

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Planning Committee 11 September 2007

Schedule No:1

Application No:	R/07/143D	
District:	Richmondshire	
Parish:	Reeth, Fremington & Healaugh	
Applicant's Name:	Mr N White,	
Grid Ref:	SE03799918	
Received by YDNP:	10/05/2007	Officer: Rachel Whaley

PROPOSAL: full planning permission for demolition of existing lean-to garage and outbuilding; erection of new garage building; rebuilding of rear extension and erection of porch on existing dwelling

LOCATION: Metcalfe's Farm, Anvil Square, Reeth

CONSULTEES

Reeth, Fremington & Healaugh PC

The majority of Councillors have no objections to the application. It has been suggested that a site meeting is required with all parties attending. With regard to the proposed new access to the property. The only vehicular access over the village green to this property is the existing one into the current garage, we note that these plans include to increase the width of the vehicular access to the property by setting back the existing extension. Whilst the law is continuously changing and we would recommend the facts are checked, neither our Parish Council nor the National Park can lawfully grant permission for a new access over village green as this would be regarded as an unlawful act. We would suggest that the application is changed to use the existing access only.

The cobbled areas to the front of the garage etc., are all registered village green and any work proposed should be discussed with and authorised by the Parish Council. The new plans do not show this area as remaining cobbled, what is proposed?

Richmondshire District Council

No comment

Ward Member: This is technically a new application for a wheeled right of way across a public footpath and land registered under the Commons Registration Act. This land, whilst registered, is owned by Reeth Parish Council I am given to understand. The existing garage and its access is not a risk with vehicles to pedestrians on the footpath. However, with the new access to

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vehicles I think serious thought should be given to the safety issues in respect of the blind corner of Metcalfe's Farm on the footpath which is 8 metres from Anvil Square and any subsequent vehicular activity.

NYCC - Highways Recommend the following conditions be attached to any permission granted: HW33- Registered Village Green or Common Land; HW26 - precautions to prevent mud on the highway; HW23 - garage not to be converted to a habitable room; HW18 - provision of approved parking, manoeuvring and turning; HW32 - public rights of way to be protected and kept free of obstruction; HW07 - specification for construction of private access/verge crossings

Building Conservation Officer see attached memo dated 11th June 2007 requesting amendments to the original scheme

Area Ranger (Swaledale) Proposed development directly and indirectly affects PROW.

Proposals include re-alignment of the garden wall to back of property which will result in a reduction in width and therefore obstruction of the footpath. In the absence of a Definitive Statement and recorded width, there is a presumption that the width of the footpath includes all of the land between the existing boundary walls, provided that the boundaries were laid out by reference to the right of way. If the applicant believes that this is not the case and that the existing boundaries were not set out by reference to the right of way, then they must provide evidence to support this claim.

C/o Democratic Services

C/o Committee Services

PUBLIC RESPONSES

Mr. & Mrs. Bain, Walpardo - see attached letter received 30th May 2007 objecting to the proposal and raising concerns over inaccuracies in the plans; blocking their access to the barn ; impact of foundations and building work on Walpardo; concerns over removal of cobbles at site entrance; impact of rooflights on new kitchen extension

Mr. & Mrs. Blodwell, Hillary House - see attached letters received 30th May 2007 and 23rd July 2007 objecting to the proposal and raising concerns over inaccuracies in the site plan (Hillary House and a neighbouring garage being omitted); effect of proposed parking and turning area on their property, and impact of proposed planting/stone wall resulting in loss of light to their lounge window; concern over loss of cobbles at site entrance; effect of proposed works to the extension on the farmhouse on the character of the Conservation Area

Louise and David Waller, 1 Nurse Cherry Cottages - "With reference to your letter regarding the development of Metcalfe's Farm, we strongly agree with other neighbours against it. We purchased Nurse Cherry Cottage recently for its quietness and would not like to see a garage and rear extension invading our privacy and worry it this is passed what

else could be built down the line."

Ketih Allen, 3 Back Lane - letter dated 11th June 2007 raising concerns over the post and wire fence; cut stone coping; loss of cobbles ; gated entrance to the site; omission of Hillary House from the plans; the need for the existing stone wall and footpath to be reinstated

Dr. & Mrs.Velangi, 2 Nurse Cherry Cottages - letter received 30th May 2007 - alterations to the existing house can only enhance it ; concern over proposed building of two garages to the rear of their property; proposed entrance hazardous to the elderly and young children using the footpath; cars coming into the entrance will not be able to see pedestrians; concern over glare of lights into their property and noise disturbance; the garages and planting of rowan trees would interfere with the view from their property; building would cause excess water onto their property

RELEVANT PLANNING POLICIES

B14(06) - Extensions and Alterations to Buildings

B7(06) - Building Design

B8(06) - Conservation Areas

TA1(06) - Protection of Public Rights of Way and Access Opportunities

TA12(06) - Access from the Highway

OFFICERS' OBSERVATIONS

This application is reported to Planning Committee at the request of Cllr Blackie for the following reason: "There have been a series of planning applications at the former Metcalfes Farm in Reeth, all of which have been the subject of concern, both from local residents and Reeth Parish Council. This application is no exception, with doubts being raised within the community inter alia about the exact location and nature of the development being proposed and the level of information being shown on the accompanying plans. In these circumstances I consider it is in the local public interest for the application to be decided by Planning Committee."

The application was reported at the meeting of the Planning Committee on 14th August 2007 when it was resolved to defer determination until after a Members' site visit, which took place on 24th August 2007. Notes of the site meeting will be included in late papers.

SITE

Metcalfes Farm comprises an existing two storey house with small garden area, and a garth to the east of the property. The site is located off Anvil Square in the centre of the village , within Reeth Conservation Area. There is an existing garage (attached to a neighbouring property 'Walpardo') which is owned by the farmhouse. A public footpath runs between the house and the garth. The application site is within the housing development boundary for Reeth. The southern end of the garth is now in separate ownership having been sold off and developed with two houses on the site, accessed from Back Lane. Metcalfes Farmhouse is not a Listed Building but is considered to be of some historic interest. The cobbles in front of the existing garage, across the proposed entrance to the site are registered as Village Green.

PLANNING HISTORY

There have been a number of applications seeking to develop the garth for housing. Two previous applications for development on this site have been refused under delegated

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powers. Application R/07/143A was for the erection of one large detached, 4 bedroom dwelling in the centre of the site and two garages (one to serve the new dwelling and one to serve the existing Metcalfe's Farm house). Vehicular access was to be gained from the north off Anvil Square. This was refused in November 2003.

Application R/07/143B was for the erection of two detached, 2 bedroom dwellings at the southern end of the site and two double garages (again, one to serve the new development and one to serve the existing Metcalfe's Farm house). Access was to be off Back Lane for the new dwellings with access off Anvil Square to serve the proposed garage for Metcalfe's Farm house. This was refused in July 2004.

