

Case No. 20/02410/FUL

Item No.02

Location: Amenity Land South Of Maple Creek At 422282 480567, Red Lane, Masham, North Yorkshire,

Proposal: Erection of 4 dwellings, including proposed new access including bridge (site area 0.4 ha)

Applicant: Arrowfield Developments Ltd

SUMMARY

The application site is situated within the defined development limits of Masham and is considered to represent infill development and thus is acceptable in principle in line with Policy GS2 of the Local Plan.

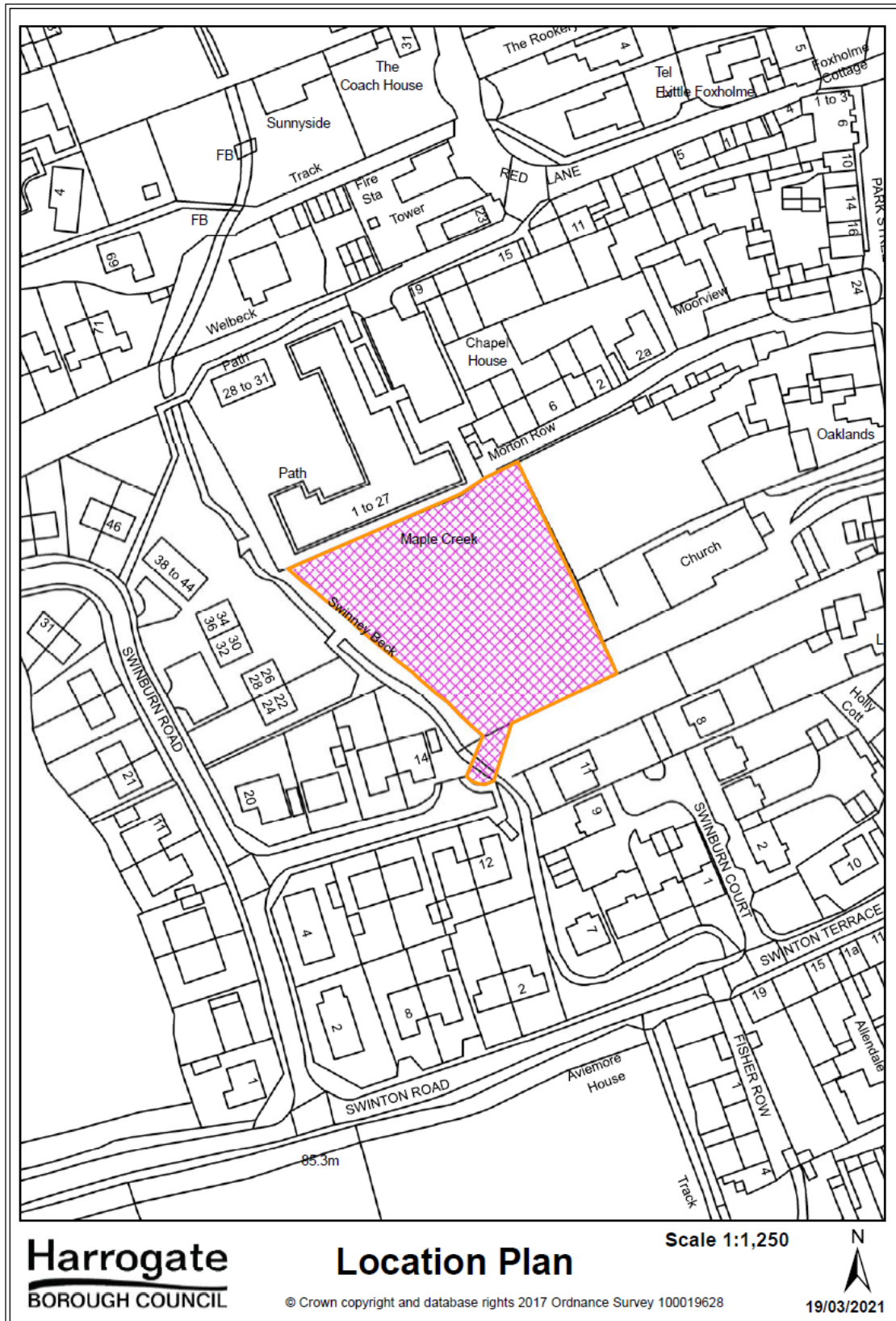
The proposed design, scale and layout of the proposed dwellings is considered to be locally distinctive in line with Policy HP3 and would be in keeping with the local area and would have a neutral impact on the Conservation Area and surrounding listed buildings in accordance with Policy HP2 of the Local Plan and the Planning (Listed Buildings and Conservation Areas) Act.

