Yorkshire Dales National Park Authority

Application Code: C/26/86F
Committee Date: 12/03/2019
Location: 18 Millholme Rise, Embsay

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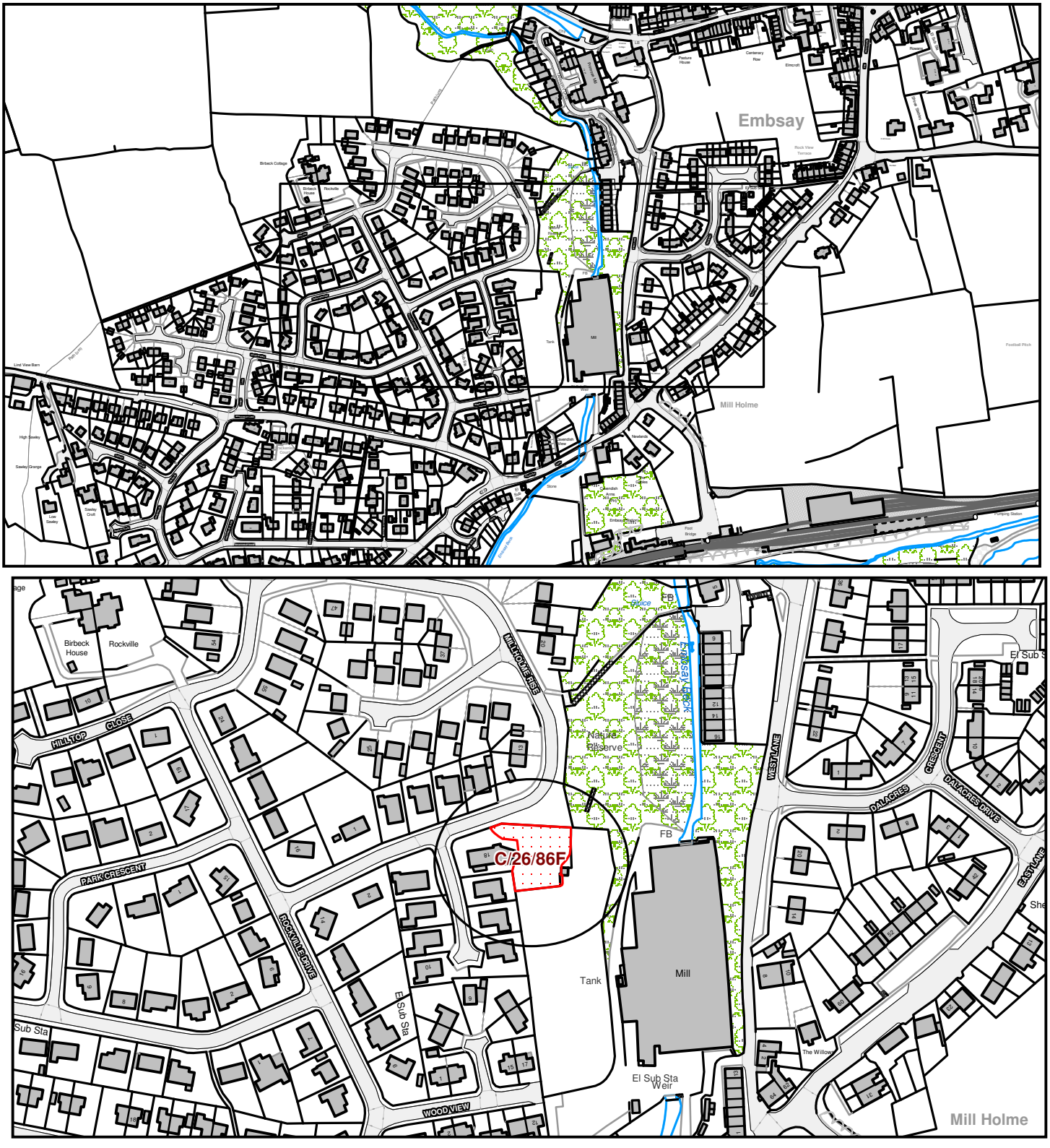

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Schedule No:9

Application No:	C/26/86F		
District:	Craven		
Parish:	Embsay with Eastby		
Applicant's Name:	Mr M Dawson,		
Grid Ref:	SE00545352		
Received by YDNP:	04/01/2019	**Officer:**	Wendy Thompson (S)

PROPOSAL: **full planning permission for erection of 4 bedroom dormer bungalow for local occupancy and detached single garage**

LOCATION: **18 Millholme Rise, Embsay**

CONSULTEES

Embsay-with-Eastby PC

The Parish Council is concerned that the height of this bungalow will be above the height of all the bungalows on the top side of Millholme Rise and it may set a precedent for ridge heights to be lifted elsewhere.

If permission is granted, the new property must be at the lower level indicated on the plans provided.