In both cases the reasons for refusal were based on the scale and design of the development and its impact on the character of the area and the amenities of neighbouring properties. The proposed access off Anvil Square was considered to detract from the character and appearance of Reeth Conservation Area as the demolition of outbuildings and associated works would be harmful to the sense of enclosure currently enjoyed in that area.

In July 2005 planning permission was granted for the erection of two semi-detached dwellings at the southern end of the site, with vehicular access from Back Lane (R/07/143C). This has now been developed and the houses are occupied, known as Nos 1 & 2 Nurse Cherry Cottages. The remainder of the garth was put on the market as a separate parcel of land but has ultimately been bought by the purchaser of Metcalfe's Farmhouse who now submits this current application as prospective purchaser of both the house and the garth.

THE CURRENT PROPOSAL

The current application seeks to demolish the existing lean-to garage and outbuildings that are on the site and to build a new, single storey double garage, set further back into the site. The existing garage is a lean-to structure built against the gable elevation of Walpardo. The proposed new garage would be built to the rear of 'Walpardo' on the footprint of the outbuildings to be replaced but extending 0.65m further into the site to accommodate a vehicle length. The proposed garage would have a pitched roof rather than the lean-to structures currently on site. Vehicular access across the cobbles into the site is proposed and a gravelled turning area provided. The remainder of the applicant's portion of land is shown as being fenced off. There is no reference to residential or other development of this land in the current application.

Also included in this application are works to alter and extend the existing farmhouse. The majority of the proposed alterations constitute permitted development and therefore do not require consent, including the rebuilding of the rear extension (facing onto Anvil Square) as this would be no closer to the highway than the original dwelling and lean-to extension. The proposed porch extension on the front of the dwelling does require planning permission as it is closer to the public footpath than the original dwelling.

POLICY ISSUES

The key policy issues are the scale and design of the proposed works in terms of their impact on the character and appearance of the surrounding area, including Reeth Conservation Area. Policy B14 and B8 provide the assessment criteria. The suitability of vehicular access onto the site is also a consideration, with Policy TA12 requiring new access to be safe and convenient, not to adversely affect the visual quality of the area and to retain traditional boundary features where appropriate. Policy TA1 protects existing

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public rights of way and states that permission will not be granted for development which would obstruct, damage or lead to an unacceptable use of a public right of way. Policy GP2 sets out general design criteria for development proposals, also requiring that proposals do not have any unacceptable impact on neighbouring amenity.

VEHICULAR ACCESS

The Highway Authority has raised no objection to the proposed driveway onto the site to access a new garage building within the site.

Previous proposals to create vehicular access onto the garth from Anvil Square have been refused not on the grounds of highway safety but due to the adverse visual impact of demolishing the existing garage and outbuildings and opening up the site entrance. Whilst the buildings themselves are not considered of any particular architectural merit, the sense of enclosure that they provide in this part of the square makes a significant contribution to the character of the Conservation Area.

The rebuilding of the rear extension on the house sets the extension 0.6m in from the gable of the main house in order to increase the access width available. This is considered to be acceptable visually.

The current scheme seeks to retain that sense of enclosure by providing a 2m high stone wall and gated entrance across the first 6.5m of the site access (gates to be of vertically boarded timber construction 2m high across a 3m width driveway) before returning the lower 0.5m height of the existing stone boundary wall around the garth. The gable end of the proposed new garage would be visible behind the gates, to a height of 2.5m to the eaves and over 4m to the ridge. The agent has confirmed that the existing cobbles are to remain and that the cobbled area would be extended up to the proposed new gateway.

This approach is considered to achieve the same sense of enclosure and therefore accords with Policy TA12 providing a safe and convenient access that does not adversely affect the visual quality of the surrounding area.

The cobbled area in front of the garage is registered Village Green. Consent from the Secretary of State and the parish council is required to carry out works on the village green. The applicant is aware of this requirement. The granting of planning permission does not override his obligation to fulfil this requirement.

Concerns have also been raised over the legality of creating a new vehicular access across Registered Village Green, with the parish council advising that the applicant may not be able to gain vehicular access from Anvil Square onto the site as it would involve crossing registered village green/common. Again, this is a separate legal matter and not material to determination of this application. The granting of planning permission does not override the applicant's requirement to comply with any relevant legislation on this point.

SCALE AND DESIGN

The design of the proposed garage is considered to be acceptable in terms of its size, form and materials.

The Building Conservation Officer has offered advice on the proposed alterations to the existing farmhouse and on the alterations proposed to the boundary wall and entrance to

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the garth. Many of the alterations to the property do not require planning permission. The applicant has considered the observations of the Building Conservation Officer, neighbours and other consultees and sought to amend the scheme where appropriate to address the concerns raised. This application is considered on the basis of amended plans received 18th July on which neighbours and the parish council have also been reconsulted.

The most significant change relates to the treatment of the porch extension on the front (south-facing elevation of the dwelling). Originally proposed as a heavily glazed structure with solid roof and lower stone walls, advice from Building Conservation was to opt either for a very solid traditional porch without glazing, or to opt for a more contemporary fully glazed structure that would reveal the original fabric of the dwelling, including in this part of the property a blocked up mullion window. The applicant has opted for the more contemporary approach and the amended plans reflect this. This approach is considered to be acceptable, adding to the architectural interest of this building and so enhancing the character and appearance of the surrounding area.

A number of other alterations/clarifications are shown on the amended plans, including retention of cobbles and stone flags, confirmation of wall heights and use of flat copings; removal of stone posts at site entrance; replacing post and wire fence separating gravelled area from remainder of site with 900mm stone wall; retaining the small wall against the front wall of the house and retaining the garden wall in its present position; moving the car parking/turning space further away from Hillary House.

The proposed developments in terms of the scale, design and appearance are considered to be in sympathy with the surroundings and not to dominate the existing buildings in public views, in accordance with Policies B7, and B14.

IMPACT ON THE CONSERVATION AREA

Conservation Area Consent is not required for the demolition of the existing garage and outbuildings as each of these buildings is less than 115 cubic metres. Whilst the buildings themselves are not considered of significant interest, the sense of enclosure they create makes a valuable contribution to the character and appearance of the Conservation Area in this part of the village. As outlined above the current proposal maintains this sense of enclosure.

The proposed development on the garth and alterations to the existing farmhouse are not considered to have any adverse impact on the character and appearance of the Conservation Area, in accordance with Policy B8.

EFFECT ON NEIGHBOURS

The properties most affected by the proposed development are Walpardo to the north, attached to the garage, and Hillary House which bounds the site to the east and has a lounge, landing and kitchen window facing onto the site. The amended plans include greater reference to Hillary House.