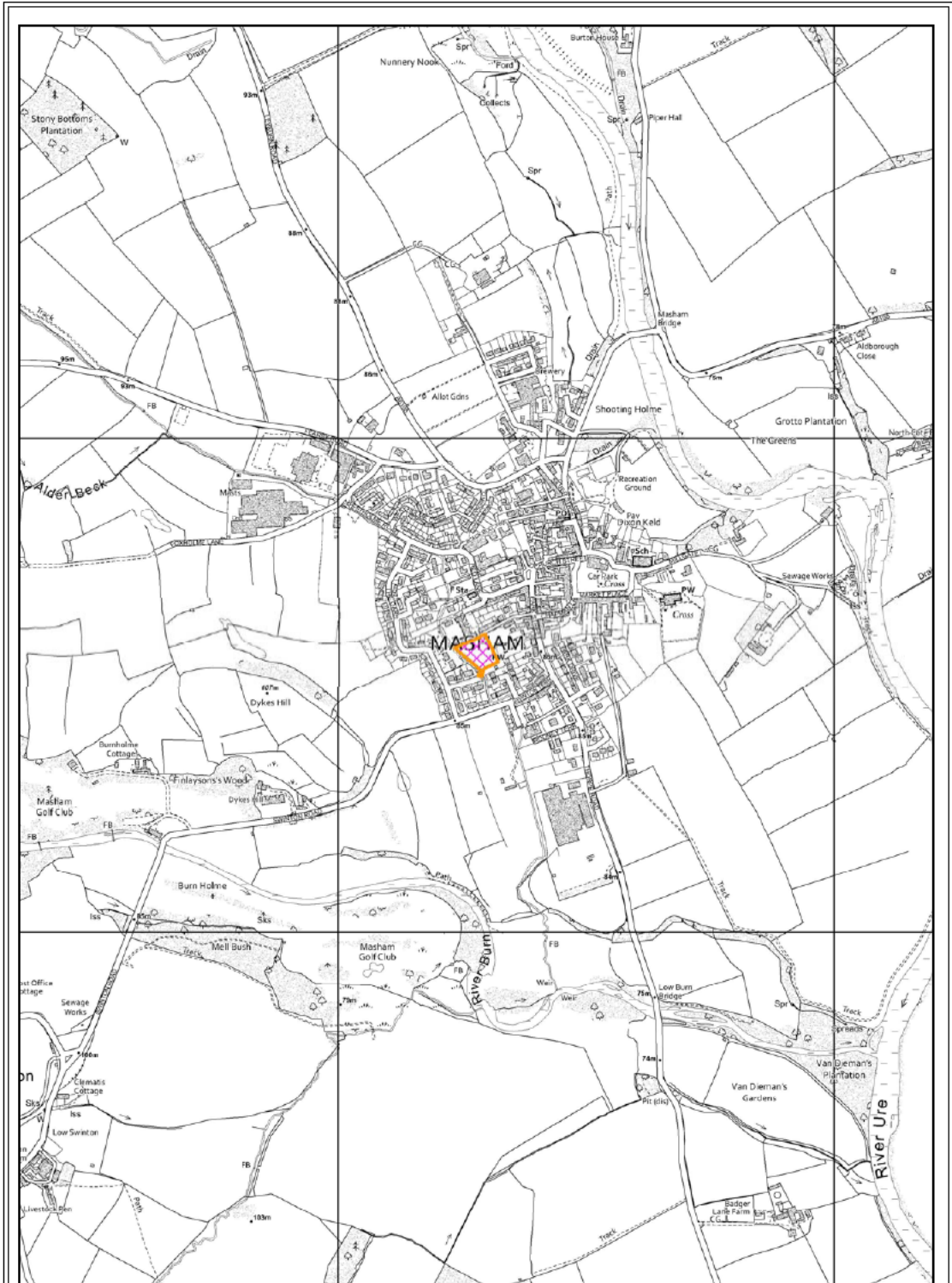
The development proposed would not have an adverse impact on the amenity of the neighbouring residents, subject to conditions, and a suitable level of amenity can be provided for the residents of the proposed residential units, and thus the proposal complies with Policy HP4 of the Local Plan.

