

HARROGATE BOROUGH COUNCIL

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

DATE: 26 October 2004

PLAN: 10	CASE NUMBER: 04/04412/OUT
APPLICATION NO. 6.83.156.OUT	GRID REF: EAST 433984 NORTH 459642
	DATE MADE VALID: 26.08.2004
	TARGET DATE: 21.10.2004
	WARD: Claro

APPLICANT: Mr Hunt

AGENT: Mr S Whiteley

PROPOSAL: Outline application for the erection of 1 no detached dwelling and garage, with siting and access considered (site area 0.06ha).

LOCATION: Land To The Rear Of 2 Lingerfield View Scotton Knaresborough North Yorkshire

REPORT

SITE AND PROPOSAL

The application site lies to the rear of Lingerfield View, a short terrace of 4 houses located on Market Flat Lane, close to Nidd Vale Business Park. The site currently forms part of a paddock, which appears to be used for grazing of livestock, as well as keeping of chickens and some sort of horticulture (there is a polytunnel on part of the land). The site, and the area around it is cluttered, with old agricultural machinery and other paraphernalia .

The application is in outline, with siting and access to be determined at this stage, and proposes a single detached dwelling. Access is proposed from the existing back lane to Lingerfield View.

MAIN ISSUES

1. Land Use Principle
2. Residential Amenity
3. Visual Amenity
4. Access/ Highway Safety
5. Open Space

RELEVANT SITE HISTORY

None

CONSULTATIONS/NOTIFICATIONS

Parish Council

Scotton

Minerals & Waste Planning, NYCC

No comments received to date

Environment Agency

Proposed development lies within 250m of landfill site - refer to assessment below

Environmental Health

Proposed development lies within 250m of landfill site - refer to assessment below

Highway Authority

Recommend refusal - refer to assessment for details

APPLICATION PUBLICITY

SITE NOTICE EXPIRY: 01.10.2004

PRESS NOTICE EXPIRY: 01.10.2004

REPRESENTATIONS

SCOTTON PARISH COUNCIL - Do not object to the application but make the following comments :

"Because of Declarations of Interest by members of the Parish Council at its meeting on Monday 13 September 2004 it was not possible to obtain a quorum. Observations of the remaining members were:

1. The materials for construction of this building are completely out of character with all the surrounding buildings
2. A question of ownership of the proposed access adjacent to the paddock was raised
3. The proposal is adjacent to a bridleway"

OTHER REPRESENTATIONS - No letters of representation have been received

VOLUNTARY NEIGHBOUR NOTIFICATION - None undertaken

RELEVANT PLANNING POLICY

- PPG1 General Policy and Principles
- PPG3 Planning Policy Guidance 3: Housing
- PPS7 Planning Policy Statement 7: Sustainable Development in Rural Areas
- SPH1 North Yorkshire County Structure Plan Policy H1
- SPH5 North Yorkshire County Structure Plan Policy H5
- LPC15 Harrogate District Local Plan (2001, as altered 2004) Policy C15: Conservation of Rural Areas not in Green Belt
- LPH06 Harrogate District Local Plan (2001, as altered 2004) Policy H6: Housing developments in the main settlements and villages

- LPH07 Harrogate District Local Plan (2001, as altered 2004) Policy H7: Housing development in the countryside
- LPH05 Harrogate District Local Plan (2001, as altered 2004) Policy H5: Affordable Housing
- LPHX Harrogate District Local Plan (2001, as altered 2004) Policy HX: Managed Housing Site Release
- LPA01 Harrogate District Local Plan (2001, as altered 2004) Policy A1: Impact on the Environment and Amenity
- LPR04 Harrogate District Local Plan (2001, as altered 2004) Policy R4: Open Space Requirements for New Residential Development

ASSESSMENT OF MAIN ISSUES

1. LAND USE PRINCIPLE - The village of Lingerfield is a dispersed settlement with sporadic development, and it has no well defined built form. Under Policy H6 of the Local Plan such settlements are treated as lying in the countryside and proposals for residential development fall to be considered under Policy H7. Policy H7 is only permissive of new dwellings in the open countryside where they are essential for the needs of forestry or agriculture or where there is special justification. In this case no justification for the dwelling is provided and the proposal is therefore contrary to Policy H7, and therefore also to Policy C15.