The proposed development on the garth does not result in any loss of amenity for the occupiers of Walpardo in terms of loss of light or privacy, or being overbearing but there are a number of elements of the scheme which do impact significantly on that property, namely the attachment of the garage to their property; the issues of maintaining right of access from the garage building to their rear yard (the existing access point is shown as

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blocked up and a new one proposed into an area currently used for storage and in close proximity to a rear window); the positioning of the realigned entrance wall against the boiler and water tap on their gable wall, as well as raising concerns over disturbance to the foundations and structure of their property as a result of the works around the site entrance and garage building being carried out. Whilst these are genuine concerns that could impact on the amenity of the occupiers of Walpardo, they are concerns that should be addressed separately by means of the Party Wall Act and issues of rights of access between the two properties remain a separate legal matter. Therefore, whilst being mindful of the concerns raised in this instance, they are not material considerations relevant to the determining of a planning application. The granting of planning permission does not override the applicants obligations to ensure that legal and other consents are obtained in order to implement the scheme.

The occupiers of Hillary House have raised objections to the proximity of the parking and turning area to their property, and the overbearing impact of the shrub planting and 900mm stone wall around this area. This would be 1.8m from their property where are lounge window at ground level with the application site provides light into their lounge area. They have also questioned the accuracy of the distances shown, stating that the neighbours garage between Walpardo and Hillary House is 3.5m wide across the gable not 4.5m as shown and therefore the development would be 1m closer to their property than is shown on the plans. The agent has been asked to clarify this distance.

However, in assessing the impact of the development in terms of loss of light and being overbearing, it is noted that there are two other windows serving the lounge area, one north facing and one east facing, and whilst the proposed screening of the parking area is likely to reduce the amount of light coming into the lounge from west facing window, it is not considered that this would reduce the amount of daylight available in the lounge to such an extent as to warrant a recommendation for refusal of this element of the scheme on the grounds of unacceptable impact on neighbouring amenity. Again issues relating to rights of access to maintain their property, including maintenance of a drainage ditch along the external wall, are a private matter and not material to determining this planning application.

The proposed development will introduce domestic activity onto the site associated with access and parking, but it is not considered that this would have the effect of reducing the level of amenity currently enjoyed by the occupiers of Hillary House or the new properties, Nurse Cherry Cottages to the south to an unacceptable level.

The proposal therefore accords with policies GP2 and B7 in terms of the impact on neighbouring property.

Some concerns were raised over the potential impact of drainage from the developed site on neighbouring properties. It is therefore considered appropriate to require approval of drainage details prior to development commencing.

IMPACT ON THE PUBLIC RIGHT OF WAY

The stone flagged path between the house and the garth is a public right of way leading from Anvil Square to Back Lane. The applicant had originally intended to realign the front garden wall of the house to increase the enclosed area. This would have the effect of reducing the width of the footpath along this section, although not reducing it to below the width of its narrowest point. However, this constitutes obstruction of the definitive footpath. Whilst the applicant believes he has evidence that the existing garden boundary

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is not defined by reference to the right of way and that the area he wishes to enclose does not form part of the legal definitive route, he intends to pursue this claim at a later date. The amended plans for this current application retain the front garden wall in its existing position and so there is no objection on the grounds of the right of way being obstructed. The proposal now accords with Policy TA1.

ANALYSIS OF MATERIAL CONSIDERATIONS

The key considerations are scale and design of the proposal and impact on character of the Conservation Area; safety of the vehicular access; protection of the public right of way through the site, and effect on neighbours. The proposal is considered to be acceptable in all respects and it is therefore recommended that the application be approved in accordance with the relevant policies of the Authority's adopted Local Plan.

RECOMMENDATION

That the application be approved subject to conditions based on the following:

- i) standard time limit - 3 years
- ii) amended plans (those received 18th July 2007)
- iii) removal of permitted development rights for alteration to boundary walls around the garth
- iv) no hardsurfacing within the garth other than in accordance with approved details
- v) drainage details to be submitted prior to development commencing
- vi) specification of crossing of highway verge to be agreed with local planning authority in consultation with the highway authority
- vii) garage not to be converted to a habitable room
- viii) precautions to prevent mud on highway (during construction works)
- ix) measures to prevent discharge of surface water from plot onto highway
- x) provision of approved parking, manoeuvring and turning

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Application No:	R/07/274	
District:	Richmondshire	
Parish:	Reeth, Fremington & Healaugh	
Applicant's Name:	Randall Orchard Construction Ltd	
Grid Ref:	SE03709940	
Received by YDNP:	18/10/2005	Officer: Rachel Whaley

PROPOSAL: full planning permission for erection of 8 dwellinghouses

LOCATION: Development Site, Place Hill, Reeth

CONSULTEES

Richmondshire District Council No comment

NYCC - Highways

The make up of the site including the 4 houses to be managed by Broadacres removes the need for an adoptable road. The gradients are, in any event, rather too steep for an adoptable road, and with appropriate transition gradients would be steeper in places.

A well constructed private road would be suitable to serve this development; the access detailed would be acceptable in design terms.

As visibility between the adopted estate road and the site access should be clear, and traffic speeds and volumes low, a lesser width road could suffice, however it should be 5m wide for the first 10 metres. The revised layout, whilst acceptable in parking terms, will not be appropriate for a standard refuse collection vehicle to turn. It would be unacceptable for such a vehicle to have to reverse up or down such a curved and steep access gradient.

I still feel that the position of the road, through what I understand to be land owned by Mr. Bastow, will potentially affect the operation of his building, and possibly the operation to site a further unit on the land. The access proposals may not produce road levels suitable for access on to it from other parts of Mr. Bastow's site. It is however for Mr. Bastow to protect his own interests.

Reeth, Fremington & Healaugh PC

Please find attached a sheet of councillor's comments for the above planning application. These reflect the

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concerns of councillors for affordable housing suitable for young couples. This would be an ideal site to help address this problem.

There is only one three bed roomed house in the development, two bed roomed dwellings are too small for a young couple with children. There is also no indication that any of this development will have local owner restrictions applied. At least 50% of these houses should have such a restriction and there should be 3 bed roomed accommodation within those restricted.

Cllr Gardner, as you can see by his comments, is concerned about the privacy of the existing dwellings on Silver Street due to the ground level and close proximity of the site.

Richmondshire District Council

- There is insufficient information on the enclosed plans to determine whether the proposal complies with the requirements of Part B, B1 means of escape in case of fire. The foul and surface water drainage proposals are not shown. Further details in connection with the foul and surface water outfall will be required. The requirements of Part M do not apply. Take note of radon.

