

## HARROGATE BOROUGH COUNCIL

### PLANNING AREA2 DC COMMITTEE – AGENDA ITEM 6: LIST OF PLANS.

**DATE: 31 August 2004**

<b>PLAN:</b> 06	<b>CASE NUMBER:</b> 04/03355/FUL
<b>APPLICATION NO.</b> 6.150.61.FUL	<b>GRID REF: EAST</b> 447485 <b>NORTH</b> 446861
	<b>DATE MADE VALID:</b> 12.07.2004
	<b>TARGET DATE:</b> 06.09.2004
	<b>WARD:</b> Marston Moor

**APPLICANT:** PJ Swale & A Johnson

**AGENT:** Mike Swinglehurst

**PROPOSAL:** Erection of 2no. detached dwellings and formation of new vehicular access (site area 0.09 ha).

**LOCATION:** Land At Grid Ref 447485/446861, Between 1 And 1A Church Lane Wighill Tadcaster North Yorkshire

## REPORT

### SITE AND PROPOSAL

The application site forms a small paddock that is located between 1 and 1A Church Lane Wighill. The site is rectangular in shape and is some 0.09 hectares in area. The site has a road frontage of approx 35 metres and is marked by an existing hedgerow. Interspersed within and adjacent the hedgerow are 4 mature trees. Located to the immediate rear of the site are a small range of agricultural buildings, consisting of a single storey brick structure under a slate roof and a timber dutch barn. Open fields are located beyond these structures.

No 1 Church lane abuts the site to the south. This is a two storey dwelling with a first floor window within the gable facing the site. The property has a single storey garage constructed adjacent to the site boundary. To the north of the site is an access road serving a dwelling located to the north west of the site. Beyond the access drive is No 1A Church Lane. This property is a bungalow with accommodation within its roof space. The property has an entrance door and Utility room window facing the site and a first floor bedroom window.

The applicants propose to construct two detached dwellings on the site. Both residential units would provide 4-bedroom accommodation. A single central vehicular access would be constructed to serve both of the units.

### MAIN ISSUES

1. Land Use
2. Visual Impact
3. Residential Amenity
4. Highway Safety

- 5. Landscape
- 6. Open Space Provision

### **RELEVANT SITE HISTORY**

None.

### **CONSULTATIONS/NOTIFICATIONS**

#### **Parish Council**

Wighill

#### **DLAS - Open Space**

Confirm a commuted sum of £971 generated for Leisure Area and Youth \_ Adult facilities and allocated to verges within 400m of development/Public Footpath and Wighill Cricket Club

#### **Yorkshire Water**

Observations by Yorkshire Water are not required

#### **Highway Authority**

The existing hedge at the back of the footway will need to be reduced to achieve visibility. Otherwise no objection subject to the imposition of conditions.

#### **D.L.A.S Arboricultural Officer**

Comments are awaited

### **APPLICATION PUBLICITY**

**SITE NOTICE EXPIRY:** 13.08.2004

**PRESS NOTICE EXPIRY:** 13.08.2004

### **REPRESENTATIONS**

Wighill parish council do not object but wish to make the following comment:  
See Appendix 1

### **OTHER REPRESENTATIONS**

Five Letters received (two letters from the same address) on the following grounds.

Four letters objecting to the development on the following grounds:

1. Part of the charm of villages is to have open space and gaps between properties, the development of these gaps as infill seriously erodes the character of the village.
2. The sewerage system does not have a large capacity and is failing to cope with existing demand
3. The paddock should be protected
4. The size of the houses appear too large for the plots
5. Plans do not show the accurate position of the trees which should be protected by Tree Preservation Order

6. Traffic safety issues as a consequence of the location of the proposed access. Having more houses built without garages would add to congestion.
7. Land edged in blue is not within the applicants ownership

One letter received commenting that they would not object subject to the provision of suitable safeguards, namely:

1. Ensuring no windows in the gable elevation facing their property (1A Church lane).
2. Northern boundary to be planted with shrubs and trees.
3. During construction a high board fence to be constructed along the northern boundary to protect from dirt and noise.
4. The barns to the rear of the site are demolished at the same time as the building works.
5. Concern regarding size of the units on such a small plot and as no garages are proposed concern is expressed regarding whether there would be sufficient parking. Vehicles already parked on the road create a serious problem and the village is at present like an obstacle course.

