

Parish: **Carlton Miniott**

Committee date: 7 April 2022

Ward: Thirsk

Officer dealing: Mr A Cotton

**14**

Target date: 8 April 2022

**21/02977/OUT**

**Outline Application for the Construction of one Dwellinghouse (with all matters reserved except for access)**

**At: Land to the north west of Rose Cottage and Woodman Cottages, Thrintoft Moor Lane, Thrintoft**

**For: Mrs Wilkinson and Mrs Laing**

**This application is referred to Planning Committee at the Request of a Member of the Authority.**

## **1.0 Site, Context and Proposal**

- 1.1 The application site comprises part of an agricultural field currently utilised for grazing. The site lies outside of the settlement boundary of Thrintoft. A new access would be created from the highway into the site. To the south east of the site, immediately adjacent are Rose Cottage and Woodmans Cottage which are two storey cottages. To the opposite side of the highway lies the property known as Cima which is a bungalow dwelling.
- 1.2 This application seeks outline planning permission for the construction of 1no. dwelling considering access only with all other matters reserved. Indicative plans have been provided which show a bungalow property.
- 1.3 A pair of Perry Pear trees are present in the western corner of the application site. These trees were confirmed under tree preservation order number 2022 No 7 on 16<sup>th</sup> March 2022. The application in no way affects the protected status of these trees.

## **2.0 Relevant Planning History**

- 2.1 None relevant

## **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

- S1 – Sustainable development principles
- S2 – Strategic priorities and urban requirements
- S3 – Spatial distribution
- S5 – Development in the countryside
- HG2 - Delivering the right type of homes
- HG5 – Windfall housing development
- E1 - Design
- E2 - Amenity
- E3 - The natural environment

IC2 – Transport and accessibility  
RM1 – Water quality, supply, and foul drainage  
RM2 – Flood risk  
RM3 – Surface water and drainage management

Supplementary Planning Document - Size, type and tenure of new homes –  
adopted September 2015

National Planning Policy Framework

## **4.0 Consultations**

### 4.1 Parish Council –raise the following concerns:

- Quite why this site has been chosen as the part of the farmland to locate the proposed dwelling is puzzling. “Change of use” would be required for any part of the farmland, but there is land immediately to the east of the farmhouse towards the New Inn which does not overlook any property, and IF a single dwelling were to be approved would this not be a better location by not affecting the view lines of any other existing dwellings?
- Section 15 in the application has too many unknowns for informed comments.
- Why is a 6 metres high dormer bungalow proposed when a lower standard height bungalow would be less intrusive?

*Officer Comments: The council has an obligation to determine the application it has before it. The application is submitted in outline considering access only, all other matters are reserved for later consideration (including the scale and design of the dwelling), therefore additional detail will be submitted and considered at the appropriate reserved matters stage should outline planning permission be granted.*

### 4.2 Highways - No objection subject to conditions

### 4.3 Sabic – No safeguarding objection

### 4.4 Public comments – Two representations received raising the following points:

- Loss of view;
- Object to building houses on farmland as a matter of principle;
- Rose Cottage received no written notification despite being main affected property;
- Loss of daylight and rural aspect;
- Greenfield site currently and historically farmland;
- Access would be from busy main road with agricultural traffic;
- Recent addition of a number of properties within the village affecting its rural nature;
- Sewage capacity issues;
- Broadband/utility provision unable to cope with additional development;
- No amenities within the village; and
- 3 unoccupied properties within the village.

*Officer comment: Loss of view/rural aspect is generally not a material planning consideration. The analysis section of the report below will consider the principle of development and other material planning considerations for this outline proposal.*

## **5.0 Analysis**

- 5.1 The main issues for consideration in this case relate to (i) the principle of development (ii) character, appearance and design; (iii) residential amenity; (v) highway safety; and (vi) flood risk and drainage.

Principle of development

- 5.2 Thrintoft is identified as a Small Village under policy S3. As Thrintoft is defined as a Small Village this means it is considered a sustainable place for new development, commensurate with its size and level within the settlement hierarchy as set out in policy S3. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria (a-e) are met. Criteria a-e are set out below:

a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and

b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

c. represent incremental growth of the village that is commensurate to its size, scale, role and function;

d. not result in the loss of open space that is important to the historic form and layout of the village; and

e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

- 5.3 The applicant carried out a site search considering previously developed land which is commensurate with the size of the development within the built up area of Thrintoft (described by the former settlement boundary in the LDF). No suitable or visible sites were able to be identified. The applicant is considered to have satisfied criteria a.
- 5.4 With regard to criteria b, the application is for a single dwelling therefore it is not possible to provide a mix as such. The applicant has indicated that the dwelling would be a bungalow which provides housing suitable for older members of the community.
- 5.5 When considering the site, both individually and cumulatively, with surrounding approvals, the proposal is considered to represent incremental growth

commensurate to the size, scale, role and function of the settlement which would not result in the loss of open space that is important to the historic form and layout of the village and is not considered to have a detrimental impact on the character and appearance of the village or the surrounding area. As such, the proposal is considered to accord with criteria c-e of Local Plan policy HG5, although it should be noted criterion e is discussed in more detail below.

