

Parish: Tollerton
Ward: Easingwold
14

Committee Date : 30 May 2019
Officer dealing : Mr T Wood
Target Date: 2 May 2019
Date of extension of time (if agreed): 4 June 2019

19/00229/REM

**Application for the approval of reserved matters for access, appearance, materials, scale, landscaping and layout following outline approval of a doctors surgery and residential development (20 units) with associated infrastructure and landscaping as amended by details received on 21st March, and 4th, 5th and 12th April 2019.
at Land Off Forge Lane Tollerton North Yorkshire
for Mr D Gath.**

1.0 SITE, CONTEXT AND PROPOSAL:

- 1.1 This site is located to the west of Tollerton village, outside Development Limits, with the rear of the houses on Forge Lane and Alne Road to its north and north eastern boundary, Tennis Court Lane to the south eastern boundary and open countryside to the west.
- 1.2 The site is a 1.27 hectare, flat undeveloped piece of agricultural land with a pond in the middle. It is well screened with trees and hedge on the boundaries which run from Alne Road to Tennis Court Lane. The boundary of the Tollerton Conservation Area is on the south eastern side of Tennis Court Lane, with the boundary opposite, outside the Conservation Area. There are no listed buildings nearby.
- 1.3 This application follows an approval of an outline planning application when all matters were reserved for later approval. The application included an indicative plan for 20 dwellings, a doctor's surgery with 23 parking spaces for the surgery. The surgery would replace the current one in Tollerton at 5-7 Hambleton View and would provide 450 square metres of accommodation, with provision made for future expansion and would provide access to many areas of service not currently available within the village. This includes an optician, a dentist and a midwife. The surgery and associated parking would occupy 0.17 hectares of the land, and the remaining 1.1 hectare would accommodate the proposed 20 dwellings.
- 1.4 The submitted site layout provides details that closely follow the indicative layout plan provided at the outline stage and includes a mix of two, three, and four bedroom homes.

The mix is:

2 bed bungalows 4 units
2 bed, two storey dwellings 6 units
3 bed, two storey dwellings 3 units
4 bed, two storey dwellings 7 units

Six of the dwellings are proposed to be affordable housing units to meet the requirements of the planning obligation.

- 1.5 The scheme provides a single storey doctors' surgery 28m x 12m (336 square metres) at the south east corner of the site. Five consulting rooms, dispensary and ancillary rooms are provided with parking space for 22 vehicles are shown. Space to accommodate a 150 square metre extension is shown to the north of the surgery.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 16/02013/OUT - Outline planning application with all matters reserved for a doctors' surgery and residential development (20 units) with associated infrastructure and landscaping.

The application was granted subject to conditions and an planning obligation to require the provision of not less than six units of affordable housing without further viability review, provision of land for the doctors' surgery, phasing of development, and provision and subsequent maintenance of public open space.

- 2.2 16/02054/FUL - Approval for the change of use of the doctor's surgery at Hambleton View into a pair of semi-detached bungalows. Granted 8th October 2018.

A condition of the approval is that "The doctors' surgery shall remain available for use until a suitable replacement doctors' surgery is provided to supersede the facilities at 5-7 Hambleton View, Tollerton.

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
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 DP5 - Community facilities
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
Affordable Housing - Supplementary Planning Guidance - June 2008
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework

4.0 CONSULTATIONS:

- 4.1 Tollerton Parish Council – Initial response advised no objections. Subsequently advise that:
“Due to strong opposition received from residents, we object to the positioning of 2 storey houses directly behind existing properties on Forge Lane when there is the option of siting bungalows there.”
- 4.2 NYCC Highways – conditions recommended including matters of construction management.
- 4.3 Ministry of Defence - Safeguarding - no safeguarding objections
- 4.4 Yorkshire Water - no objection

- 4.5 Environmental Health - Scientific officer - recommends conditions to address any land contamination
- 4.6 Site notice and neighbour comments
Neighbour observations have been received from 23 neighbours with a mix of support and objection.
- 1) Increased traffic flow - patients impact on users of Alne Road, Chapel Lane and Tennis Court Lane
 - 2) Traffic will pass all new housing and the surgery should be moved to a point close to the site entrance
 - 3) Traffic management during construction is important to avoid obstruction
 - 4) Visibility splays - Alne Road on street parking making access also more difficult from Moorlands Lane opposite the site access.
 - 5) Lack of footway connection to the north side of Alne Road, a footway connection should be provided to Tennis Court Lane.
 - 6) Lack of parking for new houses and the doctors' surgery and lack of visitor parking
 - 7) Loss of sunlight and open aspect - due to block of 3 two storey new houses to the rear of 3 and 4 Forge Lane
 - 8) Too much development is concentrated in the eastern part of the site, a greater amount should be shown on the western part too.
 - 9) Loss of privacy to dwellings on Forge Lane from the siting of new dwelling and loss of privacy to dwellings on Alne road through the creation of a new access to the fields to the west
 - 10) Destruction of wildlife habitat by the formation of an access in the north west corner of the site, an access for which there is no need. Concern that the access would create a route for further development.
 - 11) Appropriate boundary fences and walls are required to neighbouring dwellings