Environment Agency Yorkshire Water Services Ltd

This application falls outside the scope of our referrals Advise of location of a water main across the site and of the difficulties in connecting this site to the public sewers. Recommends the following conditions should permission be granted - no building within 3m of the water main crossing the site; site to be developed with separate systems of drainage for foul and surface water on and off the site; no development to commence until details of proposed means of disposal of foul and surface water drainage to be submitted and approved; no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building to be occupied or brought into use prior to completion of the approved foul drainage works

PUBLIC RESPONSES

A number of letters have been received in connection with this application and the main points raised are summarised below:

Andrew Barningham, 14 Silver Street: concerned as to what occupancy restrictions would apply- no objections if affordable housing for local people; objection if speculative development

J A Hadfield, Ripley, Derbyshire - no objection in principle subject to a condition being attached to the planning permission that neither pedestrian nor vehicular access serving the

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proposed development should be available over the courtyard to the south

TS & EM Iley, Overton Lea - concern over impact of development on the Conservation Area; pressure on local traffic system; would set precedent for further building development in this area; would devalue surrounding properties, many of which are Listed Buildings; volume of works traffic would cause disruption to craft businesses and peace of village; concern about making thoroughfare through centre of new craft units; landscaping is unlikely to effectively mask the development. Concerns also raised regarding drainage, light pollution and the effect on views from Fremington Edge which may impact on tourism and therefore the local economy.

John & Tracy Little, 11 Silver St - no objection in principle but actual number of houses seems very high and would bring development very close to rear wall of No. 11 and No. 12 which belongs to Reeth Congregational Church. Ground level on our side is considerably lower than that of the application site and therefore concerned that proposed houses would be overbearing on existing houses and gardens. Concern that construction work could cause structural damage to boundary wall and property.

Bronwyn M Thomas-Laundy, Raikes Cottage - as land is within conservation area of Reeth, building work should be sympathetic to the area; 8 properties too many for the plot meaning that some two storey dwellings would be built very close to the boundary wall; concern over increase in noise levels due to proximity of development; no objection to principle of some development but less properties (or single storey) and more landscaping would be preferable.

Paul & Caroline Wright, new owners of Raikes Cottage - We would like to raise our concerns regarding the proposed Place Hill development. Our overall concern is that the intended plans seem way too ambitious in terms of the number of properties for such a small plot of land.

1. Eight plots should be reduced to six. This will reduce overcrowding and will reduce the impact the development will make on the surrounding properties. At the very least, plot 3 should be reduced in size to the same as the other plots. If this were done then it could be placed along side plot 4 and plots 1 & 2 could be moved further away from the boundary with Mr & Mrs Baker's property. Perhaps the number of non-affordable houses should be reduced to allow this?

2. The positions of plots 5, 6, 7, 8, & 9 adjacent to our dry stone wall boundary. We believe that this dry stone wall will pose a significant safety risk to children playing in the gardens of these houses. We therefore hope that the developers plan to build another adjacent boundary fence or wall, no higher than our dry stone wall, in order to prevent any possible access to our wall. We do not want to be held responsible at any time in the future for injury or damage due to the dry stone wall collapsing. We also do not want to keep having the expense of rebuilding the wall through accidental or malicious damage. Further to this, we would like to see a row of high trees planted so as to maximize our privacy and that of the residents of plots 5, 6, 7, 8, & 9.

3. The car park with spaces for two cars per property seems excessive. If the car park were changed to provide just one space per property then the overall layout of all the properties could be better dispersed within the plot boundary. This would decrease the overall impression of overcrowding in such a small plot. A reduction of car parking spaces would mean less traffic in and out of the development and also lower noise pollution within the development. Having more car places than is necessary would encourage the residents

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to own two cars which is bad for the environment.

4. Plots 1 & 2 appear much too close to Mr & Mrs Baker's low rise property and all their light and privacy will be taken away

Ulrika & Richard Baker. The Gallery - the issue of soakaways for drainage of surface water could cause problems, as Silver Street has suffered from it before; we own the cobbled yard and driveway to Silver Street and are concerned about people using our access as a short cut to the village- this could become a security and maintenance issue - in our deed it states we have vehicular access to the back of our property as cobbled yard and garage was bought separately from the bungalow, we want to make sure this cannot be changed; increased traffic around Place Hill as this is a school run route; is it not possible to build where there is more land and less neighbours, such as further down the village of Reeth; car parking for 15 vehicles is very close to our property/garden. With young children access to our garden unsafe due to the car park being planned next to it; nuisance from vehicles would be disturbing when in the garden, living room or kitchen; light and fume pollution from the vehicles; no plans for a fence or other screening to make the car park safer/more attractive; light pollution/development floor level - we would be very blocked in and suffer from lack of day light as all our windows are facing the suggested site (living room, bedroom, hallway and child's bedroom); there are no plans showing any landscaping facing our property; plot 1 is very close to our wall and garage and how would these be protected, who will be responsible for damage that might occur during building/living in plot 1?; Plot 1 should have obscure glazed windows and non-opening windows due to lack of privacy from all our west facing windows.

Also raising objection to the proposed access across their cobbled yard, concerned for the safety of their children; liability in case of accident; who will be responsible for maintenance; the adverse effect on their amenity, particularly loss of privacy and safety, if the whole estate are crossing the yard. How would it be restricted to just those houses, once established it is likely to become a thoroughfare for visitors to the workshops. Suggest another access is used instead between Raikes Cottage and the stone workshops on Silver Street.

Paul and Rosemary Hawksworth, owners of 9 Silver Street - objecting to the establishment of a private right of access from the field across land to the rear of their property. They believe that this right of access was extinguished in 1995 by an agreement between the field owner and the previous owner of their cottage.

RELEVANT PLANNING POLICIES

B7(06) - Building Design

B8(06) - Conservation Areas

GP2(06) - General Design Policy

H1(06) - New Housing in Key Service Centres

TA14(06) - Parking Standards

U1(06) - Foul and Surface Water Drains

OFFICERS' OBSERVATIONS

This application was reported at the 14th August 2007 meeting of the Planning Committee when it was resolved to defer determination to allow for clarification to be sought in respect

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of the scope of the application. This application was reported to the previous meeting on 10th July 2007 where consideration was deferred for a Committee Site Visit held on 19th July. Minutes of the site visit are attached for Members' information. A number of points were raised at the visit which Members wished the applicant to respond on. The applicant has advised that he will be able to prepare a response in time for the August committee.

This proposal is for the erection of 8 houses on land within the housing development boundary for Reeth. Policy H1 requires that in key settlements such as Reeth, upto 50% of the dwellings should be provided as affordable housing. This application was first received in October 2005, with no element of affordable housing provided. The applicant was offering 4 out of the 8 units to be subject to a local occupancy restriction. Whilst this would have the effect of reducing the market value of the properties it does not make them affordable. As submitted the proposal did not comply with Policy H1. Protracted negotiations took place with confirmation being received in February 2007 that Broadacres Housing Association would take on 4 of the properties, 1 for rent and 3 shared ownership. Following this confirmation that the proposal now satisfied in principle the requirements of Policy H1, further negotiations have taken place in order to fully assess and address concerns raised by the occupiers of neighbouring property regarding the potential impact of the development on their amenity and to address the comments of the Highway Authority.