The details submitted confirm that the site can be suitably drained and that there is no additional risk to flooding in the area subject to conditions and the proposal complies with Policy CC1 of the Local Plan.

The proposal is not considered to create significant harm in relation to the protected trees within the site, highway safety or drainage, and thereby complies with Policies NE7, and TI3 of the Local Plan and the NPPF.

RECOMMENDATION: Approve subject to conditions





Harrogate
BOROUGH COUNCIL

Site Plan

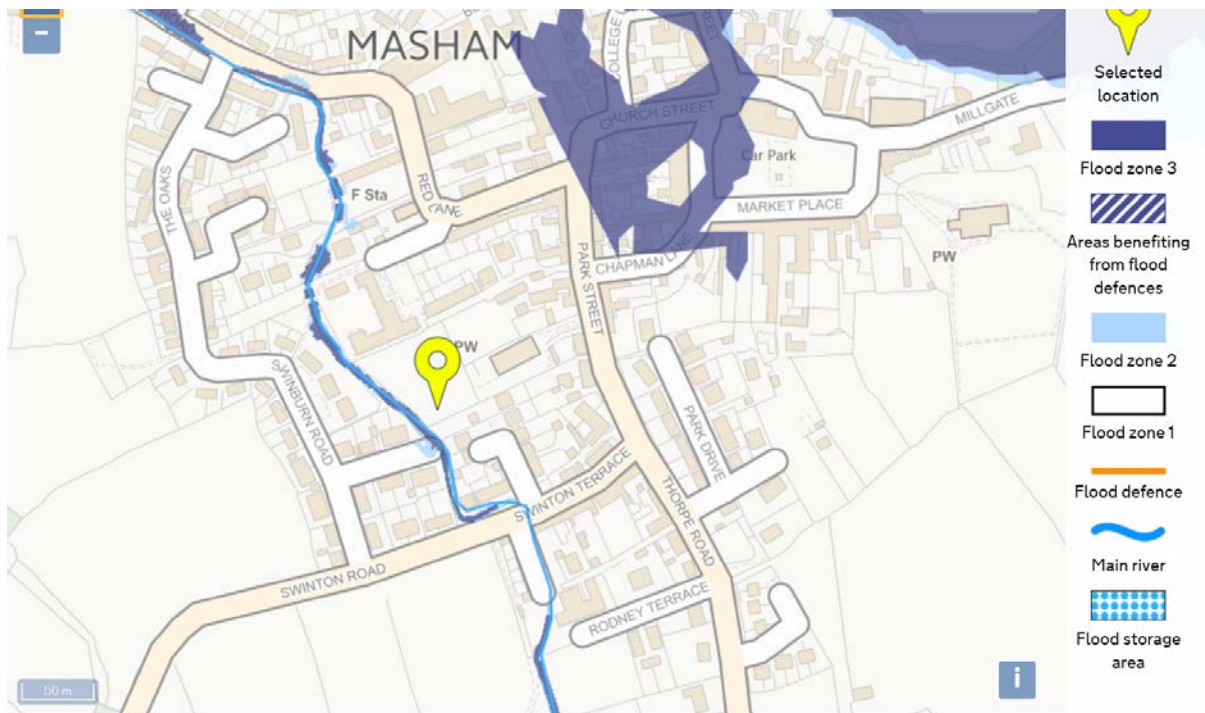
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19/03/2021

Flood Zone Map



1.0 PRELIMINARY MATTERS

- 1.1 Access to the case file on Public Access can be found here:- [view file](#)
- 1.2 This application is to be presented to the Planning Committee at the request of Councillor Simms due to the level of public interest and the issues raised.

2.0 MAIN ISSUES

- 2.1 The main issues are:
- Relevant Policies
 - Suitability of location for housing
 - Impact on heritage assets
 - Design and Visual Appearance
 - Residential Amenity
 - Flood Risk and Drainage
 - Trees
 - Highway Safety
 - Affordable Housing and Open Space
 - Other Matters

3.0 ASSESSMENT

3.1 Relevant Policies

LPGS1	Local Plan Policy GS1: Providing New Homes and Jobs
LPGS2	Local Plan Policy GS2: Growth Strategy to 2035
LPHP2	Local Plan Policy HP2: Heritage Assets
LPHP3	Local Plan Policy HP3: Local Distinctiveness
LPHP4	Local Plan Policy HP4: Protecting Amenity
LPCC1	Local Plan Policy CC1: Flood Risk and Sustainable Drainage
LPCC4	Local Plan Policy CC4: Sustainable Design