- 5.6 Therefore, it is considered that the principle of a new dwelling in this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

#### Character, appearance and design

- 5.7 Criterion e of Policy HG5 considers impact to the character and appearance of both built form of the settlement but also to that of the open countryside.
- 5.8 The development comprises the construction of 1 dwelling which would be considered small in scale. The site is adjacent to the built form of Thrintoft, with the built form present to both the south east ( Rose and Woodmans Cottage) and to the east (Cima) which comprises a mix of dwellings ranging from two storey cottages to single storey bungalows. The development would not therefore appear independent of the built form of the village, nor isolated or alien to the character of the existing village. It is considered that the proposal responds well to the form and character of the village and as such the proposal would meet the requirements of criterion (e) of HG5 and would accord with the aims of sustainable development.
- 5.9 The site is an agricultural field but has a good relationship to the built form of the village, given the development to the east and southeast. It is considered that the proposal would not be detrimental to the visual appearance of the surrounding natural environment. The indicative plans show the site can accommodate a single bungalow whilst providing suitable private residential amenity space and parking sympathetic to the existing character of the settlement. While these matters will be assessed fully at the appropriate reserved matters stage it is considered that the indicative plan demonstrates the proposed development can be developed in accordance with policy E1 and HG5 criterion (e). It should be noted the exact height of the proposed dwelling and its design and siting should be given careful consideration prior to the submission of a Reserved Matters application to ensure it is appropriate for the site and provide for adequate protection of existing and future occupier's amenity.
- 5.10 The proposal is small in scale, located immediately adjacent to the public highway with access to the public sewerage network and other utilities and there is no evidence to suggest that the addition of one dwelling cannot be accommodated within existing infrastructure.
- 5.11 The submitted indicative details show the site is capable of accommodating a dwelling which reflects the plot size to dwelling ratio found within local settings. As such, subject to detailed consideration at the appropriate reserved matters stage, it is considered that this scheme is able to comply with policy E1.
- 5.12 Overall, the proposal is acceptable in the terms of the impact upon the character of the village and the open countryside surrounding the village.

### Residential amenity

- 5.13 The application is for residential development of 1 bungalow dwelling with all matters reserved. Scale is therefore not considered at this stage. However, the indicative layout provided, shows that the dwelling proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties. These matters would be fully tested through Reserved Matters submissions.

### Highway safety

- 5.14 The Highway Authority has not raised any concerns. A number of conditions are recommended in relation to visibility splay provision, details of access, turning and parking and construction management. It is considered that the proposed development will have no significant impact on road safety in the vicinity of the application site.

### Flood risk and drainage

- 5.15 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding. The site would be drained through connection to the nearby public sewer with surface water dealt with through sustainable drainage methods in accordance with the SUDS hierarchy. Drainage detail would be assessed at the appropriate reserved matters stage, once detailed designs are known.

### Planning Balance

- 5.17 Due to its size and location the site is considered capable of accommodating the proposed dwelling without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the above policies. It is considered that there are no material considerations which would outweigh this conclusion.

## 6.0 Recommendation

6.1 That 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. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale (including the number) of buildings overall.
3. The permission hereby approved shall be for the construction of no more than 1 bungalow dwelling.
4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public

sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

5. The development must not be brought into use until the crossing of the highway verge has been constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements:

- Any gates or barriers must be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing 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.

- 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 highway.

All works must accord with the approved details.

6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

7. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular parking;

- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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.

8. 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:

- a. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- b. The parking of contractors' site operatives and visitor's vehicles clear of the highway;
- c. Areas for storage of plant and materials used in constructing the development clear of the highway; and
- d. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan ref: HDC/3151/03 as received by the Local Planning Authority on 17 December 2021 unless otherwise approved in writing by the Local Planning Authority.

10. Except where affected by access arrangements, no part of the existing boundary hedges of the site shall be uprooted or removed.

11. Prior to the commencement of development, except for the formation of the access and initial site clearance, full levels details shall be provided to and approved by the Local Planning Authority. Levels shall include both existing and proposed ground levels along with finished floor, eaves and ridge levels of the proposed dwelling. The development shall be implemented in accordance with the approved levels.

Reasons:

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 enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, prior to the commencement of development.
3. To ensure that the scope of the decision reflects the proposal made and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy HG5 and the Size, Type and Tenure SPD
4. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
5. 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.
6. In the interests of highway safety and the amenity of the area.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

8. In the interest of public safety and amenity.
9. 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 Hambleton Local Plan.
10. The hedges are of important local amenity value and protection of the trees is appropriate in accordance with Local Plan policy E7.
11. In order to protect the character and amenity of the area.

Informative:

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