The application is reported to Planning Committee at the request of Cllr Blackie for the following reason: "This application is of high importance to the local communities in Swaledale and Arkengarthdale given that it addresses the issue of local affordable housing in an area that has been shown in detailed housing surveys recently conducted to be chronically short of affordable houses for local people. It is also the largest application for housing in Swaledale which has been submitted for several years. On these counts it seems to me to be essential in the public interest that it should be considered and decided in the public domain at the Planning Committee and I make this request accordingly."

THE SITE

The application site is located off Silver Street on vacant land which is surrounded by existing development on all sides - to the south, existing properties of traditional construction facing onto Silver Street; to the west and to the north, the craft workshops at the Reeth Dales Centre; to the east is the rear of Reeth Garage, with the land immediately adjoining the site to the east, also a vacant plot within the housing development boundary.

Access is proposed from the existing road through the workshop site and would enter the site from the north, crossing land owned by the owner of workshop unit adjoining the site. The access from Silver Street currently serves all the units on the site as well as the existing 11 dwellings on Place Hill, on the western boundary of the site.

The site is partially within the designated Conservation Area for Reeth.

PRINCIPLE OF DEVELOPMENT

The site is within the H1 housing development boundary for Reeth as defined in the Local Plan. Therefore the principle of housing development on this site is acceptable, provided that the applicant can provide evidence of there being a local need for the housing in this area and can also provide a mechanism for achieving affordability. Policy H1 states that the Authority would seek to negotiate up to 50% affordable housing on these sites. It would also be necessary for the applicant to enter into a legal agreement in respect of the

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affordable element of the scheme, restricting the occupancy of these units in perpetuity to people meeting the local need criteria as defined in the Local Plan. In the case of affordable housing under Policy H1 the occupancy would be restricted to people within the immediate and/or surrounding parishes as opposed to anywhere within the Park, as the purpose is to meet a housing need specifically identified in this area.

AFFORDABILITY AND OCCUPANCY

There is a clear identified need in the recent housing needs survey conducted by Richmondshire District Council which demonstrates that there is a priority housing need in the Swaledale area. The Authority therefore accepts that there is a need for housing in this location and would wish to see 50% (4 out of the proposed 8 houses) to be provided as affordable housing. The Authority's preferred approach to providing affordable housing is for the applicant to involve a registered social landlord, typically a housing association, to either develop and/or manage those properties.

The difference between affordable housing and local needs housing is essentially price and a mechanism for future management. Affordable housing in the context of this Authority's policies means housing of a decent standard which is cheaper than that generally available on the open housing market and comprises a combination of subsidised rented housing, subsidised low cost ownership and in some situations discount on sale, in which case the cost should ensure that the housing is provided at a rental or purchase price that is affordable to those identified as being in housing need. The advice given by the district council is that a purchase price in the region of £75,000 would be affordable in this area. The Authority accepts that to build the properties for a purchase price of £75,000 may not be commercially viable which is why the involvement of a registered social landlord is advocated, as these organizations have access to government funding to subsidise the development.

The applicant has provided confirmation from a local housing association, Broadacres, that they will take on 4 of the 8 houses - 1 for rent, 3 shared ownership and as such the application now meets the requirements of Policy H1 in terms of provision of affordable housing within a key service centre.

The question of whether the most appropriate type of housing to meet local need has been provided in this scheme has been raised by the parish council, in particular the fact that only one 3-bed dwelling is proposed. This 3-bed dwelling is not one of the properties being sold to Broadacres, the affordable housing would therefore be 2 bed properties only. The local housing authority (Richmondshire District Council) has confirmed that the most immediate housing need is for 2-bedroom accommodation, with 15 people in the vicinity of Reeth alone responding in the housing need survey as needing 2 bedroom accommodation, whilst out of a total need identified for 46 houses, only 6 responses were for 3-bedroom accommodation. The negotiations between the Council and the applicant/Broadacres Housing Association with regard to the provision of affordable housing on this scheme were based on the findings of this recent housing need survey and also other sources such as the current Council Housing Waiting List and the size of the couples/families in need. Whilst there may be a longer term need for 3 bedroom accommodation, the current need in this parish is for two-bedroom accommodation and the proposal in this application meets that need.

SCALE AND DESIGN

The proposed layout of the site is approximately an L-shape - one pair of semi-detached at

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the northern edge of the site (plots 7 & 8); a terrace of 3 properties (plots 4,5&6) along the western boundary with the larger 3 bedroom property (plot 3) adjoining at right angles across the southern boundary, and another pair of semi-detached properties (plots 1 & 2) also long the southern boundary of the site. In terms of design and visual appearance this is considered to make good use of the site.

The design details are generally acceptable. Stepped rooflines and setting back of individual properties along the terrace helps to reduce the overall impact of the development. A simple fenestration pattern is proposed. The use of uPVC window frames is acceptable as this site would not be prominent in public views from outside the site, other than when viewed from within the complex of the craft workshops. It is however, considered appropriate to impose a condition on any permission given, requiring a sample of the windowframe design to be submitted for prior approval.

A mixture of stonework and render is proposed and a combination of Harddraw and Spanish Blue slates for the roofs. Plots 1,2, 3, & 6 would be stone with Harddraw slates; Plots 4 & 5 would be rendered with Spanish Blue Slates; Plots 7 & 8 would have render on the rear and north facing gable elevation but stonework on the front and south facing gable. The effect of this in terms of layout is that the rendered elevations are concentrated on those facing directly onto the adjacent workshop development with stone elevations predominant in all views into the site from the rear of Silver Street, thereby more in keeping with the vernacular style of these existing residential properties. When standing within the application only Plots 4 & 5 would present a rendered front elevation. Set back within the centre of the site, with stonework on surrounding properties, this is considered to be acceptable.

In terms of roof material, the combination of Harddraw and Spanish Blue would mean that the terrace along the western boundary would have both materials. Notwithstanding that the ridge heights would be different, it is considered that this combination of materials would not be acceptable, due to the difference in colour and dimension of the two products.

Door canopies are proposed - a combination of monopitch lean-to canopies and duo pitched with a gable peak facing. It is considered that a lean-to canopy on each of the properties would be more harmonious.

Amended plans (received 22nd March 2007) show revised details of lean-to canopies and all Harddraw slates. As amended the overall scale and design of the proposed development is considered to be in sympathy with its surroundings, using materials that are appropriate to the local character of the surrounding area, in accordance with Policies B7 and GP2.

IMPACT ON CONSERVATION AREA

The site is outside the Reeth Conservation Area but close to its boundary in this part of the village. The Swaledale and Arkengarthdale Barns and Walls Conservation Area (designated in 1989 to protect the unique barns and walls landscape of this area) extends right up to the edge of the village, and on the statutory map includes the allocated employment site on which the second phase of workshops were built. The access to the proposed housing development crosses this site and therefore comes within the boundary of the Barns and Walls Conservation Area. The land on which the houses are proposed to be built is not within the Barns and Walls Conservation Area. Concern has been expressed by some objectors over the impact of the proposed development in principle on

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the edge of the Conservation Area.