#### **VOLUNTARY NEIGHBOUR NOTIFICATION -**

Yes - 7 properties notified.

Nos. 2, 4, 6, and 8 Church lane  
Sycamore Cottage  
The Orchard  
Lyntray House

#### **RELEVANT PLANNING POLICY**

- PPG1 Planning Policy Guidance 1: General Policy and Principles
- PPG3 Planning Policy Guidance 3: Housing
- PPG13 Planning Policy Guidance 13: Transport
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- SPH4 North Yorkshire County Structure Plan Policy H4
- SPE2 North Yorkshire County Structure Plan Policy E2
- LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
- LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5: Affordable Housing
- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages
- LPH13 Harrogate District Local Plan (2001, as altered 2004) Policy H13: Housing Density, Layout and Design
- LPH17 Harrogate District Local Plan (2001, as altered 2004) Policy H17: Housing Type
- LPHD20 Harrogate District Local Plan (2001, as altered 2004) Policy HD20: Design of New Development and Redevelopment
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- SPH1 North Yorkshire County Structure Plan Policy H1
- LPH01 Harrogate District Local Plan (2001, as altered 2004) Policy H1: The Housing Requirement
- LPHD13 Harrogate District Local Plan (2001, as altered 2004) Policy HD13: Trees and Woodlands

LPHD12 Harrogate District Local Plan (2001, as altered 2004) Policy HD12: Amenity Open Space

### **ASSESSMENT OF MAIN ISSUES**

**1. LAND USE** - The application site is located within the existing built up confines of the village. HDLP Policy H6 identifies Wighill as a smaller village (Category B) where new residential will only be permitted inter alia as infill or small scale rounding off.

Although the site clearly represents an infill plot, Policy H6 also identifies that development should also be in accordance with all other relevant policies of the plan. In this respect it is considered that the provisions of HDLP Selective Alteration Policies HX, H13 and H17 are relevant to the proposal.

The Selective Alteration to the local plan was introduced as a consequence of the combination of the over provision of housing in the district and the more sequential approach to site selection as advocated by PPG3 and RPG12. The Selective Alteration policies have now been adopted and form part of the development plan.

In this respect HDLP Policy HX identifies the preference for development on previously developed sites. The policy only allows for development on greenfield sites in the few cases where it is required to meet justifiable exceptional needs that cannot be met elsewhere. In terms of the definition of 'previously developed' site this is as defined in PPG3 Annex C and a 'greenfield site' means anywhere outside this definition. The application site, which forms a paddock, falls outside the definition of a previously developed site and therefore must be considered in the context of a greenfield site.

Policy HX identifies that dwellings will only be permissible on greenfield sites within settlements if they are justified by essential needs, which cannot be met on a previously developed site. There are no essential needs in this instance to site two open market 4 bedroom detached properties on this site and hence the development is contrary to the provisions of PPG3 and HDLP Policy HX.

Notwithstanding the above objection the proposal represents the inefficient use of land by providing a site density of only 22.2 dwellings per hectare (both PPG3 and HDLP Policy H13 recommend a minimum of 30 dwellings per hectare unless site characteristics dictate otherwise). The scheme also fails to provide a mix of house type as advocated by HDLP Policy H17. Clearly the density could be increased by the provision of smaller units, which would also help meet the need for smaller households within the District. Any increase in units would then require the provision of an element of affordable housing as required under HDLP Policy H5.

**2. VISUAL IMPACT** - The existing site represents a small paddock that despite its overgrown appearance links the village with the open countryside beyond the main built up confines of the village. Although the site is not designated as an important open space by Policy HD12 of the local plan, the site does make a contribution to the visual amenity and character of the village. The policy identifies that open sites which make a significant contribution (the justification to the policy identifies that not all sites have been surveyed and hence not all sites are designated) to the visual amenity and character of the settlement will be protected from development.

The proposed development will clearly result in the loss of the open space. The impact of the two large units within the street scene would be further accentuated by the requirement of the highway authority to lower the hedge at the site frontage (see highway safety).

