

North Yorkshire Council
Community Development Services

Thirsk and Malton Area Constituency Planning Committee

15 February 2024

ZB23/01987/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 20/00219/OUT for outline application for construction of 2 dwellings with access to be considered (all other matters reserved) as per amended plans received by Hambleton District Council on 13th August 2020 at land north of Mayfield and east of Orchard House, South Otterington, North Yorkshire

On behalf of Yorkshire Land Ltd

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 20/00219/OUT for permission for the construction of 2 dwellings on land at Land North of Mayfield and East of Orchard House, South Otterington.
- 1.2 The application is appropriate for consideration by the planning committee owing to a call-in by a member of the Council.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed within section 12 of this report.

- 2.1 The proposal is for two large dwellings on a site within the village of South Otterington. It is a rectangular parcel of land between the cul-de-sac of Mayfield to the south and the C road that connects the village to Newby Wiske to the north. Rock Cottage and Fern House, two detached dwellings that front the A167 sit directly to the east. There are a total of 24 trees that are subject to Tree Protection Orders situated around the wider parcel of land, several of which also fall within the two areas at either end of the rectangular parcel of land where the dwellings are proposed to be situated.
- 2.2 The principle of the development was established through the granting of the outline permission and therefore the pertinent issues are now design, the impact on the character and appearance of the locality, the impact on residential amenity, and the impact on the protected trees. Officers consider that the various amendments made to the proposal and a reduction in scale of plot 2 over the course of the application has resulted in an acceptable scheme and therefore recommend approval of the application.

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3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here: [Associated Documents](#)
- 3.2 Through the course of the application the plans for plot 1 have been amended to reduce the scale of the dwelling in the interests of the impact on the locality and general design principles. Furthermore, an Arboricultural Method Statement has been submitted outlining protection measures for the trees within the site during construction and moving forward.
- 3.3 There is one relevant planning application for this application which is detailed below:
- 20/00219/OUT - Outline application for construction of 2 dwellings with access to be considered (all other matters reserved) - Granted 26.11.2020.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is a rectangular parcel of grassland totalling approximately 1.83 acres in area in the village of South Otterington. It is located adjacent to existing dwellings to the south and east, with the primary school located to the north opposite a C road that runs westwards to Newby Wiske.
- 4.2 This application specifically relates to two areas at either end of this rectangular piece of land. The western-most area is an L shaped section measuring approximately 0.5 acres that wraps around the adjacent dwelling named Orchard House that is situated immediately to the west. This is plot 2. Plot 1 is located at the eastern-most end of the wider site and measures approximately 0.35 acres in area. This abuts Rock Cottage and Fern House to the east and one of the dwellings situated on Mayfield, the cul-de-sac to the south.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application is seeking reserved matters permission for the two dwellings. This includes design and layout. Plot 1, the eastern-most plot, is proposed to be a two-storey, four bedroomed, unit. It would comprise a main section flanked by a smaller adjoining element on one side and a one and a half storey double garage on the other. This gives way to a stepped roof line. A small porch and bay window help to break up the principle elevation.
- 5.2 Plot 2 would be a similar scale but with the main facade comprising mostly a continuous frontage with a smaller two-storey element at the western side. A detached double garage is then proposed to be sited immediately to west.
- 5.3 Access for plot 1 would come directly off the C road to the north and plot 2 would be served by a driveway running off Beechfield, the existing residential estate to the south. Both of these points of access were approved at outline stage.
- 5.4 All of the protected trees would be retained, along with the other landscaping in the western corner of plot 2 which is not formally protected. Native hedging would be planted along the eastern and western boundaries of plot 1, as well as the eastern boundary of plot 2. The existing hedgerow that runs along the northern boundary of the wider site would also be retained save for a very small section to allow pedestrian access to plot 2 and the larger section to provide the access for plot 1.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan.

Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and have been summarised below:

Consultees

- 7.2 Parish Council: No comments or objections.