Policy B8 states that development will only be permitted where there is no adverse impact on the character and appearance of the Conservation Area or on important public views from and into the Conservation Area.

The proposed development would not be prominent in public views from outside of the site. From the main frontage of Silver Street the site would be screened by the existing properties along this road. The most prominent public views of the site would be from within the site of the workshops where the proposed development would be seen in the context of the single storey workshops to the west, the two storey workshop to the north and the two storey dwellings on Place Hill further to the west, which also have a combination of stone and render and are built at a higher ground level than the application site.

There are also some limited views of the site from an elevated position above the Burgoyne Hotel and along Arkengarthdale Rd. In these views the site is seen with Reeth garage in the foreground and in the context of the surrounding development on the industrial estate and again the existing properties along Place Hill on the western edge of the village. The proposed development would not be unduly prominent in these views and it is not considered that the visual impact of the proposed development would have any significant adverse effect on the character and appearance of either the Reeth Conservation Area or the Barns and Walls Conservation Area, in accordance with Policy B8.

HIGHWAY ISSUES

Vehicular access to the site would be from the existing access road though the industrial estate, creating a new access way across land adjacent to the workshop at the northern boundary of the application site.

The Highway Authority has now confirmed that an adoptable road is not required for the development, as 4 of the houses are to be managed by Broadacres Housing Association.

Initially only 8 parking spaces were proposed to serve the 8 dwellings. The Highway Authority has recommended that in this rural location with a reliance on motor vehicles, car parking should be provided at 1.5 spaces per unit. This is consistent with the North Yorkshire County Council Parking Standards which sets a maximum of 2 spaces per dwelling in rural areas, with 1 designated visitor parking space per 5 dwellings. Amended plans have now been provided which show a total of 14 parking spaces provided. This is considered to be acceptable and in accordance with Policy TA14 which states that parking provision for development proposals must meet the parking standards required by the Authority. The Authority has adopted the North Yorkshire County Council maximum parking standards.

Concern has been expressed that access may be gained to the site from the courtyard area to the south of the site, directly onto Silver Street and that if this is made available then it could become a thoroughfare for all visitors to the workshop units, thus causing inconvenience to existing residents along Silver Street.

No vehicular access is proposed from the southern end of the site. The applicant has confirmed that whilst pedestrian access may be granted to residents of the properties directly onto Silver Street, this would remain a private right in connection with this

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development and would not become a public right of way.

IMPACT ON NEIGHBOURS

Concern has been expressed by a number of parties about the impact of the development along the southern boundary of the site on the adjacent properties along Silver Street, and also The Gallery, a single storey dwelling located immediately to the east of the site. The ground level on the site rises on this south-western corner of the plot and given the proximity of the proposed dwellings to the boundary there is potential for the development to be overbearing.

The rear garden area of nos. 11 & 12 Silver Street are particularly affected by the development, with the rear elevation of Plot 3 coming to within less than 5m from the boundary wall. The only first floor window on the south elevation is a small landing window. It is therefore not considered that this would create a significantly harmful effect in terms of overlooking.

The wall along the southern boundary of the site is approximately 2m above ground level on the application site, whilst the ground level of the gardens to Nos 11 & 12 are much lower than the ground level of the application site. The rear gardens are the only private amenity space available to these properties which currently have an open outlook across the application site.

Amended plans (received 22nd March) indicate that the ground level would be lowered by 1m on the application site. Additional information was provided in plans received 17th May illustrating the relative heights of the properties in relation to the boundary wall.

From the rear garden of Nos.11 & 12, the gable peak of Plot 3 would be visible 4.5m above the boundary wall at a distance of 4.5m, and the remainder of the rear elevation would be visible at 2.5m eaves height above the wall and 4m to the ridge, at a distance of just over 6m. The gable elevation of Plot 4 would be visible at a distance of 10.5m away. Whilst the development will have an impact on the occupiers of these properties, it is not considered that it would have such an unreasonably adverse effect on their amenity as to warrant a recommendation for refusal on these grounds.

At the Committee Site Visit Members asked whether an alternative layout could be achieved within the site that would take the houses further away from the properties along Silver Street, perhaps by creating an L-shape running along the northern boundary of the site adjacent to the industrial units. The site has only one access point which clearly influences the layout and an alternative layout may only be possible if the number of houses on the site is reduced. This would impact on the amount of affordable housing units that could be secured on this site. The applicant will provide a response to this issue in time for the meeting.

Plots 1 & 2 would be built with the rear elevation facing onto the rear of the properties Thirns Rigg and Barn End, however there is a greater degree of separation between these properties, approximately 20m between the existing and proposed buildings, and the ground level is lower on this part of the application site. It is not considered that the proposal would result in any unacceptable loss of amenity to the occupiers of these properties.

First floor windows along the rear (west) elevation of Plots 4, 5 & 6 face across land which forms the rear garden of Raikes Cottage at a distance of approximately 7m. The land

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between the proposed new dwellings and the boundary with Raikes Cottage would form rear gardens to the new dwellings. The principle of residential development on this site would mean that the garden area to Raikes Cottage would not remain entirely private. Whilst the existence of first floor windows may exacerbate the feeling of being overlooked it is not considered that use of obscure glazing on the first floor windows would be justified in this instance.

Given the more open aspect of this garden area, extending some 30m at right angles to the property, it is not considered that the proposed location of these units would have such an overbearing impact on Raikes Cottage or result in significant loss of privacy such as to warrant a recommendation for refusal. The proposed development is not considered to detract from the residential amenity of Raikes Cottage over and above a level which they can reasonably be expected to enjoy.

The impact of the proposed development on private views or the value of individual properties is not a material consideration.

Another property affected by the proposed development is The Gallery, a single storey L-shaped dwelling located immediately to the east of the site. The main outlook of this property faces across to the application site, its rear elevation abutting the garden of Overton Lea to the east, with no windows in this elevation. The larger windows on The Gallery face onto a cobbled yard and garage which they own. The west gable of The Gallery faces directly onto the application site and has one modest sized window. Originally Plots 1 & 2, a semi-detached pair, were located in a position which spanned across the gable elevation of The Gallery, across this window, at a distance of 4m. Although no windows are proposed in this elevation the proximity was considered to be overbearing. Amended plans (received 21st June) show Plot 1 moved 2.5m further north across the site and 0.5m further west into the site.