- LPHS1 Local Plan Policy HS1: Housing Mix and Density
- LPHS5 Local Plan Policy HS5: Space Standards
- LPNE7 Local Plan Policy NE7: Trees and Woodland
- SPDHSE Supplementary Planning Document: House Extensions and Garages Design Guide
- SPGRES Supplementary Planning Guidance, Residential Design Guide

LPTI3 Local Plan Policy TI3: Parking Provision

3.2 Suitability of location for housing

3.3 The application site is located towards the southern end of Masham and forms a vacant plot of land between Swinney Beck to the west (off Swinburn Road) and Park Street to the east, opposite Maple Creek Flats. It is surrounded by development on all sides.

3.4 The site is within the defined development limits of Masham. The site is therefore considered to be located in a sustainable location with access to facilities and services and thus is acceptable in principle subject to no other material planning considerations outweighing the benefit of the provision of housing.

3.5 Impact on heritage assets

3.6 The site is located within Masham Conservation Area and there are a number of listed buildings in close proximity of the site including the Grade II listed Park Street Methodist Church which lies to the east of the site.

3.7 The application has been submitted with a Heritage Statement which describes the site as *'The site falls within the Masham Conservation Area and potentially falls within the setting of the Grade II listed Park Street Methodist Church (built c.1890), late 18th century Prospect House and Oaklands and the late 17th century Morton House. There are also non-designated heritage assets at Morton House, outbuildings to the rear of Prospect House and Oaklands and Nos.50-56 (even) and 36-40 (even) Park Street. The western edge of the site is formed by Swinney Beck and there are several mature trees to this boundary that have been identified as landmark trees within the conservation area appraisal. There are no heritage assets within the boundaries of the site.'*

3.8 The report concludes *'It finds that the application site has no intrinsic heritage significance. Other than the mature trees along part of the boundary with Swinney Beck it makes a neutral contribution to the character and appearance of the conservation area. It is divided from surrounding*

properties and is not visible from the public realm. It has no historical character or legibility being only overgrown grassland today. The site does not positively contribute to the setting of any nearby heritage assets. The only historical association is from its former role as agricultural land to several houses along Park Street but such a role is no longer legible with the field boundaries and evidence of former land uses all being lost’.

- 3.9 In relation to the proposed development the report also concludes ‘*This small-scale development of four dwellings will preserve the character and appearance of the conservation area, preserve the setting of nearby heritage assets and preserve the special interest of the nearby listed buildings’*
- 3.10 Having due consideration to all of the above, and the details provided in relation to the layout and design of the development and the design of the bridge, the proposal is considered not to create harm to the setting of the nearby listed buildings and to have a neutral impact on the character and appearance of the Conservation Area. The proposal is therefore considered to meet the statutory tests set out in sections 66 and 72 of the Listed Building Act.

3.11 Design and visual appearance

- 3.12 The application seeks permission to erect 4 no detached dwellings with garaging, and to facilitate vehicular access to the site the scheme includes the erection of a bridge over Swinney Beck.
- 3.13 The layout of the development retains some of the open aspect of the site by providing adequate spacing between the proposed buildings. The design of the properties is similar to those of surrounding development and takes into consideration the local vernacular of the area.
- 3.14 Plots 1, 2 and 4 are to be constructed of stone with a slate roof whilst Plot 3 is to be constructed of a mixture of stone and render with a slate roof. The materials are appropriate to the area.
- 3.15 Policy HS1 sets out the Council’s approach to Housing Mix. Housing developments should seek to deliver a range of house types and sizes that reflect and respond to the identified housing needs and demands of the district's households. The mix proposed should have reference to the latest HEDNA, however, the HEDNA is not intended to be prescriptive and variances are expected across development sites due to site circumstances. The area has a mixture of housing types including detached; semi detached and terraced properties of both historical and more modern design and build. The proposal will add to the mix of properties in the area.
- 3.16 Details of the bridge have also been provided and it is considered that the design of the bridge is suitable. The development will lead to the loss of

several trees on the site but most will be retained which will provide a mature level of landscaping to the site which will be enhanced by further planting as shown on the landscaping details.

- 3.17 It is considered that the proposed design is appropriate and would not create harm to the visual appearance of the area.