There have been issues in the past with off-road parking not being completed or enforced, this has created on-going issues of risk of accidents because of on road and on pavement parking and created bottlenecks during construction through the number of sub contractor vans parked outside of the property during construction.

With the recognition by the applicant that it is likely that up to six vehicles will need to be parked off road - to avoid street parking on a two lane road at the start of a bend - the Parish Council requires that a condition be incorporated into any permission granted requiring that hard- standing for the four proposed spaces on plan be put in place BEFORE construction commences, to be 'finished-off' post construction. This will avoid some of the inevitable 'chaos' during construction and ensure they are 'available' post construction.

If this Condition cannot be incorporated then the Parish Council objects to the proposal on the grounds that there is no evidence that YDNPA can, or will, enforce off road parking as per Plans provided.

Highways North

Recommends conditions in relation to private access

Yorkshire	and verge crossings, provision of parking spaces and restriction of garage becoming a habitable room.
Chief Technical Officer	There are no known contaminated land implications regarding the proposed development.
CEHO Craven	During construction there is a potential for noise nuisance to nearby residential properties and so a condition in relation to hours of operation is suggested, as is a condtion in relation to dust generation.
United Utilities Water Ltd	Not received.
Fire & Rescue Service	Have no objection/observation to the proposed development.
Trees & Woodlands	The amended plans are acceptable.

PUBLIC RESPONSES

Not received.

RELEVANT PLANNING POLICIES

C1(15) - Land for new build housing

W3(15) - Protecting trees, hedgerows and walls

SP4(15) - Development Quality

OFFICER OBSERVATIONS

REASON FOR COMMITTEE CONSIDERATION:
This application is reported to Committee for the following reason: The Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

APPLICATION SITE
The application site is a large plot of garden land to the east of 18, Millholme Rise, Embsay. It lies on the eastern side of the Millholme Rise estate, an area of modern detached and semi detached houses and bungalows. No 18 is a detached bungalow, fronted with dressed stone with rendered sides and rear, with a tiled roof and white upvc windows. There is an attached garage on the side of the property. The site is relatively level and enclosed with shrubs and small trees typical of a domestic garden and bounded on three sides by a dry stone wall.

The site lies on a bend in the road and there are no properties directly behind or in front of it. The adjoining land to the north, east and south is designated as Important Open Space which includes the Embsay Local Nature reserve and an area of open amenity space. To the rear of the site, the land drops down towards Embsay Mill and there is a steep, open field between the two.

PROPOSAL
The application is for full planning permission for a four- bedroomed dormer bungalow with a detached garage. This is a fresh proposal and not a reserved matters application for the outline application approved in 2017. The bungalow would be fronted with dressed stone and would be rendered a buff colour on the sides and rear. It would have concrete tiles and white upvc windows which would match those on the surrounding properties. It would be a

dormer style bungalow with two bedrooms in the roof space facing the south, across the garden of the site and the field to the rear. It is positioned on an east-west orientation that follows the building form of the dwellings on the south side of Millholme Rise.

The proposed bungalow would be 3.2m to the eaves and 5.8m to the ridge; it would have a rectangular footprint and the building would be 13.6m x 7.7m and would have a small projecting porch to the front.

The scheme also includes a single, detached garage which would be built of matching materials and would measure 3.8m x 6.4m x 4.1m to the ridge. Two additional parking spaces are also shown. Access to the site will be shared with No 18 and a block paving drive is shown as being created between the front wall and the bungalow. The existing stone wall will be retained around the site as will the existing trees along the northern boundary.

RELEVANT PLANNING HISTORY
Outline planning permission (C/26/86E) was granted on the 3rd February 2017 for the erection of a three bedroomed dwelling. In this application, a condition was applied and confirming the height of the building to be 2.62m to the eaves and 5.79m to the ridge. As this was an outline permission, no drawings of the elevations were provided; the details were confirmed in writing. This permission was also subject to a Section 106 agreement to ensure that the property would be a local occupancy dwelling.

KEY ISSUES:
- Principle of development
- Impact on character and appearance of area
- Impact on neighbours
- Trees
- Parish council comments

PRINCIPLE
The National Planning Policy Framework (NPPF 2019) sets out the purpose of the planning system: to contribute to the achievement of sustainable development. Great weight is given to the benefits of using suitable sites within existing settlements for homes, and in particular in those settlements that are well served by services. The use of previously developed land is supported and sites the development of land that is physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Policy C1 of the Yorkshire Dales Local Plan (2015-2030) relates to Housing in Settlements. It allows for new housing development in local service centres and service villages providing that the new housing would be restricted to local occupancy. Embsay is one of these villages and the application site lies within the development boundary. To accord fully with the Local Plan policy, a section 106 agreement will be required to ensure that the dwelling is only occupied buy someone who complies with the criteria of Policy C1.

