

**HARROGATE BOROUGH COUNCIL
DISTRICT DEVELOPMENT SUB –COMMITTEE – AGENDA ITEM 5
DATE: 29 May 2008**

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PLAN:	CASE NUMBER:	08/01121/OUT
	GRID REF: EAST	436956
	NORTH	475148
APPLICATION NO.	DATE MADE VALID:	11.03.2008
6.22.28.D.OUT	TARGET DATE:	06.05.2008
CASE OFFICER:	WARD:	Wathvale
Mr A Hough		

VIEW PLANS AT:

APPLICANT: Mr And Mrs Finnerty

AGENT: Mr S Whiteley

PROPOSAL: Outline application for the erection of one detached dwelling and garage with site, access and layout considered (Site Area 0.054ha).

LOCATION: Land Off Bonnywell Lane Rainton Thirsk North Yorkshire YO7 3PX

REPORT

This application was presented to Harrogate Borough Council's Planning Committee meeting on 8 May 2008. Members were minded to refuse the application contrary to the case officers recommendation. Members considered that the proposal would have an adverse visual impact; an adverse impact on adjacent residents; an adverse impact on the amenity of existing and proposed residents and that the access and turning arrangements were inadequate.

The application was referred to the Council's District Development Planning Committee for determination.

SITE AND PROPOSAL

The application site forms part of the domestic curtilage to the residential property known as The Dower House Rainton. The Dower House is a detached two storey dwelling constructed of stone and situated within the village at its junction of Sleights Lane and Bonnywell Lane. Bonnywell Lane is a single width road that serves the adjacent public house car park (The Bay Horse) and a number of residential and farm properties located beyond.

The Dower House has an existing single storey outbuilding sited within the curtilage that is used as a granny annexe.

The application site forms part of the rear garden area of The Dower House that is approximately 0.054 hectares in area. The site abuts Bonnywell Lane to the south and the rear gardens of residential properties situated to the remaining boundaries. Both the southern and northern boundaries are marked by stone walls. The eastern and western boundaries are marked by timber fences with a high conifer screen between the site and the property known as Bonnywell. The site is set to two different levels, with the southern portion of the site being approx 400mm higher than the northern half.

Residential properties to the west of the site are bungalows, with two storey units fronting Sleights Lane to the east. The Bay Horse Public House is located to the south of the site. This property is also of two storey construction and immediately abuts Bonnywell Lane. The pub has ground and first floor windows facing the site. To the rear of the pub and opposite the site is the pub car park.

The applicants seeks outline consent for the erection of a detached property with layout and access considered as part of the scheme. Access to the site would be gained via Bonnywell Lane at the south west corner of the plot. The layout indicates a detached property incorporating an attached garage, sited predominantly within the southern half of the site. A portion of the unit would however extend onto the lower northern half of the plot.

The accompanying Design and Access Statement identifies that the unit would be a bungalow, constructed of a brick under a pantile roof to match adjacent units. The height of the structure would be approx 2.8 m to eaves with a roof ridge height of 6 metres.

MAIN ISSUES

- (1) Land Use
- (2) Highway Safety
- (3) Visual Impact
- (4) Residential Amenity

RELEVANT SITE HISTORY

6.22.28.PA - Erecting new garage, extending existing garage and extending kitchen and bedroom PER14.04.1978.

6.22.28.A.OA _ Erecting two 2 bed dwellings Per 1993

6.22.28.B.FUL - Erection of two semi detached bungalows PER 1996.