3.18 Residential Amenity

- 3.19 The design of Plots 2 and 4 have been amended during the application process to ensure that the separation distances between openings met the guidelines within the Council's House Extensions and Garages Design Guide.
- 3.20 The proposed dwellings meet the required space standards set out in Policy HS5 and provide a suitable level of outdoor amenity space to meet the requirements of the NPPF.
- 3.21 Plots 1 and 2 are over 12m from the Maple Creek flats and have no openings which would overlook these properties. The boundary fence has been reduced to 1.2m in height as it was considered that the original 2m fence proposed would have an oppressive impact on the residents within the flats. The properties are set at an angle so they do not face directly on to the flats and the proposed landscaping has been redesigned to avoid a high level of planting directly in front of the flat windows. There will be some overlooking from the first floor flats into the gardens of Plots 1 and 2 and these gardens will be subject to a reduced level of private amenity, however this will be improved as the landscaping matures.
- 3.22 Due to the constrained nature of the site it is however considered expedient to include a condition on any planning approval which removes permitted development rights for extensions; outbuildings and additional openings in relation to Plots 1 and 2.
- 3.23 It is also considered expedient to limit the height of the fence to the rear of Plots 1 and 2 to 1.2m in height as per the amended plans to avoid impacting on the light and amenity to the ground floor flats at Maple Creek.
- 3.24 Concerns have been raised by residents with regards to the provision of refuse storage and the ability for waste bins to be emptied. The amended plans show that the bins can be stored within the site and that suitable provision has been made for the Council's refuse wagon to be able to access and leave the site safely.
- 3.25 Concerns have also been raised with regards to disruption from the site development. It is inevitable that there will be some disruption however this will only be for a limited time whilst development is undertaken. It is

recommended that a construction management plan is a condition of any approval to limit this disruption as far as possible.

- 3.26 Overall the impact on residential amenity is considered to be acceptable and will meet the requirements of Policy HP4.

3.27 Flood Risk and Drainage

- 3.28 The site is situated adjacent to Swinney Beck, which is classed as a Main River. Originally the proposed access was considered to be within Flood Zone 3, but the introduction of a clear span bridge means that the footings would be clear of the flood zone and the clear span bridge would cross the air space above. The constructional details of the bridge have been amended to remove the footings from the embankment wall. The footings now sit within Flood Zone 2.
- 3.29 On this basis it is considered that the proposed development is not required to meet the sequential tests as the development site is within Flood Zone 2. The applicant has submitted details of other possibilities for providing access to the site and the conclusion that the proposed crossing is the only suitable method of accessing the site.
- 3.30 The Environment Agency originally raised concerns in relation to the flood risk posed by the site, but following amendments to the scheme and the provision of design details of the bridge, these objections have been removed.
- 3.31 The applicant has provided details in relation to both surface water drainage and foul water sewerage. The Environment Agency and the Council's Drainage Officer, along with Yorkshire Water have been consulted on these matters.
- 3.32 The Council's Drainage Officer initially raised concerns over the use of soakaways in relation to the surface water discharge from the site, due to the number of flooding incidents in Masham.
- 3.33 The original submission did not include sufficient details in relation to surface water drainage and additional information including percolation data have now been submitted.
- 3.34 These show that the site can adequately be drained through the use of a soakaway and the Environment Agency has not raised any concerns in relation to this method of discharge. The Council's Drainage Officer has deferred this matter to the EA and it is recommended that conditions are attached in relation to surface water drainage.

- 3.35 The EA finds that the proposed development would not adversely impact upon flood risk in the area subject to a formal permit being sought and conditions. The applicant has stated that management of the bridge and any associated works in relation to ensuring that the beck is clear will be provided by a management company and is willing to accept either a condition or enter into a S106 agreement to this end.
- 3.36 It is therefore considered that the proposal would not increase the risk of flooding and would comply with Policy CC1 of the Local Plan. Due to the risk of flooding in this area it is however considered expedient to attach a condition requiring the submission of details of any changes in ground levels on the site prior to these being undertaken and to ensure that no storage of soils or materials is undertaken within 5m of the boundaries of the site.
- 3.37 Foul Water Sewerage is to be provided by connection to the sewer on Swinburn Court. This is presently a private sewer based on Yorkshire Water's records, which has been confirmed by Yorkshire Water, however the applicant has provided legal documentation that provides evidence of his right to connect to the sewer, and it is understood that the applicant is presently seeking for the sewer to be adopted by Yorkshire Water.
- 3.38 It is therefore considered that this would be an adequate means of providing the foul sewerage discharge from the site, and conditions are required in relation to the drainage.