Policy SP4 refers to Development Quality and provides a list of criteria against which all new development should be assessed. In relation to design, SP4 (a) requires new development to be informed by and respond positively to the site, its surrounding context and landscape setting, so that the scale, height, proportions, massing, form, materials and appearance of buildings are sympathetic and complementary. SP4 part (c) requires new development to be of high quality design and has visual interest and reinforces local distinctiveness. Part (n) of this policy refers to neighbour amenity and requires

development to respect the amenity of neighbours.

IMPACT ON CHARACTER AND APPEARANCE OF AREA
The site is located on the edge of the housing estate close to the Nature Reserve and amenity space, but the site strongly relates to the modern housing estate. The trees and shrubs on the site and on the amenity land to the front assist in softening the transition between the estate and the adjacent green spaces. The new dwelling, behind the wall, trees and shrubs would not detract from this. It is considered that a dormer bungalow on this site would relate well to the existing pattern of development on Millholme Rise, running in an east-west orientation in line with the properties on the south of Millhome Rise. The proposed bungalow has been carefully designed to take into account the concerns over height raised in the process of the previous application, and through the use of dormers on the rear elevation, have managed to achieve a four bed dwelling in a small site. It is considered that the dwelling would not have a harmful impact on the character and appearance of the area and would accord with Policy SP4 (a) and (c) of the Local Plan

IMPACT ON NEIGHBOURS
The dwelling will be positioned to the side of the applicant's property. The two properties would be separated by the existing garage for No 18 and the proposed new garage and a new 1.8m close boarded fence. The existing house does not have significant outlook in this direction as its principle windows are to the front and back of the house. As such, the proposed dwelling should not affect the amenity of this property. The nearest properties, 9 and 11 Millholme Rise are separated from the site by the road and do not face directly onto the site. Therefore, the proposed development would not result in an adverse impact on residential amenity given the distance and position of the site in relation to surrounding properties and the scheme would comply with Policy SP4 (n) of the Local Plan.

IMPACT ON TREES
There are some mature shrubs and trees along the northern boundary of the site, and the applicant has indicated that these will remain. They are not worthy of a Tree Preservation Order, but they do offer some screening and softening of the development from Millholme Rise, as they are seen in conjunction with the trees on the amenity land directly to the front of the site. The applicant has provided a Tree Care Plan which includes details of how the trees and shrubs will be protected; it is considered that this is acceptable and a condition has been suggested to protect them. This is in line with the requirements of Policy W3 of the Local Plan.

PARISH COUNCIL COMMENTS;
The Parish Council have raised concerns over the height of the new building and have issues with parking as noted above.

The previously approved scheme addressed the issue of height, and a condition referred to the height of the bungalow being 2.62m (8'6") to the eaves and 5.8m (19'0) to the ridge. The proposed plans show the eaves height as being 3.2m and 5.8m to the ridge.

The Parish Council would prefer the eaves height to be lower, at 2.62m, but this would mean that the roof pitch would be lower and the additional rooms could not be created in the roof space. The overall ridge height is the same as has been approved and the slight difference in the eaves height would be negligible.

The Parish Council also wish to see the creation of the four car parking spaces before the building work commences and then finished off after the building work. This is owing to

difficulties that have been faced in the area before with other building contractors. If this condition cannot be applied then the Parish Council object to the scheme.

The National Planning Policy Framework 2018 (para 55) provides guidance on the use of planning conditions and requires all conditions to conform to six tests. These are that the conditions are 'necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' Whilst the rationale behind the Parish Council's comments is understood, it is considered that the imposition of a condition of this nature would not be reasonable in planning terms. The construction of the car parking spaces for both dwellings prior to the new bungalow being built would hamper the developer's ability to construct the building. New development inevitably results in some disruption and inconvenience and the planning system has to allow for such effects which in most cases, including this one, should be of short duration. It is unlikely that the construction of this single dwelling would result in the complete obstruction of the highway which would be a matter for the Police to resolve.

ANALYSIS OF MATERIAL PLANNING CONSIDERATIONS
The proposed development would see the erection of a new build dwelling that would provide a four bedroomed dwelling, suitable for families within the development boundary of Embsay. The proposed scheme has been designed to take into account the style and height of surrounding buildings, and is built of materials to match; it would have a negligible impact on the residential amenity of neighbours and would not detract from the character and amenity of the area. The proposed scheme would comply with policies C1, SP4 and W3 of the Yorkshire Dales Local Plan (2015-2030) and guidance contained within the NPPF.

RECOMMENDATION

That planning permission be granted subject to the completion of a Section 106 Agreement restricting occupancy to local ocupancy and conditions to include the following:

1) Standard Time Limit
2) Accordance with approved plans
3) Materials
4)Highway conditions
5)Parking provision
6) Retention of garage
7) Removal of permitted development rights