6.22.28.C.FUL - Conversion of outbuilding to form granny annexe PERMIT 27.11.2006

CONSULTATIONS/NOTIFICATIONS

Parish Council

RAINTON WITH NEWBY PC

NYCC Highway Authority

No objection subject to the imposition of conditions

RELEVANT PLANNING POLICY

PPS1	Planning Policy Statement 1: Delivering Sustainable Development
PPS03	Planning Policy Statement 3, Housing
PPS07	Planning Policy Statement 7, Sustainable Development in Rural Areas
PPG13	Planning Policy Guidance 13, Transport
PPG17	Planning Policy Guidance 17, Planning for open space, sport and recreation
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
LPHD20	Harrogate District Local Plan (2001, as altered 2004) Policy HD20, Design of New Development and Redevelopment
LPA01	Harrogate District Local Plan (2001, as altered 2004) Policy A1, Impact on the Environment and Amenity
LPIMP2	Harrogate District Local Plan (2001, as altered 2004) Policy IMP2, Provision of Infrastructure Needs Generated by Development
SPGRES	Supplementary Planning Guidance, Residential Design Guide
SPDHSE	Supplementary Planning Document: House Extensions and Garages Design Guide

APPLICATION PUBLICITY

SITE NOTICE EXPIRY:	18.04.2008
PRESS NOTICE EXPIRY:	25.04.2008

REPRESENTATIONS

RAINTON WITH NEWBY PARISH COUNCIL - The Parish Council objects on the planning grounds set out below: Grounds for Objection: 1. Does not appear to comply with planning policy as regards infill and small scale rounding off - this is a tandem development.

2. There is concern about the proposed site access in Bonnywell Lane and the lack of sufficient turning space without having to encroach onto the public house car park opposite.
3. The council notes objectors concerns about a sewer which crosses the land concerned.

OTHER REPRESENTATIONS - 5 Letters of objection received on the following grounds:

1. **POLICY ISSUES:** Rainton does not have a development limit and as such any new development must be either infill or small scale rounding off. This is a back land site with no direct access from Sleights Lane- hence access from Bonnywell Lane. Bonnywell Lane has no substantial built frontage, nor is the land bounded on three sides buy substantial built development.
2. **HIGHWAY SAFETY ISSUES:** Vehicular access is on a corner of the road and is too close to the corner of the Bay Horse. There is a restricted sight line and danger to both pedestrian and vehicular traffic. There is no defined footpath down this lane for pedestrians. The highway is less than single track at one point and provides the only

access to the pub car park. It is important that this parking is retained.

3. **RESIDENTIAL AMENITY ISSUES:** Construction of a 3 bedroom bungalow and garage, together with parking provision for three vehicles, would cause a loss of amenity to 3 neighbouring properties, due to the close proximity of the development and the disturbance/noise generated from the site. The height of the building at 6metres is of great concern which will blight the lack of privacy of neighbouring property

4. **VISUAL IMPACT:** Detailed dimensions have not been provided, however the development would be inappropriate in what remains of the garden of the Dower House now that a granny annexe has been added.

5. **OTHER MATTERS:** The proposed dwelling would be constructed over shared sewerage and drains from nos 5 and 6 Heselton View- both of which have Right of Easement over this property for maintenance of the sewerage and drains. Concern that the development might affect the drains and lead to flooding as in the past. Inappropriate development in the garden since some development has already taken place and this would lead to over development.

VOLUNTARY NEIGHBOUR NOTIFICATION

None Undertaken.

ASSESSMENT OF MAIN ISSUES

(1) LAND USE - Harrogate District Local Plan (HDLP) Policy H6 identifies the village of Rainton as a smaller village. Within the districts smaller villages Policy H6 is permissive towards residential development, subject to meeting other criteria, if it is sited within the built up confines of the settlement and in relation to new development constitutes only small scale rounding off development or infilling.

The justification to the policy identifies that in some cases limited 'in -depth' development may be appropriate if this constitutes rounding off, where the site is small [typically under 0.4 ha] and bounded on three sides by substantial built development. The definition of infilling is given as the filling of a small gap in an otherwise built up frontage.

The Rainton Parish Plan (2003) is not a formal planning document , however the advice contained within the plan reflects that contained within HDLP Policy H6 in that new residential development should be inter alia located within the village.

The application site represents a previously developed (brownfield) site that is located within the built up confines of the village. Residential development is located to both the east and west of the plot with the public house to the south. Although there is no frontage development onto Bonnywell Lane (development is side on to the road), the plot represents a logical infill plot within the village.

The site falls below the affordable housing requirement identified by HDLP Policy H5.

