

Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
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Committee Date : 22 August 2019
Officer dealing : Ms Aisling O'Driscoll
Target Date: 12 August 2019
Date of extension of time (if agreed):

19/01324/OUT

Application for outline planning permission with access to be considered (all other matters reserved) for the creation of a detached dwelling.

At: Orchard House Stobarts Lane, Low Worsall North Yorkshire

For: Mr R Booth.

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The application site is located in the settlement of Low Worsall, which is at the northern edge of the District, close to the boundary of Stockton-on-Tees. The village is defined as an Other Settlement in the Council's Settlement Hierarchy. The historic market town of Yarm is approximately 4.5 km away and can be accessed via a roadside (B1264) footway, which also links to a cluster of services and facilities located approximately 3 km away.
- 1.2 The site is located to the west of Orchard House and behind a road fronting dwellings on an un-adopted bridleway known as Stobarts lane. The site currently forms part of the private garden of Orchard House. The site is bounded by mature planting to the north east and south.
- 1.3 This application is for outline consent for the construction of a detached dwelling with access considered. Orchard House has two access points from Stobarts Lane. It is proposed that the new dwelling would be served by the western access leaving Orchard House to be served by the eastern access. The proposal includes the demolition of an existing garage block associated with Orchard House.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00556/FUL - Extensions and alterations to garage buildings to form a dwelling - at Ship Service Station - Allowed at appeal and establishing that Low Worsall is a sustainable settlement.
- 2.2 16/02674/FUL - Five detached dwellings with garages, associated works and provision of public open space - Land South Of Manor Close – Granted
- 2.3 17/01514/OUT - Outline application (all matters reserved) for the demolition of dwelling and construction of three detached dwellings - at Nearby site Chilton House – Granted
- 2.4 18/02278/FUL - Part demolition of existing workshop buildings, conversion of workshop building and construction of two buildings to create six dwellings - Granted

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 CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 High and Low Worsall Parish Council - The Parish Council would like to draw attention to the application on the nearby site for dwellings which was refused on highways safety grounds and dismissed at appeal.
- 4.2 NYCC Highways - No objection subject to conditions relating to submission of details and provision of access turning and parking.
- 4.3 Environmental Health Officer - Recommend a condition restricting working hours for construction during development.
- 4.4 Northumbrian Water - No objection, recommends that the applicant develop their surface water drainage strategy using the hierarchy of preference guidance they provided.
- 4.5 Public Comments - Seven letters of representation were received six of which were in objection to the proposal on the following grounds:
- Stobarts Lane is an unadopted bridleway and does not provide safe access to the site.
 - Damage or removal of trees
 - Lack of local school

One neutral response indicated reservations relating to the size of the proposed dwelling and potential noise and dust during construction.

5.0 ANALYSIS

- 5.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are:

i) the principle of residential development in this location; ii) the impact of the development on the character and appearance of the surrounding area; iii) the impact on amenity and; vi) highway safety

Principle

- 5.2 Low Worsall does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances 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). Paragraph 78 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".

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, 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 relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Low Worsall is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.
- 5.6 The nearest settlement is that of Yarm, which is located within Stockton Borough. This would be the equivalent of a Service Centre. Yarm's main centre is located over 4km away from the application site. However, there is a local shopping centre at the northern edge of Yarm, which is located just over 3km away. There are also other services and facilities including a railway station and school, located a similar distance away. These are all accessible by a surfaced footway adjacent to the main road between Low Worsall and Yarm.
- 5.7 The IPG notes that in order to form a sustainable community, a village must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Yarm is not a Service Village or Secondary Village, its (equivalent) status as a Service Centre indicates that it is able to provide amenities to Low Worsall. The distance between Low Worsall and Yarm exceed the guidance in the IPG.
- 5.8 Whilst the guideline distance is not met, the appeal decision relating to the Ship Service Station is an important material consideration. The Planning Inspector recognised that the distances set out in the IPG were exceeded. However, they were still content that the appeal site (which is located a short distance to the south east of the application site) has sufficient convenient access to the services and facilities in

Yarm for it to be considered a sustainable location in the terms of the National Planning Policy Framework.

- 5.9 Considering that the appeal decision was recently made (2016), the Council would struggle to arrive at a different conclusion to that of the Planning Inspector. Therefore it is concluded that Low Worsall can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.
- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings. Consideration also needs to be given to recent Planning approvals in Low Worsall (see Planning history). Therefore the cumulative impact of consented developments needs to be assessed. Six dwellings are now approved at the former garage site to the east of the Ship Inn. However, this should be viewed as a net gain of five (1 original dwelling tied to the garage, 1 additional dwelling allowed at appeal resulting in 2 total, 4 additional dwellings granted under 18/02278/FUL resulting in 6 total. Overall, 5 granted under the interim Policy Guidance). Three dwellings granted under 17/01514/OUT, although this should be viewed as a net gain of two due to demolition of the original dwelling. A further five dwellings have been approved to the south of Manor Close under 16/02674/FUL.
- 5.11 In this instance, whilst the consented development is close by, the application site is not viewed in the same context and has been at least in part occupied by existing development in the form of a domestic garage. The site is contained by the boundary landscaping and it is considered that the cumulative impact of development would not in itself be a reason for refusal. The development is considered to be small scale as it would only result in an increase of one dwelling.