The erection of a dwelling on in this bottom corner of the site will have an impact on the amenity of The Gallery. Plot 1 has now been moved further into the site but would still be visible at a distance of just over 5m from their window. However, other larger windows on The Gallery are not directly affected by the proximity of Plot 1. Whilst the development of this part of the site will affect the currently open outlook of the property in this direction, it is not considered to have in an unacceptable loss of amenity in terms of loss of privacy or being overbearing, to the extent that refusal of the scheme as now proposed would be justified. Only pedestrian access is proposed from the application site across the cobbled yard now owned by The Gallery. No provision is made in the plans for vehicular access at this point and so the development would not result in additional vehicle movements across this land that might pose concerns over disturbance or safety. Issues regarding legal rights of access across land now owned by The Gallery remain a private matter and are not material to this planning application.

The garden to Overton Lea, a property fronting onto Silver Street and located to the east of the application site and The Gallery does not directly face onto the application site and any immediate views of the proposed development are screened by The Gallery which abuts the western boundary of their garden.

DRAINAGE

Yorkshire Water has drawn attention to the location of a water main across the site which should be kept free of obstruction. This could potentially affect the proposed layout of the site. The applicant has confirmed that the water main in question is a thin pipe that could

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easily be relocated and upgraded as part of his proposals. Conditions should be imposed on any permission granted requiring full details of the proposed separate foul and surface water drainage systems to be agreed prior to the commencement of development. Such details would be assessed against Policy U1.

ANALYSIS OF MATERIAL CONSIDERATIONS

The key considerations are i) whether the proposal delivers 50% affordable housing as required by Policy H1; ii) the scale and design of the proposal and its impact on the surrounding area, including the two Conservation Areas (Reeth, and the Barns and Walls); iii) the impact on the amenity of neighbouring properties; iv) the adequacy of access and car parking provision; v) the acceptability of the drainage proposals for foul and surface water.

As a result of ongoing negotiations since the original submission, the scheme now proposed is considered to be acceptable in all respects and it is therefore recommended that the application be approved in accordance with the relevant policies in the Authority's adopted Local Plan.

RECOMMENDATION

That the application be approved subject to the prior completion of a Section 106 Agreement, requiring 4 of the units to be managed as affordable housing and subject to a local occupancy restriction (giving first priority to the parish of Reeth, second priority to parishes in Swaledale and Arkengarthdale, then to other parishes within the National Park) and subject to conditions based on the following:

- i) standard time limit
- ii) amended plans (as per 21st June showing revised location of Plot 1, parking provision, Hardraw slates and lean-ro door canopies)
- iii) sample of uPVC windowframes to be approved
- iv) sample of stonework to be approved
- v) general prescription of design standards(window reveals, rainwater goods etc.)
- vi) removal of permitted development rights (extensions/alterations; development within curtilage)
- vii) details of proposed landscaping to be submitted for approval
- viii) no additional windows on rear elevations, any elevations on Plot 1 (in the interests of privacy)
- ix) provision of approved access and parking areas
- x) no building within 3m of the water main crossing the site
- xi) site to be developed with separate systems of drainage for foul and surface water
- xii) no development to commence until details of foul and surface water submitted and approved
- xiii) no piped discharge of surface water from the development prior to completion of approved drainage works
- xiv) no building to be occupied prior to completion of approved foul drainage works
- xv) control of external lighting

Schedule No:3

Application No:	R/56/406	
District:	Richmondshire	
Parish:	Hawes	
Applicant's Name:	Mr C Burton,	
Grid Ref:	SD87608980	
Received by YDNP:	12/07/2007	Officer: Richard Graham

PROPOSAL: full planning permission for conversion of existing 2 storey property into two self contained flats and conversion of 2 storey former coach house into a single dwelling.

LOCATION: Burnside, Burtersett Road, Hawes

CONSULTEES

Richmondshire District Council No comment.

Hawes & High Abbotside PC "After much consideration and representation from neighbours, the Council wish to object to this application on the grounds that it is an over-development of the site which would greatly infringe the neighbours' privacy. The Council also had reservations about the adequacy of car parking space and the safety issues if cars were forced to reverse out of the drive and onto the A684. The Council agreed to object to the plan as submitted and urge permission for only one self-contained flat in the Coach House; and that its upper windows should be obscured."

NYCC - Highways No objection. The A684 in front of the site is subject to waiting restrictions - two on-site parking spaces should be allocated to each dwelling.

Richmondshire District Council Building Control - no reply.

Yorkshire Water Services Ltd No comment.

Trees & Woodland Officer No comment.

PUBLIC RESPONSES

Two letters have been received from residents - from the neighbour at Burn Brae and from the occupant of Fair View (on the opposite side of Burtersett Road).

The occupant of Burn Brae objects on the grounds that the conversion of the coach house would result in overlooking of their rear garden and the rear of their house, the proposal is

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an overdevelopment of the site (four dwellings sharing a limited garden), no parking for guests or turning space and that noise generated in the house would disturb them.

The occupant of Fair View is concerned over the lack of turning area for vehicles, the width of the parking areas, there could be 5 vehicles for a development of 5 bedrooms, reversing onto the A684 and the additional demand for parking on Burtersett Road which is already difficult for householders.

RELEVANT PLANNING POLICIES

B15(06) - Conversion of Traditional Buildings

H3(06) - Conversion of Traditional Buildings to Housing within Settlements

OFFICERS' OBSERVATIONS

APPLICATION SITE

Burnside is a large Victorian house on Burtersett Road that has been split into two separate dwellings – Burn Brae and Burnside. Burnside has a large, two storey coach house adjoining it.

PROPOSAL

The proposal is to convert Burnside and the adjoining Coach House into three dwellings – a ground and first floor flat in the house and two bedroom dwelling in the Coach House. The submitted plans show parking on the drive for 4 cars, refuse and cycle storage.

The plans originally submitted were for 4 flats, with the Coach House converted to two flats. These have been superseded.

RELEVANT PLANNING HISTORY

None.

KEY ISSUES:

- planning policy
- impact on neighbours
- design issues
- parking

PLANNING POLICY

Policy H6 of the Yorkshire Dales Local Plan concerns the 'Subdivision of existing houses'. The subdivision of an existing house to form two or more dwellings will be permitted providing it does not have an adverse effect on the amenity of neighbours or the character of the area. New dwellings created by the subdivision of houses within the Key Service Centres, like Hawes, are not subject to 'local needs' occupancy restrictions.

Policy B15 concerns the 'Conversion of traditional buildings'. The policy includes a list of criteria that conversion proposals should satisfy. In essence, the building must be large enough and capable of conversion without significant alterations or extensions, or substantial rebuilding. All existing features that contribute to its character should be retained and appropriate roofing materials used. The proposal should not detract from the vernacular architecture of the building or its contribution to the character of the area and there should be no unacceptable loss of amenity for neighbours.

IMPACT ON NEIGHBOURS

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The main issues for neighbours appear to be overlooking, noise and activity.