- 7.3 Environmental Health: No objections.

- 7.4 Environmental Health (Contaminated Land): No objections.

- 7.5 NYC Heritage Services: The outline planning permission (Ref: 20/00219/OUT) includes a condition (No. 12) relating to archaeological assessment and mitigation. I can confirm that the condition has been addressed and as a result I have no comments to make on the reserved matters application.

- 7.6 NYC Highway Authority: No objection subject to conditions.

Officer note: The conditions recommended by the Local Highway Authority were included as part of the outline permission as access was approved at that stage. It is best practice not to unnecessarily repeat conditions and therefore they are not replicated on the recommendation for this reserved matters application.

- 7.7 Street Naming and Numbering: An application would be required.

Local Representations

- 7.8 Two local representations have been received, both of which are objecting to the application. A summary of the comments is provided below, however, please see website for full comments:

Concerns with the scale and height of plot 1.

Detrimental impact on the residential amenity by way of overlooking and overshadowing.

Concerns with the impact on the existing hedge of installing a timber fence at eastern boundary of plot 1.

Use of "hard boundaries" will be oppressive and not in keeping with the surrounding village.

Procedural issues with the change in the site layout which was miscommunicated during the outline application.

The resulting "stranded asset" of the area of land between the two proposed units which may lead to future development.

- 7.9 A 10-day re-consultation was carried out following amendments to plot 1. No comments have been received.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1 The key considerations in the assessment of this application are:

Design and impact on the character and appearance of locality

Impact on residential amenity

Impact on protected trees

Biodiversity net gain

Other matters raised by objectors

10.0 ASSESSMENT

Design and Impact on the Character and Appearance of the Locality

- 10.1 Policy E1 of the Local Plan requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to outline a number of design principles which help to achieve this overarching aim. The most relevant in this case are [a development]:
- a. Responding positively to its context and drawing inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places and;
 - b. Respecting and contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 10.2 Initially concern was expressed by officers regarding the overall scale and massing of plot 1 and the subsequent detrimental impact it would have had on the wider locality. However, following amendments it is considered this harm has been rectified. It is now smaller in height than originally proposed and owing to the breaking up of the frontage resulting from the staggered roof ridge line and the bay window, it would not appear so large and overbearing within the surrounding street scene.
- 10.3 Plot 2 is smaller in scale and simpler in terms of the overall design. It also utilises a staggered roof line to break up the overall scale and massing and to ensure that it would not appear domineering in the surrounding context.

- 10.4 Both units are undoubtedly large but there is no consistency in terms of the size of dwellings in the wider village. There are examples of larger dwellings in fairly prominent locations, such as Fern House to the east, Orchard House to the west, and the Rectory to the north west. The two proposed units would be seen in this context and therefore would not appear incongruous. Furthermore, the fact both units would be set back from the main road by a considerable distance and would be largely screened by mature trees that line said road, would further mitigate any impact of their large size. The retention of these trees is ensured through the fact they are subject to Tree Preservation Orders. A condition requiring the permanent retention of the hedge along the northern boundary of the site at a minimum height of 1.5m, as well as the landscaping in the north west corner of plot 2, is proposed. This would ensure adequate screening from the main public vantage points in the surrounding area.
- 10.5 No finalised materials have been provided. However, the applicant has submitted samples of some options they consider appropriate. These are all a variation of a red multi brick. Generally this is the most prominent material in the settlement, particularly on the older buildings to the east, as well as Orchard House to the west. As such, it would be in keeping with the character of the surroundings. However, a condition requiring finalised details to be agreed was imposed on the outline permission.
- 10.6 Concerns have been expressed regarding the proposed boundary treatments - namely a 1.8m high close boarded timber fence which is proposed to be used in several small sections to the south of plot 2 and the east and west of plot 1. The rest of the site boundaries would be defined by native hedgerow. Whilst the concerns are noted, there are numerous examples of timber fencing being used in the locality, not least on the boundaries of the dwellings on Mayfield to the south of the site. Furthermore, the location of these sections of fence are such that they would barely be visible from the main road to the north. It is accepted the fencing around the entrance to plot 2 would be more visible but this would be in the context of Beechfield - a residential area where such boundary treatments are evident. Based on this, it is considered the boundary treatments on the development are appropriate.
- 10.7 All in all it is considered that the designs of the two units are in keeping with the surrounding context and local character and therefore the requirements of policy E1 are met.
- 10.8 One final point to note in relation to the design of the two units is the requirements of policy HG2. Policy HG2(g) requires all new homes meet the National Described Space Standards (NDSS), or any successor standards/policy. The NDSS sets out minimum requirements for the floor area of dwellings dependent on the number of bedrooms, as well as the minimum size of the bedrooms themselves. It should be noted that both units meet the NDSS requirements in both regards and therefore the pertinent requirement of policy HG2 in this instance is met.