HDLP Policy IMP2 is applicable to the scheme, but as an outline application a commuted sum has not been calculated. Should members be minded to approve the development a condition could be imposed to secure implementation.

(2) HIGHWAY SAFETY - The applicants are seeking approval of the proposed access to the site. The access to the site is to be located at the south western corner of the plot onto Bonnywell Lane. The access is immediately adjacent to the existing accesses serving the adjacent property, Bonnywell and opposite the car park serving The Bay Horse Public House.

Bonnywell Lane is a single width lane for the majority of its length and does not have a footpath. The lane links to Back Lane which serves a number of residential properties and farm steads. Back Lane rejoins Sleight Lane to the south west of the application site and Church Lane to the north.

Traffic generation on Bonnywell Lane is not is not considered excessive and the single width and lack of footpath ensures vehicular speeds are not high. It is a rural lane located within the village.

The highway authority have been consulted and have no objection to the development subject to the imposition of conditions. The conditions include details of access/parking and turning. The applicant has been requested to indicate these details in view of the concern of local residents and that expressed by members at the earlier planning committee meeting.

(3) VISUAL IMPACT - HDLP Policy HD20 sets out the design principles that should be taken into account in new development. Policies A1, H6 and H13 require that, amongst other criteria, that development is appropriate in scale, density, layout and design and does not result in a detrimental effect on the visual amenity and character of an area.

In this instance the application is submitted in outline form with all matters other than layout and access reserved for subsequent approval.

The proposed dwelling is sited in an area of mixed character, with vernacular cottages located on the Sleights Lane road frontage and more modern bungalows located on Back Lane.

The proposed dwelling, it is stated will be a detached bungalow and constructed in brick and pantiles to match surrounding properties. Whilst the applicants do not expand on this issue, this is taken as to match those units on Back Lane rather than those on Sleights Lane.

The site has a depth of approx 31metres and width of approx 17.5metres and could certainly accommodate a new unit of similar footprint to those on Back Lane. Such a unit would not be out of keeping with the visual character of the immediate environs. The applicants have indicated the layout of the proposed dwelling as part of the outline proposal. The footprint is similar to those units situated to the east.

The dwelling itself is sited in such a manner so as to be approx 15m from the rear elevation of Bonnywell and 21m from the Dower House. These distances accord with the guidance contained within Harrogate Borough Council's ' House Extension Design'. Whilst this guidance is primarily aimed at house extensions, the issues of privacy distances and appropriate separation distances are equally applicable to new dwellings.

Whilst the occupiers of adjacent property and particularly those on Back Lane would be aware of the new structure, much of the development will be screened by existing garage accommodation within the grounds of those units. These existing structures will help mitigate against the visual impact of the development from those units.

The retained garden area will be for the use of the Dower House and Granny annex and is considered sufficient to serve that property.

(4) RESIDENTIAL AMENITY - Both Bonnywell and 6 Heselton View have ground floor windows facing the site but are screened by the presence of existing garages. The dwelling has been sited with a privacy distance of 15metres between these units. Such distance would provide satisfactory privacy distances in accordance with The House Extensions Design Guide subject to the receipt of final detailing of the dwelling. Although the applicants propose a bungalow, your officer has reservations that a 3 bedroom unit could readily be achieved on the ground floor alone. To ensure no future overlooking of the adjacent property it would be necessary to attach a condition removing permitted development rights for dormer windows. This would ensure that there is no overlooking to the units located to the east.

The proximity of the public house, together with the associated car park will result in some disamenity for the future occupiers of the unit. Such impact would result from activity from users of the car park particularly late night disturbance and potential over looking from the pub itself. The pub has a ground floor window approx 10m from the front elevation of the proposed unit. Details of design are however reserved for subsequent approval, and the level of disturbance from the car park would be no greater than that suffered by the occupiers of Bonnywell or other units located in close proximity.

In view of the comments made by local residents in relation to the height of the structure and given that the site is located at a split level, it is considered that should members be minded to approve the scheme a condition can be imposed to secure details of finished floor and ground levels.