The application site forms part of a larger paddock. The site does not lie within the residential curtilage of 2 Lingerfield View, and therefore the site is not considered to be previously developed land, as defined within Annex C to PPG3. The proposal is therefore contrary to Policy HX of the adopted Local Plan (as amended).

The proposed residential development of the site is therefore unacceptable in principle. Even if the site were considered acceptable for residential development, which it is not, there would be an affordable housing requirement under Policy H5 of the Local Plan, as whilst the application site measures 0.06Ha, the wider naturally defined site measures 0.16Ha, above the 0.1Ha threshold contained within Policy H5.

2. RESIDENTIAL AMENITY - The proposed access to the site is taken via the existing back land to Lingerfield View. There is some concern that given the proximity of the access to the rear of the dwellings on Lingerfield View, that the intensification in use of the lane as a result of the development would cause additional noise and disturbance, reducing the residential amenity of the occupants of Lingerfield View.

3. VISUAL AMENITY - The proposed development would appear as an incursion into the countryside. Whilst the site is of an untidy appearance at present, and has some shed type buildings on it at present, this is not sufficient to justify a new dwelling in the open countryside. The proposed materials of brick and clay tile do not complement the materials of the existing dwellings in Lingerfield View which are stone, further harming the visual amenity of the area, contrary to Policy A1 and H6.

4. ACCESS/HIGHWAY SAFETY - The Highway Authority have commented that visibility looking north west towards approaching traffic is a problem. At present the visibility is 2m x 10m maximum. The highway authority have commented that visibility could be improved by lowering the wall, using the southern most access, or combining the two adjacent accesses, however they recommend refusal on the basis that adequate visibility cannot be

achieved in a north westerly direction.

5. OPEN SPACE - The application is in outline only, and therefore no calculation can be made at this stage, for the open space commuted sum. Should the application be approved a condition should be imposed to ensure compliance with Policy R4 of the Local Plan.

6. LANDFILL GAS - The site lies within 250m of a landfill site categorised by the Council's Environmental Health Division as being high risk. It is therefore recommended that prior to any development commencing a site investigation should be commissioned to assess whether landfill gas is migrating onto the application site, and depending on the outcome, gas migration mitigation measure may need to be incorporated, in order to comply with Policy A8 of the Local Plan. Should approval be granted, a condition should be imposed to this effect.

CONCLUSION - The proposal is contrary to a range of planning policies, and refusal is strongly recommended.

CASE OFFICER: Ms Sara Purvis

RECOMMENDATION

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

- 1 The site lies in the open countryside and no special justification has been provide for a dwelling in this location, the proposal is therefore contrary to Policies H6, H7 and C15 of the Adopted Harrogate District Local Plan (as amended 2004).
- 2 The site does not represent previously developed land, and therefore its development for residential purposes is contrary to Policy HX of the adopted Harrogate District Local Plan (as amended 2004) and the advice set out in PPG3.
- 3 The Planning Authority considers that clear visibility of 120m cannot be achieved along the public highway in a north westerly direction from a point 2m from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety, contrary to Policy A1 of the adopted Harrogate District Local Plan (as amended 2004).
- 4 The position of the access, and the intensification of its use to serve an additional dwelling is considered to be harmful to the residential amenity of the occupants of Lingerfield View, contrary to Policy A1 of the adopted Harrogate District Local Plan (as amended 2004).
- 5 The proposed development is subject to an affordable housing requirement, and fails to provide an element of affordable housing, contrary to Policy H5 of the adopted Harrogate District Local Plan (as amended 2004).