**3. RESIDENTIAL AMENITY** - The dwellings are constructed close to the side boundaries of the

site and because of the location of trees along the site frontage have been set back beyond the rear elevation of adjacent residential property. To the north of the site is an access track serving a dwelling, beyond, which is No. 1a Church Lane. It is considered that the development would not have an adverse impact upon the living conditions of the occupiers of that property. Concern is expressed however regarding the impact of Plot 2 upon the dwelling to the south of the site. The dwelling will create a partial domineering and overlooking impact upon the private amenity space of that property. Whilst this could be overcome by the deletion of upper floor windows facing the site and amendment to the siting of the unit, negotiation has not taken place with the applicant, given the fundamental objection to the scheme highlighted in the land use section.

**4. HIGHWAY SAFETY** - The highway authority, have been consulted and have no objection to the development subject to the imposition of conditions. Members' attention is however drawn to the fact that in order to achieve the required visibility at the entrance there will be a requirement to lower the existing hedge at the back of the footway. The hedge will need to be reduced to a height no greater than one metre above the road level (existing height is approx 2metre).

The comments from local residents regarding lack of garage provision has been noted, however there is a parking area located between the two units that is capable of accommodating any future garage accommodation. This issue has been recognised by the highway authority and a condition has been recommended that a parking space, or a space capable of accommodating a garage is provided at the site.

**5. LANDSCAPE** - Clearly the development will result in the loss of the open space and lowering of the existing roadside hedge. The applicant intends to retain the mature trees that are located along the site frontage. The trees are considered to contribute to the street scene by your officer. The views of the arboricultural officer are however awaited as to whether the development would have any harmful impact upon the health of the trees.

**6. OPEN SPACE PROVISION** - HDLP Policy R4 is applicable in this instance and a commuted sum of £971 has been generated for leisure Area and youth and Adult facilities and is allocated to verges within 400metres of the development and Wighill Cricket Club. The applicant has been informed of this requirement and a Unilateral Undertaking has been received confirming that they would comply with the provisions of the policy.

**CONCLUSION** - The proposed development would result in the development of a 'greenfield' site, which would be contrary to the provisions of PPG3 and HDLP Policy H1, H6 and HX.

The existing site represents an area of open space that links the village with the surrounding open countryside and as such contributes to the existing character of the village and street scene. The loss of such a site would be contrary to HDLP Policy HD12.

The scheme would have a detrimental impact upon the residential amenity of the occupiers of adjacent residential property in a manner contrary to HDLP Policy A1, H6 and HD20.

Notwithstanding the above the site represents the inefficient use of land lacking in a mix of house type, contrary to HDLP Policy H13 and H17.

In the absence of any material considerations to set aside the provisions of the development plan, refusal of the application is strongly recommended.

