

Parish: Tollerton
Ward: Easingwold
19

Committee Date: 28 June 2018
Officer dealing: Mr T J Wood
Date of extension of time (if agreed):

16/00755/OUT

**Outline planning application for the construction of a detached dwelling with garage and access drive.
at The Laurels Main Street Tollerton North Yorkshire
for: Miss Lynne Dawson**

This application is referred to Planning Committee for reconsideration of its previous resolution, made September 2016, that required the owner and a neighbour to enter into a planning obligation relating to a visibility splay

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies to the rear of The Laurels and Laurels Cottage, Main Street, Tollerton and fronts South Back Lane whose boundary is formed of a mature hedge and field gate. To the north-east is RMJ Property Services which relates to a barn conversion whose boundaries of the site are delineated by a 2m high close boarded timber fence.
- 1.2 The application is in outline with all matters being reserved. Access would be via South Back Lane via the existing gate. A new access is proposed to be formed to The Laurels. The application is supported by an indicative layout plan showing a detached dwelling in the centre of the plot with a garage on the southwestern boundary, a subsequent plan showing alternative siting of a dwelling more closely related to South Back Lane was supplied.
- 1.3 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The development boundary runs along to the rear of the dwellings incorporating some of the rear gardens of the Main Street properties. The application site is outside the Development Limits.
- 1.4 The site is within the Tollerton Conservation Area with the boundary running along South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 79/0062/OUT - Outline application for the construction of a dwellinghouse; Refused 31 May 1979.
- 2.2 86/0018/OUT - Outline application for the construction of a bungalow; Refused 27 June 1986.
- 2.3 Both the above applications were refused for highway reasons. It is noted that since this time the Ings View residential estate development has been completed.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP43 - Flooding and floodplains
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Wishes to see this application refused. No reasons were given.
- 4.2 Highway Authority – Initially recommended refusal as the required visibility of 2 metres x 25 metres could not be achieved at the site access on to South Back Lane in a south westerly direction. South Back Lane was also found to be substandard in terms of its width and alignment and therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal.

Following works undertaken on site to improve visibility and noting the previous resolution of the Planning Committee a revised recommendation is made to apply conditions to any permission granted to require the achievement of visibility splays.

- 4.3 Environmental Health Officer - No objection.
- 4.4 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development (ii) the likely impact of the proposal on the character of the Conservation Area; (iii) residential amenity; (iv) the likely highway impact; (v) ecology and wildlife; and (vi) flooding and drainage.

Principle

- 5.2 LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 Tollerton is a Secondary Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site.

The character and appearance of the Conservation Area

- 5.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.6 The site is situated within the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration. The pattern of development to Main Street and to a lesser degree the formal private gardens to respective sites contribute to the significance of the Conservation Area. That said, much of South Back Lane and the rear gardens which align it are largely screened from the public domain by the landscape features.
- 5.7 The position and relationship of the neighbouring barn and other buildings along South Back Lane are noted. The indicative plans, as stated above, show a dwelling at the centre of the site which could be considered to be out of keeping with the character of the Conservation Area. A further plan shows a more sensitive siting, however it is noted that the layout, scale, and external appearance are reserved matters and therefore would be the subject of a future submission. The layout drawings provided demonstrate that the site is large enough to accommodate a dwelling with access and parking. Should outline planning permission be secured, the Reserved Matters scheme should bring forward details that achieve a high quality of design and which enhance or preserve the character and appearance of South Back Lane as required by the Development Plan policies. There is no objection to this application on heritage grounds.

Residential amenity

- 5.8 Having regard to the length of the existing garden and the plot depth, the introduction of a new dwelling could be achieved without causing significant harm to the amenities of existing and proposed properties. Nevertheless the positioning of the proposed dwelling, the bulk and massing of the development and arrangement of openings would need to be designed to ensure any loss of amenity is not caused by the proposed dwelling.

Highway issues

- 5.9 The initial comments of the Highway Authority and the previous refusals on the site were carefully considered at the time of the previous consideration of this application in September 2016. It was noted then that since the two previous refusals of planning permission for residential development of the site the Ings View development had been completed.
- 5.10 The proposal for a new access to the dwelling is approximately 25m from the Ings View development. The short distance to an adopted highway differentiates this site from other plots on South Back Lane. In this instance the distance to be travelled by motorists before reaching the wider section of South Back Lane is short and vehicles on the narrow section are likely to be moving slowly in this location. It was therefore considered that having regard to the location of the development close to the Ings View development and with appropriate turning and manoeuvring areas within the site to allow vehicles to leave in a forward gear, the impact on highway safety would not be severe and would be limited to a short stretch of South Back Lane.
- 5.11 At the time of the resolution of the Committee to grant planning permission on 15 September 2016 it was found that the foliage abutting South Back Lane obstructed visibility splays. The land to the south west was not in the control of the applicants. The owners of the adjoining land had not opposed the development of the application site. A requirement to complete a planning obligation, by means of a section 106 agreement, was to be entered in to by the neighbouring landowner to secure the visibility splay.
- 5.12 Subsequently works were undertaken to the land to the south west of the application site to cut back the boundary hedge and install a boundary fence. The Highway Authority's engineer has inspected the land and concluded that the required visibility splay for highway users can be achieved to the south west over land in the control of the Highway Authority, such that any obstruction to visibility can be controlled by the Highway Authority. The visibility splay required to the north east can be achieved over land in the control of the applicant. Accordingly conditions can be used to secure the required visibility splays, a planning obligation is not required.

Ecology and wildlife

- 5.13 The site includes a hedgerow to the front of the site which should be maintained as much as possible, but much may need to be removed to provide a visibility splay in a north easterly direction. Otherwise the site itself is a typical residential garden. There are no significant concerns relating to wildlife that would prevent planning permission being granted.

Flooding

- 5.14 The site is not located within a designated flood zone, as defined by the Environment Agency Flood Map, and is therefore at the lowest risk of flooding. Similarly, no local drainage issues are known.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
3. The submitted indicative layout plan is not considered to be an appropriate development and should not be brought forward as part of the Reserved Matters submission.
4. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
5. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
6. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
7. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular, cycle, and pedestrian accesses; (b) vehicular and cycle parking; and (c) vehicular turning and manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. Visibility splay condition – details to be specified by the LHA.

The reasons are:
 1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the development preserves and enhances the character of the Conservation Area.
4. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
6. To ensure that the development is in keeping with the character of the Conservation Area, in accordance with Policies DP28 and DP32
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general functioning of the development
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general functioning of the development
9. To provide inter-visibility commensurate with the highway conditions and in accordance with LDF Policies CP1 and DP4.

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.