Subject to restrictive conditions in respect of permitted development rights it is considered that a dwelling can be sited on the plot without detriment to the residential amenity of adjacent property.

CONCLUSION

The proposed scheme represents the development of a previously developed (brownfield) infill plot that is located within the built up confines of the village. In location terms the development is in accordance with Harrogate District local Plan policy H6.

The scheme is submitted in outline form with all matters other than access and layout reserved for subsequent approval. A satisfactory access can be provided to serve the development subject to conditions imposed at the recommendation of the Highway Authority.

The proposed layout of the scheme is considered acceptable and would not harm the form and character of the settlement.

To protect the amenity of the occupiers of adjacent residential property, conditions are

required to be imposed to restrict the extent of development to that indicated within the design and access statement and to remove permitted development rights in respect of dormer windows.

CASE OFFICER:

Mr A Hough

RECOMMENDATION

That the application be APPROVED subject to the following conditions:-

- 1 No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters -

- (a) appearance;
- (b) landscaping;
- (c) scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved details.

- 2 The development approved by this outline planning permission is constrained to the parameters described in the design and access statement submitted with the application and any future decisions of the local planning authority relating to this outline permission will be consistent with the statement, unless material considerations justify a departure from the statement.

- 3 Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than 2 yrs. The development hereby permitted shall be begun on or before the expiration of one year from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no roof or dormer windows other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

- 5 No development shall take place until either -

- i. Full details of public open space and village halls provision to serve the development in accordance with Policy IMP2 of the Harrogate District Local Development Framework have been submitted to and approved by the Local Planning Authority and agreement has been reached with the Local Planning Authority as to the provision of the same and their subsequent management and maintenance.

- ii. Alternative arrangements for the provision of open space and village halls have

been submitted to and approved in writing by the Local Planning Authority.

- 6 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- (i) the crossing of the highway verge and/or footpath shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- (ii) any gates, barriers or other means of enclosure shall be erected a minimum distance of 5 metres back from the carriageway of the existing highway and shall open into the site;
- (iii) provision shall be made to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
- (iv) The final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All work shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority

NOTE:

You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The local office of the Local Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