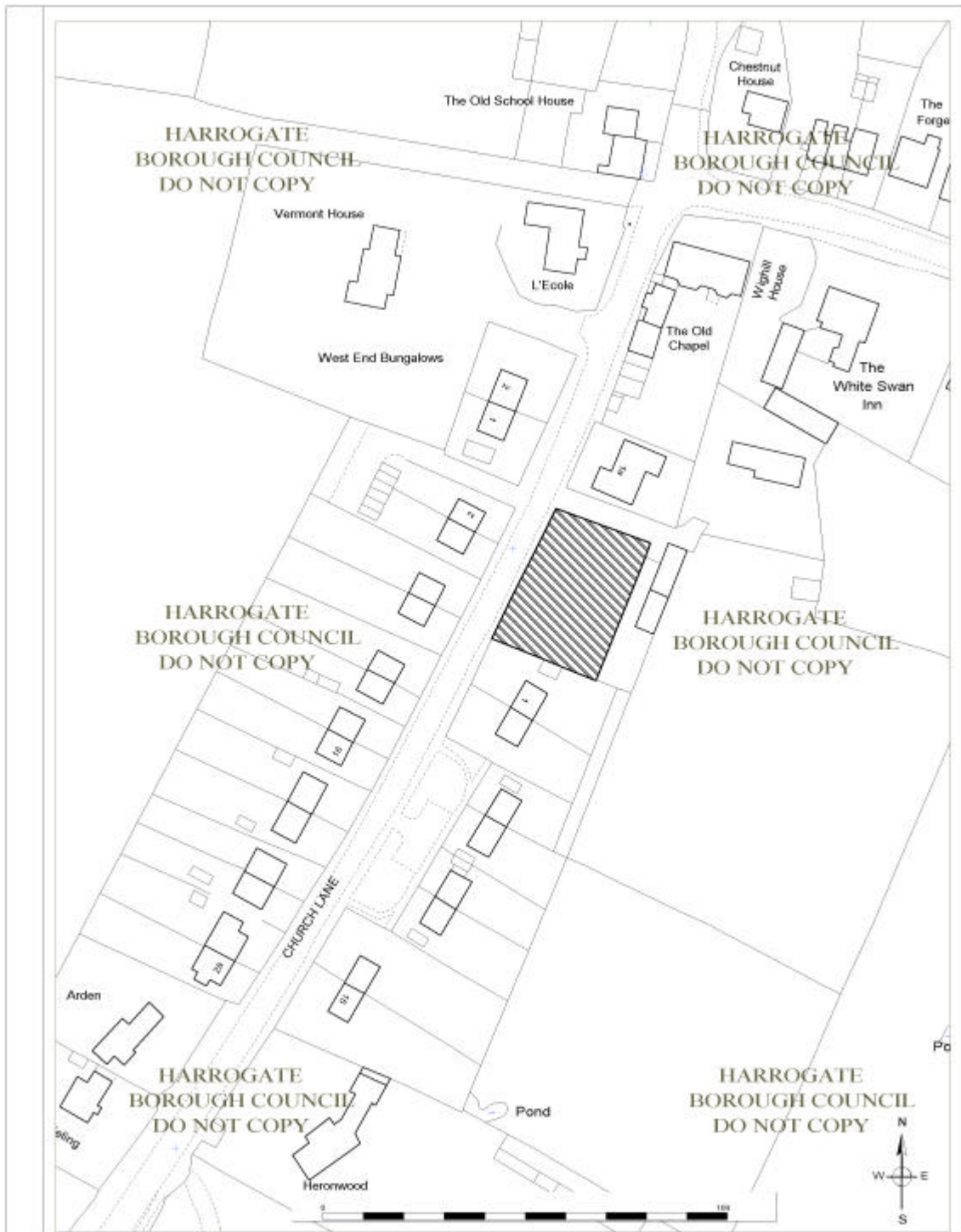
**CASE OFFICER:**

Mr A Hough

**RECOMMENDATION**

That the application be REFUSED. Reason(s) for refusal:-

- 1 The proposed greenfield housing development is contrary to the Harrogate District Local Plan Selective Alteration Policy HX to manage housing site release and minimise the level of over-provision. Sufficient sites have been granted planning permission to meet the housing requirement set out in Policy H1 of the County Structure Plan and Harrogate District Local Plan. To grant planning permission for additional sites would be contrary to the PPG3 'plan, monitor and manage' approach to the release of housing land and the strategy of the Structure Plan and Local Plan to restrain housing growth in the District. It is therefore also contrary to Policy H6 of the Local Plan.
- 2 The proposed development would result in the loss of an existing open space that contributes to the existing character of the settlement and street scene. The resultant development of the site would be contrary to the provisions of Harrogate District Local Plan Policy HD12.
- 3 The proposed development would by reason of its design and siting have a detrimental impact upon the residential amenity of the occupiers of adjacent residential property in a manner contrary to Harrogate District Local Plan Policies A1, H6 and HD20.
- 4 Notwithstanding reasons 1 to 3 the proposed development represents an inefficient use of land, lacking in an appropriate mix of house type and size. The proposed development would as a consequence be contrary to the provisions of Harrogate district Local Plan Policy H13 and H17.



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**Area 2 DC Committee**

**31/08/2004**

App No.: 6.150.61.FUL

Case No.: 04/03355/FUL

Scale: 1:1250 (at A4 size)

Item No: 6

Drawn by: J Brown

Site Area.: 0.09 hectares

Site



**Produced for Development Control Area Planning Committee for site identification purposes only.**