Impact on Residential Amenity

- 10.9 Policy E2 of the Local Plan requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.10 The two objections received are from the residents of Fern House, which is situated to the east of plot 1, who have raised concerns with regards to the height of this plot and it potentially leading to a detrimental impact on their amenity by way of overshadowing and overlooking, as well as the proximity of it to the shared boundary creating an overbearing affect. Fern House faces the A167, with the rear of the dwelling facing towards what would

be the side elevation of plot 1. However, the dwelling itself is separated from the edge of the site by a considerable distance (circa 30m), with an intervening outbuilding used for ancillary space and a vegetable patch/allotment. Between the side elevation of plot 1 and the edge of the grounds surrounding Fern House, there would be a separation distance of over 8m, with the two-storey part of plot 1 further away even still. Consequently, it is considered that there would not be overshadowing nor would the proposal have an overbearing impact. This separation distance along with the lack of windows in the side elevation of plot 1, as well as the intervening boundary treatments, would ensure no loss of privacy either.

- 10.11 Plot 2 would have a similar relationship with the adjacent Orchard House. The rear elevation of this neighbouring dwelling would face towards the driveway serving the new dwelling. However, owing to the orientation of plot 2, there would be no direct views between the two dwellings themselves, nor from plot 2 into the rear garden of Orchard House. As such, mutual privacy for occupants of both dwellings will be ensured.
- 10.12 The final issue in terms of amenity is the dwellings along the northern side of Mayfield. However, the plots within the site would have a back-to-back relationship with these units which is common in residential areas. The separation distances and adequate boundary treatments would ensure mutual privacy.
- 10.13 The above assessment demonstrates the proposal complies with the requirements of policy E1 and a high standard of amenity will be assured.

Impact on Protected Trees

- 10.14 The impact of a development on trees is a material planning consideration. The trees around the edges of the wider parcel of land, including adjacent both proposed accesses for the two units, are protected by Tree Preservation Orders as a recognition of their form and the contribution they make to the wider amenity of the area. Consequently, their protection is of an even greater importance.
- 10.15 The Landscape Masterplan shows all of the protected trees within the two plots are to be retained. There are two trees in particular that are within close proximity of the two accesses where work would be required within the Root Protection Areas (RPAs). These are an oak tree to the west of the driveway serving plot 1 and a sycamore to the west of the driveway serving plot 2.
- 10.16 To ensure no harm to the longevity of these trees arises during construction and subsequently, the Landscape Masterplan sets out that work would be undertaken using "no dig techniques" and the accesses would be surfaced with a permeable block paving and porous gravel. This would ensure protection of the tree roots moving forward. Furthermore, to ensure protection of all trees on and around the site throughout construction, protective fencing would be installed and only removed upon the completion of the development phase. A condition ensuring these requirements are implemented is recommended.
- 10.17 Four small trees would need to be removed to allow the access to plot 2 to be constructed but these are much smaller specimens that are not subject to any legal protection and do not otherwise contribute to the visual amenity of the area. Consequently, their removal is deemed to not cause harm.

