraft noise. To that end suitable glazing must be installed in all rooms of the property. The developer must provide evidence in the form of a trade technical specification, that the proposed glazing will achieve the following sound reduction to gain local planning authority approval: In order to gain approval, the unit must achieve a Rw. of 46 or greater. This usually consists of a ratio of 16:12:16 with an acoustic laminate.
- 4.7 Publicity – objections have been received from 2 neighbouring households, which are summarised as follows:
- Site lies outside Development limits and would extend village into agricultural land
  - The development would encroach on existing green open vistas causing a natural separation
  - Highway visibility issue due to bend in the road
  - The road is busier, and cars often exceed speed limit
  - Existing sewer is already overloaded
  - During heavy rain, water forms a pond on adjoining land

## **5.0 Analysis**

- 5.1 The main issues to consider are: (i) the impact on heritage assets; (ii) the principle of a new dwelling in this location; (iii) the impact on the character of the surrounding area, including the character and appearance of the village and the rural landscape; (iv) the design of the proposed development; (v) the impact on residential amenity, including, as a result of the proximity to the airfield; and (vi) highway safety.

### Heritage Assets

- 5.2 Heritage assets, as stated within paragraph 189 of the NPPF, are an irreplaceable resource that should be conserved in a manner appropriate to their significance. The site lies approximately 50m to the north west of the grade II listed Leeming Bridge.
- 5.3 The NPPF at paragraph 194 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and at paragraph 202 requires that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.4 The significance of the bridge lies in its historic value. It has a low level parapet and is unobtrusive within its setting. The proposed dwelling would encroach closer towards the bridge but a distance of more than 50m would remain between the closest part of the built developments. The proposed dwelling would not be viewed in the context of the bridge and therefore on assessment of the application it is not considered that the proposed dwelling or field access would cause harm to the existing heritage asset.

The principle of a new dwelling

- 5.5 The site falls outside the Development Limits of Leeming Bar, 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. Paragraph 79 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. 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".

- 5.6 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has 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. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.7 The village of Leeming Bar is considered to be 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 within walking distance of the centre of Leeming Bar and also Leeming village which have facilities including two schools, a shop and a pub. Criterion 1 would be satisfied, and the principle of additional residential development would be acceptable.

Character and appearance of the village and the rural landscape

- 5.8 It is important to consider the likely impact of the proposed development with regard to criteria 2, 3 and 4 of the IPG.

- 5.9 Policies CP16 and DP30 of the Hambleton Local Development Framework require development to preserve and enhance the District's natural assets and to respect the openness of the countryside. The application site forms part of a larger field. Although the surroundings are rural, given its position on the edge of the village, it is not considered that an additional dwelling in this position would harm the character of the rural landscape.
- 5.10 The development of the application site would reflect the character and appearance of other development in this part of the village, which is essentially linear. A substantial gap would remain between the proposed dwelling and the end of the village where the Parish boundary is formed by Bedale Beck at Leeming Bridge. A gap remains on the opposite side of the river before the built up part of Leeming village. It is considered therefore that the construction of a single dwelling would result in organic growth without unacceptably closing the well-established gap between Leeming Bar and Leeming.

### 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 Planning supports this approach and at paragraph 126 considers that 'the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve'.
- 5.14 Paragraph 130 c) of the NPPF suggests that development should be sympathetic to local character and history including the surrounding built environment, whilst not preventing or discouraging appropriate innovation.
- 5.15 The proposed dwelling would be a two storey dwelling with the first floor accommodation set within the roofspace and served by rooflights. The existing dwelling at 69 Leeming Lane is a bungalow in style but also has first floor accommodation within the roofspace.
- 5.16 It is considered that the scale, proportions and materials of the proposed dwelling would be appropriate to its setting within the village and in relation to the neighbouring property and would therefore accord with LDF Policies CP17 and DP32.

## Residential amenity

- 5.17 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 siting of the proposed dwelling would allow adequate separation between existing and proposed dwellings for there to be no harmful impact as a result of overlooking or overshadowing and would be in accordance with Policy DP1.
- 5.18 Paragraph 185 of the NPPF requires decisions on new development to take into account the likely effects of pollution on health. LDF Policies CP21 and DP44 require the protection of the population from unacceptable risk of being adversely affected by unacceptable levels of (amongst other things) noise pollution.
- 5.19 Policy DP44 states that noise sensitive development, (such as residential dwellings) should not be permitted in areas where potential for harmful noise levels is known to exist. It states that noise sensitive development should not be permitted, unless acceptably sound insulated, in the vicinity of established noise generating uses.
- 5.20 The site lies within 0.5km to the north west of the perimeter of the airfield, which is significant noise generator and is within the area defined in the LDF Policies with reference to the MOD Noise Contours relating to military aircraft movements at RAF Leeming. Within this area three zones of differing noise contours are defined: 'Exclusion', 'Restriction and Insulation'. The site is within the Restriction and Insulation zones.
- 5.21 The contour separating the Noise Restriction Zone from the Noise Insulation Zone crosses the site. The position of the house and front garden lies within the Noise Insulation Zone; the garage and most of the rear garden lies within the Noise Restriction Zone.
- 5.22 Mitigation for the proposed residents is proposed in the form of appropriate acoustic glazing treatments to habitable rooms. Details of the glazing has been provided and is in accordance with the recommendations of the Council's Environmental Health Officer.
- 5.23 It is concluded therefore that the proposed development is unlikely to detract from residential amenity to an unacceptable degree and would not be contrary to LDF Policy DP1.

## Highway safety

- 5.24 There are concerns from the Parish Council and from local residents regarding the safety of the proposed access, particularly as a result of vehicles turning right into the site from Leeming Lane. The Highway Authority has no objections to the creation of a new access to serve the additional dwelling subject to appropriate conditions.

## Planning balance

5.25 The proposal would create an additional dwelling in a sustainable location, without causing harm to the form and character of the village, and without harm in terms of highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development are on balance found not to outweigh the positive benefits. No other material considerations would preclude a grant of planning permission. Overall, the scheme is found on balance to be acceptable.

### 6.0 Recommendation:

6.1 That subject to any outstanding consultations the application 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. 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.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. No above ground construction work shall be undertaken 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. The glazing for the windows of the dwelling hereby approved shall achieve a Rw of 46 or greater and thereafter be retained unless with the prior written approval of the Local Planning Authority.
6. The crossing of the highway verge and/or footway must be constructed in accordance with the Standard Detail number E50 and the following requirements:
  - Any gates or barriers erected must not be able to swing over the existing or proposed highway.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must be undertaken in accord with the approved details and thereafter retained.

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 18-27D03B 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 approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.

10. 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 approved 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. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

11. The permission hereby granted shall not be undertaken other than in complete accordance with drawings numbered 18-27D01B; D03B; D04; D05; and D06A received by Hambleton District Council on 5 August; 1 November; and 25 November 2021 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990

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. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To protect the residential amenity of the occupants of the proposed dwelling in accordance with LDF Policies CP1 and DP1.
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 in accordance with LDF Policies CP2 and DP4.
7. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. In accordance with LDF Policies CP2 and DP4 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
10. In the interests of public safety and amenity in accordance with LDF Policies CP2 and DP4.
11. 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.