Impact on the character and appearance of the surrounding area

- 5.12 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and physical built form. This is consistent with other policies in the LDF. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access.
- 5.13 The village is characterised by detached dwellings in their own good sized plots. The majority of village development is grouped between Manor Close and the village hall. Looking at the history of the settlement growth it appears that Low Worsall was originally centred around Worsall Hall, a Grade II* Listed Building, with subservient dwellings scattered around a village green. Worsall Hall was built by Thomas Peirse in the 1700s. The Hall was built close to the banks of the River Tees from which Thomas Peirse ran a port/shipping business. Expansion in the 1960s and 1970s introduced unsympathetic and disproportionate housing estate style development in Manor Close and Tofts Close. The original character of the settlement is still perceptible but only in the area around the Village Green.
- 5.14 The proposal is for a single detached dwelling. The scale of the development, in terms of number of units, is therefore considered to reflect the character of the area being a detached dwelling in a large plot. The dwelling is to be located behind the main road fronting dwellings which (on the western side, Pondell etc) appear to date from the 1850s. The new dwelling will not be overtly visible and, therefore, will not intrude unacceptably on the character or appearance of the street.
- 5.15 The proposal is in outline with access only considered. Orchard House has two access openings off Stobarts Lane. It is proposed that the new dwelling would be

accessed from the western most opening. There will therefore be no significant alteration to the frontage of the site.

- 5.16 Whilst the site is garden associated with the existing dwelling and effectively forms a back-land site, given the context of the site and its relationship to other existing development in the vicinity it is considered that the proposed development will not result in any significant harmful impact on the character of the settlement.

Impact on amenity

- 5.17 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The application is in outline with access only considered so although an indicative layout has been provided, it is not for approval at this stage.
- 5.18 The application site measures over 0.1 of a hectare. Given the size of the site it is considered that a single dwelling could be accommodated whilst maintaining an acceptable level of amenity for nearby neighbours. In addition it is considered that an acceptable level of amenity could be achieved for future occupants through provision of adequate internal and external space.

Highway safety

- 5.19 The application is for outline permission with access only considered. Whilst some concern has been raised over the status of Stobarts Lane, especially considering recent refusal 17/01345/OUT and dismissed appeal at a nearby site, the Highways officer has not raised any objections to the proposed development.
- 5.20 It is reasoned that this application relates to the construction of a single dwelling, served by utilising an existing established vehicular access. The access to the site is located only a short distance (31 metres) from the junction with the public highway at Village Road (U1893). Although there is limited opportunity for vehicles to pass one another, clear visibility is available from the junction to the access to the site. There is therefore scope for vehicles to give/take as necessary over this short distance, including vehicles waiting at the bellmouth of the T-junction for vehicles exiting the site, or vehicles waiting at the access for other vehicles using Stobarts Lane to pass the existing access. Because the site is located only a short distance from the junction with Village Road, it is highly likely that vehicles from the site will only utilise Village Road in order to access the B1264.
- 5.21 The Highways Officer has indicated that, given the above, a refusal on highways grounds would be extremely difficult to sustain. The Officer therefore recommends conditions relating to submission of details and provision of access turning and parking.

Planning Balance

- 5.22 The application site is located in a settlement that is considered to be sustainable due to its proximity to Yarm. It is considered that the site could accommodate a single detached dwelling without significant impact on neighbouring amenity, the character and form of the area or Highway Safety. It is therefore recommended that permission be granted.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

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) Three 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 siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site (including tree survey, method statement and tree protection measures); (c) the layout of the proposed buildings and spaces including parking and any external storage areas.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) S472 001 received by Hambleton District Council on 17th of June 2019.

4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship of the proposed development to the existing dwellings to the north. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

5. Prior to the erection of external walling, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

6. Unless otherwise approved in writing by the Local Planning Authority, 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 in consultation with the Highway Authority: (i) vehicular and pedestrian accesses; (ii) vehicular parking; (iii) vehicular manoeuvring and turning arrangements.

7. No part of the development shall be brought into use until the approved vehicle access, manoeuvring, turning and parking areas approved under condition number 6 are available for use, unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. The outline permission for development hereby approved is for a single dwelling only.

The reasons are:-

1. 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.
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. For the avoidance of doubt and in the interest of proper planning.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
6. To ensure appropriate on-site facilities, in the interests of highway safety and the general amenity of the development.
7. To provide for appropriate on-site vehicle facilities, in the interests of highway safety and the general amenity of the development.
8. In order that the scale of development is acceptable.