Supporters note:

- 1) Support a new doctors' surgery (repeated by many)
- 2) Support new affordable housing
- 3) The new GP surgery will have enhanced parking, including parking for disabled, and reduce congestion on Hambleton View at the existing surgery.

5.0 ANALYSIS:

5.1 The main issues to be considered in this reserved matters application are:

1. Compliance with the details of the outline application including the provision of
2. Affordable housing
3. Access and layout – pedestrian access, traffic and visibility on Alne Road
4. Footway connections and improvements.
5. Layout overbearing, loss of aspect and loss of privacy

5.2 The matters of principle of residential development and health care development were considered at the outline planning application stage; the approval of the outline planning application subject to conditions has led to the submission of the reserved matters. The issues to be tested in this planning application are whether the details proposed in this reserved matters application meet the requirements of the Development Plan policies and whether the requirements of conditions are met.

5.3 Statute requires that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The policy of the Local Development Framework is the Development Plan for Hambleton District.

- 5.4 The development proposals show the amount of housing (not exceeding 20 units) and health care land that was stated in the outline approval in a form that follows the 'indicative site layout plan' as required by condition 4 of the outline approval. The scheme provides 1,600 square metres of land for the GP surgery as required by condition 21 of the outline planning approval sufficient for a 300sqm surgery with scope for 150 square metres of expansion.

Affordable housing

- 5.5 The mix of dwellings meets the requirements of the Local Development Framework policies and those set out in the Supplementary Planning Documents, Affordable Housing and also Size, Type and Tenure. There are no objections to the proposed arrangements of the affordable housing.

Access and site layout

- 5.6 The outline application showed the access to the site to be taken from the north via Alne Road and Forge Lane. A requirement for a pedestrian link from the footway on Alne Road to the application has been addressed as required by condition 16 of the outline planning approval. The proposal meets the requirements of the Local Development Framework (LDF) policies CP1, CP2, DP3 and DP4 to provide a suitable safe access to the site for all users.

- 5.7 Concerns have been raised by neighbours regarding the layout of the site concern that the location of the GP surgery positioned at the south east corner of the site such that to gain access staff and visitors will pass the new homes within the site. The layout follows the requirements of condition 4 to be in accordance with the indicative plan.

- 5.8 The applicant has provided detail to explain that the rationale for the location of the GP surgery

"The surgery was positioned in the location shown to be as far away from the existing properties as possible. As with any commercial premises there will be a minor light/noise pollution but this is mitigated by the proposed positioning. It was also agreed that any amenity land associated with residential properties positioned adjacent the farmyard would be affected."

- 5.9 The GP surgery is considered to be less sensitive to the activities, noise, odour of the farmyard and was appropriate to be located adjacent to the farm buildings.

- 5.10 Pedestrian access through the hedge to Tennis Court Lane, (to the east of the site) has been raised by many correspondents, to seek a development that promotes walking as a means of access. The potential for parking and congestion to occur on Tennis Court Lane if a pedestrian access was created has led to a design that does not include a pedestrian access to Tennis Court Lane. The distance to the GP surgery from the Forge Lane – Tennis Court Lane junction could be about 90 metres shorter if a break in the Tennis Court Lane hedge was included in the layout. The layout could be amended however the matter is a balance between the potential for obstruction on Tennis Court Lane and the greater travel distance for some and whether the increased distance would lead to a decision to drive to the GP surgery rather than walk.

- 5.11 A field access is shown on the proposed layout between the western edge of the site and the agricultural land. The applicant has detailed that they are contractually obliged to create the access and that it is to be used only for agricultural purposes. Neighbours are concerned that the access will reduce the tranquillity of their homes and be destructive of wildlife through the loss of hedgerow and trees that have grown out of the hedge. A gate opening on the western boundary is noted to have been grown over by briars and scrub, suggesting that there has not been connection between the two fields in recent years. There is no evidence that the access if created would result in a significant loss of amenity to neighbours but would require some reduction in the hedgerows and trees, with some impact upon the wildlife habitat but that the impact would affect protected species and would not be significant in the terms of LDF Policy CP16 and DP31.