3.39 Trees and Ecology

- 3.40 The proposal involves the loss of a four trees including a mature tree to allow access to the site. The loss of the trees is regrettable as the trees have an amenity benefit to the Conservation Area, however the proposed scheme would however lead to an improvement in the overall appearance of the site and would lead to an increase in the number of trees which would have a long term benefit to the character and appearance of the Conservation Area and therefore meet the statutory test within section 72 of the Listed Buildings Act.
- 3.41 The submitted landscaping scheme includes the provision of 23 no. replacement trees within the site and it is considered that overall the proposed replanting would have a greater benefit to the overall appearance of the site and local biodiversity and would outweigh the loss of the small number of trees.
- 3.42 It is therefore considered that the implementation of the planting scheme is a condition of any approval.
- 3.43 The Council's Arboricultural Officer has confirmed that the works proposed including the details of the bridge would be acceptable subject to conditions

to ensure the protection of the remaining trees over the course of the development and the implementation of the planting scheme.

- 3.44 Following initial concerns on ecological grounds, the Ecologist has now confirmed that the details submitted are acceptable subject to conditions relating to external lighting; invasive species management; works undertaken outside the nesting season and the introduction of bat and swift bricks.
- 3.45 The Environment Agency has also confirmed that the works meet the requirements of the Water Framework Directive.

3.46 Highway Safety

- 3.47 A number of concerns have been raised over the suitability of the access to the site and the impact that this would have on local residents. The Highways Authority have been consulted on the proposed layout and the bridge details and it is considered that a safe access can be provided, which will also be able to take the weight of the refuse lorries into the site and allow adequate turning arrangements for these lorries within the site. The proposal also creates an adequate level of parking within the site.
- 3.48 Conditions are recommended in relation to the need for a construction management plan; and other highways matters.
- 3.49 Affordable Housing and Open Space
- 3.50 The original application stated the site to be 0.5 ha in size, however on further investigation the site was found to be less than 0.4 ha in size and this has been confirmed using the Councils own calculations and by the applicant.
- 3.51 As the site falls under the threshold of 0.5 ha there is no requirement for affordable housing or open space contributions.

3.52 Other Matters

- 3.53 The application is for the redevelopment of the site to provide 4 no. dwellings, and a sustainability statement has been submitted. This states 'Standard Assessment Procedure (SAP) used for calculating energy performance and found to achieve a 54.40% reduction in CO2 emissions.

Specific design feature allowing this are:

The proportion of glazing on each elevation, which allows solar gains through building orientation.

Boundary trees providing adequate screening to low level sunlight, particularly on east and west elevations, helping to prevent any overheating.

Water usage will be within the permitted usage of 125 litres of water per person per day, as required by building regulations.

Building Materials will be locally sourced where possible.

The use of Mitsubishi Ecodan Air Source heat pump.

The provision of electric vehicle charging points.

It is considered that the proposed development meets the requirements of CC4 of the Local Plan and it would be expedient to add a condition to any approval requiring a scheme for electric vehicle charging, in line with Policy CC4 of the Local Plan and the NPPF.

- 3.54 Conditions are recommended in relation to Contaminated Land as set out by the Environmental Protection Officer. The proposal is also considered to be liable for CIL contributions

4.0 PLANNING BALANCE AND CONCLUSION

- 4.1 The application site is sustainably located within the defined development limits of Masham and is considered to represent infilling in line with the Local Plan and thus is acceptable in principle.
- 4.2 The design, scale and layout of the properties are considered to be in keeping with the local area and the Conservation Area in which the site is located, and provide the required separation distances between properties as set out in the Council's House Extensions and Garages Design Guide and thereby comply with Policies HP2, HP3 and HP4 of the Local Plan.
- 4.3 The proposed vehicular access will be via a Bridge over Swinney Beck. The design of the bridge is considered to be acceptable, along with the proposed drainage arrangements and would not create additional flood risk in the area.
- 4.4 The proposed landscaping scheme will provide an improvement to biodiversity and it is considered that this would outweigh the loss of several trees on the site.
- 4.5 The proposed development is therefore considered to comply with the NPPF, and the policies within the Council's Local Plan.