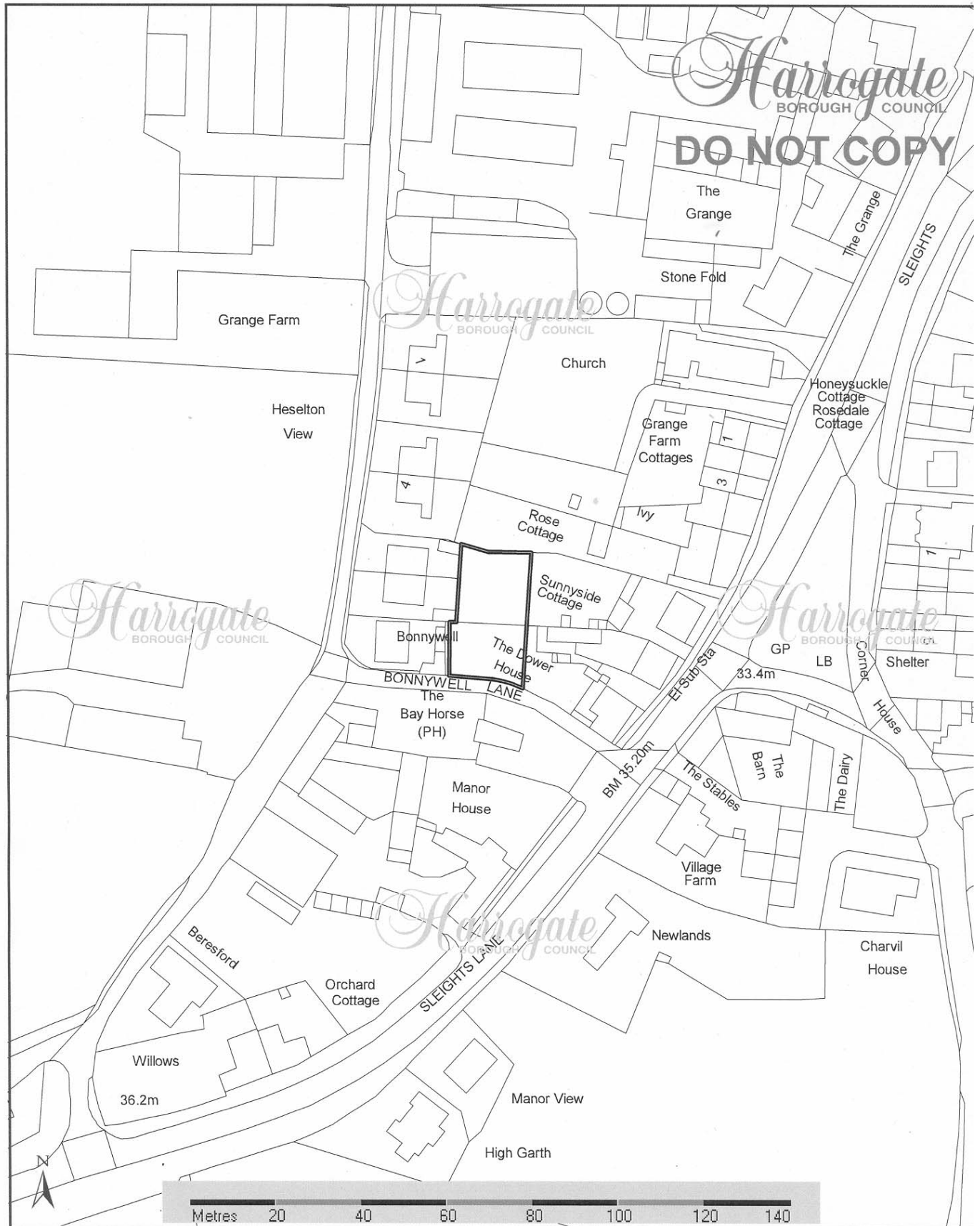
- 7 Prior to the occupation of the dwelling , a sight line shall be provided at the new access to such dwelling, measured a distance of 2metres back from and parallel to the edge of the existing carriageway along the total site frontage in a westerly direction and for a distance of 25 metres in a easterly direction to the nearside edge of the carriageway. Thereafter the area between the sight lines and the highway boundary shall remain clear of any obstruction in excess of 1 metre in height above the adjoining carriageway level.
- 8 Unless otherwise approved in writing by the Local Planning Authority, there shall 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) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
- (ii) vehicular, cycle, and pedestrian accesses
 - (iii) vehicular and cycle parking
 - (iv) vehicular turning arrangement
- 9 Plans and Sections of the site showing the existing and proposed ground levels and level of the threshold of the proposed building(s) and level of any proposed access shall be submitted to and approved by the Local Planning Authority before any part

of the development hereby approved is commenced.

- 10 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions and garages other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the local planning authority.

Reasons for Conditions:-

- 1 To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.
- 2 To ensure the delivery of sustainable development and facilitate community involvement and informed decision making as explained in Planning Policy Statement 1.
- 3 To ensure compliance with sections 91-94 of the Town and Country Planning Act 1990.
- 4 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.
- 5 In order to secure compliance with Policy IMP2 of the Harrogate District Local Development Framework in relation to the provision of open space and village halls for residential development.
- 6 To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
- 7 In the interests of road safety to provide drivers of vehicles using the access and pedestrians with adequate inter-visibility.
- 8 In accordance with policy number and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
- 9 To ensure the development is carried out at suitable levels in relation to adjoining properties and highways, having regard to amenity and access requirements.
- 10 In order to protect the visual amenities of the surrounding area in view of the prominence of this site.



Department of Development Services

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PLANNING COMMITTEE

Item No.

App No./Case No. 08/01121/OUT 6.22.28.D.OUT

Scale (at A4 size)	1:1250	Site area	0.054ha	Site boundary <input type="checkbox"/>
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Drawn	MDTT	Date	29.05.2008
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