Biodiversity Net Gain

- 10.18 Following the granting of the outline permission in November 2020, the Hambleton Local Plan was adopted by the former Hambleton District which is now the development plan in place for this part of North Yorkshire - as set out above. Policy E3 of the Local Plan now

requires all development to demonstrate the deliverability of a net gain in biodiversity. However, as the principle of this development was granted prior to this being a requirement, the Planning Practice Guidance sets out that this development would not be subject to this requirement. No information relating to BNG has been submitted on this occasion, but owing to the above, this is not deemed a reason for refusal.

Other Matters Raised By Objectors

- 10.19 There are several other matters raised in the objections that have not otherwise been addressed above. Firstly, the matter of the impact of the hedgerow of installing a 1.8m high fence. There is no indication as to why the fence would lead to harm in this respect. Indeed, hedgerows in residential settings are very often directly adjacent timber fences. Furthermore, this is on a relatively small section of the site and in general the development would lead to a net increase in the amount of hedging on site. On this basis, this matter is given limited weight and is not considered to warrant refusal of the application.
- 10.20 The second matter is the change to the red line boundary during the outline application. Whilst noted, the Council's systems show that upon receipt of the amended Location Plan, a re-consultation period was carried out in August 2020 ahead of a decision being made in November 2020. Consequently, proper procedure was followed. Nevertheless, this matter is not a material consideration in this reserved matters application.
- 10.21 The final matter raised is the fact the development of either end of the wider rectangular parcel of land would leave an area in between with no possible use. Whilst noted, such a development was deemed acceptable at outline stage and this matter of principle cannot be revisited at reserved matters stage. In any event, the Council can only assess the proposal in front of them and any potential future application concerning this central parcel of land would be assessed on its own merits.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The above assessment demonstrates that the development is acceptable on the grounds of design and the impact on amenity. Furthermore, adequate information has been provided to demonstrate that the trees within the plots and the immediate surroundings would be protected throughout construction and moving forward. Approval is recommended on this basis.

12.0 RECOMMENDATION

- 12.1 That permission be granted subject to the imposition of the below listed conditions:

1. The development hereby permitted shall be begun within two years of the date of this permission.

Reason To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered SO-TYPE-B-001, SO-G-001 Revision A, SO-TYPE-B-002, SO-TYPE-B-003, SO-TYPE-A-001 Revision F, SO-TYPE-A-002 Revision E, SO-TYPE-A-003 Revision E, SO-201, SO-101 Revision K and R/2706/1B; received by the Local Planning Authority on 26.09.2023, 11.12.2023 and 18.01.2024; unless otherwise approved in writing by the Local Planning Authority.

Reason 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 Local Plan Policies S1 and E1.

3. The landscaping marked as group G8 on the Landscape Masterplan numbered R/2706/1B received by the Council on 18.01.2024 shall be retained in perpetuity.

Reason In the interests of softening the visual impact of the development and ensuring a harmonious addition to the street scene, as required by Policy E1 of the Local Plan.

4. The existing hedgerow along the northern boundary of the two plots shown on the Landscape Masterplan shall be retained at a height of at least 1.5m in perpetuity.

Reason: To ensure visual screening of the development and the preserve the character of the street scene.

5. No part of development must be brought into use until the landscaping scheme shown on drawing number R/2706/1B has been implemented. It must be maintained in line with said plan for the lifetime of the development.

Reason: In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

6. The tree protection measures relating to the access works outlined on the Landscape Masterplan (drawing no. R/2706/1B), as well as the measures outlined in sections 2 and 3 (and the relevant appendices) of the Arboricultural Method Statement, shall be implemented in full.

Reason: To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.

Target Determination Date: 16 February 2024

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