5.0 RECOMMENDATION

- 5.1 That the application be **APPROVED** subject to conditions

6.0 PLANNING CONDITIONS/REASONS FOR REFUSAL

- Time Condition – 3 Years

- Approved Plans List
- Samples of Materials
- Implementation of landscaping scheme and replacement of trees lost during development and following 5 years.
- Removal of permitted development rights for extensions, outbuildings, garages, additional openings including dormers and rooflights to Plots 1 and 2.
- Limit the height of the rear fence to plots 1 and 2 to 1.2m in height
- No development until details of Root Protection fencing agreed
- No operations until root protection scheme in place
- Highways condition relating to new and altered Private Access or Verge Crossing
- Highways condition in relation to detailed plans of ditch to be piped
- Condition relating to the provision of Approved Access, Turning and Parking Areas
- Condition requiring highways construction management plan
- A detailed report should be submitted for approval, to demonstrate how the private on-site surface water drainage facilities will be managed and maintained by the owners of the site for the life time of the development, without placing additional burden on Swinney Beck.
- Exceedence flow condition
- Reporting of Unexpected Land Contamination Condition
- Electric Vehicle Charging Scheme
- Separate foul and surface water drainage
- Works to be undertaken outside the nesting season
- External lighting condition
- Invasive species condition
- Bat boxes and swift bricks
- Conditions in relation to root protection fencing
- Submission of an arboricultural method statement
- Arboricultural reports to be submitted throughout the construction phase
- Conditions relating to changes in ground levels and the storage of soil or materials close to the boundaries of the site
- To be undertaken in accordance with the Flood Risk Assessment;
- Condition in relation to bridge design
- Noise and Dust Construction Management Plan
- Hours of operation
- Ongoing management of site in relation to bridge and flood risk
- Development in accordance with FRA

INFORMATIVES

- biodiversity net gain
- environmental permits

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Chief Planner has delegated authority to do so in consultation with the Chairman of the Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

APPENDICES

7.0 Consultations

- 7.1 Arboricultural Officer – No objections subject to conditions relating to root protection area fencing; arboricultural method statement; and the submission of arboricultural reports during construction phase.
- 7.2 NYCC Highways – no objections subject to conditions
- 7.3 NYCC Planning – no comments to make
- 7.4 Estates – no objections
- 7.5 Historic England – no comments to make
- 7.6 Yorkshire Water – no comments to make
- 7.7 HBC Drainage - Defer to the Environment Agency observations and requirements on this occasion. The FRA etc. detailed by the Environment Agency in their consultation response should be referenced as approved documents in any planning consent and the drainage constructed accordingly. In addition to the conditions recommended by the Environment Agency, a detailed report should be submitted for approval, to demonstrate how the private on-site surface water drainage facilities will be managed and maintained by the owners of the site for the life time of the development, without placing additional burden on Swinney Beck.
- 7.8 Council's Ecologist – no objections subject to conditions

- 7.9 Environment Agency – removed objection to proposal subject to conditions relating to the Flood Risk Assessment; bridge design; tree replacements and informatives in relation to biodiversity net gain and environmental permits
- 7.10 NYCC Heritage – no comments to make.
- 7.11 Environmental Protection – no objections subject to conditions relating to contaminated land; refuse provision; noise and dust construction management plan; hours of operation
- 7.12 NYCC Flood Authority – no comments to make refer to EA and HBC Drainage Officer

8.0 Representations

- 8.1 Representations have been received from 23 individual members of the public, some have made representations on a number of occasions in relation to amendments and further information provided by the applicant. These object on the following grounds:

- Concerns over refuse collections
- Sewage issues – access and capacity of private sewer
- Disruption to local residents
- Loss of trees
- Increase in traffic
- Lack of bridge design details and position of footings on embankment wall
- Lack of information in relation to ongoing responsibility for management of site
- Need for an impact assessment and construction management plan
- Flood risk
- Surface water drainage concerns
- Ecological impact
- Amenity to residents of Maple Creek flats due to high fence
- Further development on the site not precluded
- Lack of pedestrian access from site to facilities
- Damage from construction traffic
- Unsuitable house types
- Loss of amenity land

9.0 Views of parish council

- 9.1 The Parish Council objects on the planning grounds set out below:
- Concern is given that the soakaway drainage for the development is not suitable.

- Concern is given that the impact of the development will cause increased risk of flooding to another location when Swinney Beck is compromised.

Case Officer: Emma Howson

Expiry Date: 28 February 2021