Amenity of neighbours

- 5.12 The Local Development Framework (LDF) policies require the design of new development to be of high quality (CP17). Concern has been expressed about the extent of change that will be caused by the development that creates a row of dwellings behind the Forge Lane dwellings. There will be a change in the outlook for the Forge Lane dormer bungalows, with the loss of views over the open field to the south, this change was evident at the outline stage and loss of view is in any case not a planning matter. The layout of the proposed housing shows separation distances to the existing dwellings that are relatively generous and will, due to two factors, the reduced finished floor and overall height of the dwellings and the use of obscured glazing to the first floor windows, avoid an overbearing impact or loss of privacy by overlooking. The scheme achieves compliance with the requirements of CP1 and DP1 of the LDF.
- 5.13 The entrance to the site passes between two residential properties, 1 Forge Lane and 12 Pinfold Terrace on Alne Road. The protection of the amenity of the residents of those two dwellings is heavily dependent upon the provision of appropriate boundary treatments. The application has been amended to show the provision of brick walls increasing in height from 1.2 metres at Forge Lane – Pinfold Terrace frontage to 1.8 brick wall alongside the dwellings to 1.8 metres high wall formed by wall and fence with full height brick pillars at the rear of the properties. It is considered that the detailing provides an appropriate balance between the protection of the privacy and noise attenuation to the immediate neighbours and the aesthetics of the entrance to the new housing and GP surgery. The aesthetics are further assisted by the landscaping proposals that show planting between the walls and the road and pathway.

Building design

- 5.14 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.15 In terms of design, Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space
- 5.16 The designs of the buildings have been adjusted to take in to account local context and detailing, particularly changing door surrounds and window detailing and adjustment to building heights. A traditional approach to the design and the use of

brick with slate pantile roofs are proposed. The buildings are considered to be a good standard of design in accordance with the LDF Policies CP17 and DP32.

Landscape and visual impact

- 5.17 The site adjoins open countryside. The impact upon the character of the countryside is moderated by the retention of the boundary hedges, albeit with some pruning, and the extent of the site which lies to the rear of the Pinfold Terrace and Alne Road properties. The proposal accords with the provisions of the Local Development Framework policies CP16 and DP30.

Heritage assets

- 5.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.19 The site lies outside and north west of the Tollerton Conservation Area, the boundary is on the south east side of Tennis Court Lane. There are no Listed Buildings in close proximity or with inter-visibility from the site. The Tollerton Conservation Area is a designated heritage asset. The Conservation Area is characterised by the dwellings with rear gardens extending to the rear lanes to the north and south of Main Street and to the east of Alne Road. On assessment of the application it is considered that the proposal which shows a layout of single storey buildings on the south east side of the site and retention of the boundary hedge to Tennis Court Lane the development will not result in a significant visual or physical impact upon the character and appearance of the Conservation Area or upon the setting of the Listed Buildings on Alne Road and the Main Street. It is found that no harm is caused to any heritage asset and that the proposal complies with the policies of the NPPF and LDF (Policy CP16 and DP28) in this respect.

Open space

- 5.20 The indicative plan and conditions of the outline planning permission required the pond to be retained and land around it provided as public open space. The details show how space at the entry to the site is to be laid out and bounded by fence and hedge to separate the space from the access road. The layout is considered to result in a design that is appropriate to the locality where hedgerows are a common boundary treatment and will with the use of fencing safeguard users of the open space whilst allowing passive surveillance of the land in the interests of security.

Drainage and flood risk

- 5.21 Drainage is designed to operate under gravity. No pumping station is proposed. The surface water is to be attenuated and discharge to the public sewer from the west side of the site, the foul sewage is to be proposed to discharge to the public sewer in Alne Road. The most significant change in levels is for the dwelling at the south west corner of the site that is shown to have a finished floor level about 600mm above the existing field level. The remaining units are at most 400mm above the existing localised ground levels. The finished floor levels can be conditioned to ensure that the resulting development is as shown and does not result in dwellings set higher than proposed and avoids the need for a pumping station or a risk of surface water flooding to the new or increased risk to the existing dwellings.

Planning balance

- 5.22 The proposed development brings forward the provision of the GP surgery with the substantial public benefit of the improved health care provision in the village. The creation of an enlarged GP surgery will create new job opportunities that together with the new building work will generate economic gains. The development retains the pond area within a green space and secures the retention of the wildlife habitat on site. The proposal achieves gains in all three aspects of sustainable development. The proposal meets the objectives of the NPPF and meets the policy tests of the Local Development Framework.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED**

1. The development hereby permitted shall be begun either before 8th October 2021.
2. The approved drawings are:

Layout details

GP Surgery details

House type details

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1,DP1, CP16, DP28, CP17 and DP32.