The Coach House is situated to the rear of Burnside and existing openings in the side elevation face the rear garden and rear elevation of Burn Brae. Of particular note are the first floor openings – a window opening that is blocked up with stone work and what is assumed to be hayloft door with a solid timber door/screen. The Coach House has, in the past, been used for domestic storage purposes and could, legitimately and without the need for planning permission, be occupied as ancillary living accommodation to the main house. Planning permission is only required for its conversion as the main house is to be subdivided and therefore permitted development rights are foregone.

The proposal includes the reopening of windows facing Burn Brae. In response to concerns that the use of the building is likely to be more intensively used than it would as ancillary accommodation, and the potential for overlooking much increased, the applicants have amended the original plans. The amended plans show the hayloft door replaced with a new timber screen with a small single pane window, glazed with obscured glass, and the other window opening glazed to match the existing fenestration but with the bottom 4 panes of the window glazed with obscured glass.

Although the presence of windows in the first floor openings may give rise to a perception of being overlooked in actuality views from the first floor would be effectively restricted.

The erection of an appropriate wall or fence along the rear garden boundary with Burn Brae would screen views from ground floor windows and provide a greater level of privacy than at present.

The more intensive use of Burnside will inevitably result in more activity than would be expected from a single family home however the judgement to be made is what degree of activity would be acceptable and can it be effectively mitigated?

In response to general concerns over the noise arising from additional activity (and design issues) the applicants have amended the original proposal from the conversion of Burnside to 4 dwellings down to 3 dwellings. The layout of the first floor flat in the main house has a kitchen sharing a party wall with a bedroom in the neighbouring property. The potential for disturbance arising from noise generated in the kitchen, from kitchen appliances, activity etc, has been raised with the applicants who have looked at rearranging the accommodation so that the kitchen would be in the centre of the flat. Unfortunately the arrangement of existing load bearing walls and chimney breast does not lend itself to the creation of a bedroom in place of the kitchen. As an alternative the applicants have consulted a sound engineer and propose to fit high performing acoustic insulation inside the kitchen. This would take the form of a full height stud partition wall with high density sound proof material filling the cavity between it and the party wall. An insulated false ceiling will also be fitted and the washing machine sited on the external wall. The effect should be a reduction in noise, as experienced on the Burn Brae side, by 66dB which is better than would be required for new dwellings (45dB), and, according to the applicant, better than that required for television broadcasting studios (65dB).

It is considered that the noise and disturbance generated by traffic and activity associated with three small dwellings as opposed to one large dwelling is unlikely to be great, however it would not have such a harmful impact on neighbours that it would warrant refusal as a sole reason.

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DESIGN ISSUES

The proposals do not include any changes to the external appearance of the main house. The conversion of the Coach House entails new fenestration in existing openings – new windows in the blocked up openings and new doors and timber screens to the coach and hayloft doorways. The original plans have been amended to show doors and windows of simple, functional designs that are consistent with the character of the building.

STORAGE AND AMENITY

The original plans have been amended to include storage facilities – refuse stores to accommodate two wheelie bins per dwelling, cycle storage space for each dwellings and some internal cupboard/utility room space.

The garden area to the rear will largely be for the benefit of the Coach House although some space will be allotted for the ground floor flat in the main house. There would be no external amenity space for the first floor flat, which is regrettable but not of sufficient weight to warrant refusal.

PARKING

The Highway Authority, in commenting on the original proposal for 4 flats, would like to see two off street parking spaces per dwelling despite only four spaces in total are provided. It is noted that they do not recommend refusal and that the proposal has now been reduced to 3 dwellings.

Although the parking layout is tight it is accepted that it is workable and that 2 spaces for the two bedroom dwelling and 2 spaces for the 2 flats is consistent with Government guidance on parking standards. If the development does result in a greater demand for on street parking in the area the argument that it would result in congestion cannot be sustained due to parking restrictions along Burtsett Road designed to ensure that traffic can flow safely.

ANALYSIS AND MATERIAL CONSIDERATIONS

The concerns of the neighbours and the Parish Council over issues of overdevelopment, privacy, noise and disturbance and parking are valid, however they have, to a large extent, been addressed by the amended plans.

Overlooking from the Coach House would be largely mitigated by the redesigned windows and use of obscured glass. It is likely that the occupants of Burn Brae would still feel that their privacy is affected however this must be balanced against how the building could be altered and used if Burnside were occupied as one large dwelling. Permitted development rights would allow the use of the Coach House as additional bedrooms, guest accommodation, a playroom, studio or office and also allow the creation of new window openings as well as inserting windows into existing openings.

The proposed acoustic insulation in the first floor kitchen would provide a high degree of sound attenuation such that the use of the kitchen is unlikely to cause disturbance for occupants of the adjoining bedroom.

The noise and activity generated by three small dwellings rather than one large dwelling is unlikely to be so disturbing to neighbours to warrant refusal, particularly if any of the dwellings are occupied infrequently, as holiday homes.

The proposal provides satisfactory accommodation for refuse and other storage and the

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proposed dwellings can be accommodated within the existing buildings without significant alterations or affecting the character of the building.

It is also considered that the level of parking proposed is sufficient, given parking restrictions in the area, and that reversing onto Burtersett Road can be undertaken safely, as the occupants of other dwellings in this area demonstrate. This view is endorsed by the highway authority in their response to consultation.

On this basis it is considered that the proposal would not unduly harm the residential amenities of neighbours, the character of the area or highway safety subject to appropriate conditions (listed below).

RECOMMENDATION

It is recommended that permission is granted subject to the following conditions:

1. Standard Time Limit
2. Restricting Permitted Rights (extension/alteration of dwelling)
3. Restricting Permitted Development Rights (in curtilage of dwelling)
4. Highways (retention of parking, allocated to each dwelling)
5. Prior to the first occupation of the Coach House the first floor windows facing Burn Brae shall be glazed in obscured glass in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority and shall be so retained thereafter.
6. All new doors, external joinery and fenestration shall be made from timber and shall be painted or stained colour that shall have first been agreed in writing by the Local Planning Authority and shall be so maintained thereafter..
7. Prior to the first occupation of the house or Coach House details of the boundary treatment to the rear garden area shall be submitted to and approved in writing by the Local Planning Authority and erected in accordance with the approved details.
8. Materials (rainwater goods) black
9. Prior to the first occupation of the first floor flat within the main house details of a scheme for the acoustic insulation of the party wall within the kitchen of the flat shall be submitted to and approved in writing by the Local Planning Authority. The approved insulation shall be installed before the kitchen is fitted out and first used, and shall be retained thereafter.
10. The development hereby permitted shall be carried out in accordance with the details of the application as amended and augmented in respect of proposed description by drawings NBD/CB/BH/02 rev.B, 04 rev.A and 06 rev.A and the Design Statement received on 24.8.07, except as may be varied by written agreement with the Local Planning Authority.
11. Restricting permitted development rights (new window openings)