

Parish: Tollerton
Ward: Easingwold
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Committee Date : 17 October 2019
Officer dealing : Mr Mark Danforth
Target Date: 26 June 2019
Date of extension of time: 31 July 2019

18/00929/OUT

**Construction of four detached dwellings
At Land east of 22 to 28 Ings View South Back Lane, Tollerton
For Mr P Mandefield**

This application is referred to Planning Committee as the application is similar to proposals previously that have variably been approved and refused by the Planning Committee

1.0 SITE CONTEXT AND PROPOSAL

- 1.1 The application site comprises a rectangular piece of land, extending to 0.19 hectares in size, to the south end of South Back Lane adjacent to existing housing at 'Ings View'. whose boundaries of the site are delineated by a boundary fence.
- 1.2 The application is in outline with access and layout to be considered. Access would be via South Back Lane via the existing gate. The site layout shows a central access from South Back Lane with two properties either side, a further two properties at the rear of the site with central turning area. The layout shows each dwelling would have 1 secure garage space, and two additional parking spaces provided for each dwelling. The application is supported by an indicative layout plan that has been amended from the initial submission showing 4 detached dwelling within the plot as opposed to 5.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 17/01989/OUT Application for outline planning permission with some matters reserved (Access/layout) - Construction of Five Detached Dwellings. Withdrawn

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
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
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 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

4.0 CONSULTATIONS:

4.1 Tollerton Parish Council - Wishes to see this application refused on the grounds the access is not suitable for the proposed 5 dwellings this plot has limited access onto a narrow road. The development takes away the aesthetics of the village. Latest comments relating to the scheme for 4 units are that the Parish Council still wish to see the proposal refused. The application being outside the village boundary, changing the character of the single track lane that is part of the heritage of the village, the increase in traffic on this single track lane which will present a danger to pedestrians particularly at the blind bend as it reaches Newton Road.

4.2 NYCC Highway Authority - considers that the road (South Back Lane) leading to the site is, by reason of its insufficient width, poor alignment and substandard visibility at the junction with Newton Road, unsuitable for the traffic which would be likely to be generated by this proposal.

'South Back Lane is generally between 2.8 and 3.0 metres in width and there are no formal places for users to pass. It is used by pedestrians and cyclists as well as drivers of motor vehicles and there is insufficient width even for a car and cyclist to pass safely within the carriageway. Passing takes place by using the highway verges and/or private driveways/parking areas and there is evidence of damage where verges and carriageway edges have been overrun as a result'

'The first approximately 60 metre long section of the lane from Newton Road has poor alignment and restricted forward visibility as well as insufficient width. Due to the road's alignment and the proximity of buildings to the carriageway in this section there is no means to pass if a driver of a motor vehicle meets another travelling in the opposite direction and it will be necessary for one to reverse to a point where passing can occur. There is also limited space here for a pedestrian or cyclist to find refuge if a motor vehicle approaches. It should also be noted that visibility at the junction with Newton Road is slightly substandard in a north westerly direction.

4.3 NYCC Heritage Services - advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

4.4 Lead Local Flood Authority - LLFA have no comments to make on this application

4.5 HDC Corporate Facilities Management – Comment on the drainage proposals and advise conditions would be appropriate for this small site for soakaway testing and runoff rate, storage requirements and maintenance to be provided.

4.6 Yorkshire Water commented no observation are required

4.7 Environmental Health – Contaminated land - The applicant/agent has not identified any potential sources of contamination on the application form however given the nature and scale of the development the applicant is required to submit a Phase 1 Preliminary Risk Assessment, ideally prior to determination, to demonstrate any steps required to enable the land to be suitable for use in accordance with the NPPF. Further site investigations and remediation may also be required depending on the results of the Phase 1 investigation.

- 4.8 14 letters of objection-There would be an unacceptable increase in traffic to South Back lane this lane has no footpath to keep traffic and horse riders pedestrians separate, any increase in traffic is unacceptable.

Parking is already an issue in this area post the Ings development further houses will inevitably result in more cars potentially 15.

Drainage has not been fully explained unclear whether soak-away will work, given the land to the rear of the site is wet most of the time.

The Development Plan clearly shows the Development extending right up to the fence line to the rear of the Ings View properties demonstrating a clear intention to remove the hedge and trees. The current hedge, and particularly the trees, provide an important habitat for wildlife and would also provide a screen from the Development if it goes ahead and should not be removed.

Green space within a village should be just as protected as green belt land.

It is suggest that if any planning consent is granted the lane width should be increased from its existing 3 metres to the 5.5 metres of the carriageway on Ings View. A 2 metre wide pavement on either side of the carriageway on Ings View is extended to the eastern boundary of the site on at least one side of South Back Lane.

It is suggested that the original 24 letters of objection are taken into account from the withdrawn application.

5.0 ANALYSIS:

- 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) landscape impact (iv) residential amenity;(v) the likely highway impact; (vi) ecology and wildlife; and (vii) 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 February 2019. 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. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Whilst this site is sustainable it would have little consequence in maintaining the vitality of the village due to the small number of units relative to the current population of Tollerton.

- 5.3 The IPG allows 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.
- 5.4 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.
- 5.5 Albeit it may be sustainable it is not considered that the proposal would comply with criteria 2-4 of the Interim Policy Guidance, these are discussed below.

The character and appearance of the Tollerton Conservation Area

- 5.6 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 179 and 180 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict.
- 5.7 The site is situated adjacent to the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration. Consideration is required of the impact of the proposal on the setting of the Tollerton Conservation Area. The pattern of development in this area of the Conservation Area is of a Main Street and private gardens to front and rear. Much of South Back Lane and the rear gardens which line it are largely screened from the public domain by the landscape features. However Para 192 of the NPPF advises.' In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.8 The question in this case is do the benefits of this scheme outweigh the potential harm caused by encroachment into the countryside and how this affects the setting of the conservation area by introducing more built form. To assist in the consideration of this case the Council have made appointed a Heritage Consultant whom has advised that the application will cause less than substantial harm to the setting of the

Conservation Area but also advises further developments should be resisted off South Back Lane.

5.9 The Council's heritage consultant advises that:

“the existing site contributes to the significance of the Conservation Area and as such the principle of the proposal is in question. I am not persuaded by the arguments put forward by HH (Humble Heritage acting for the applicant) that the application will have no harm on the character or significance of the Conservation Area. I have identified that the application will cause less than substantial harm to the setting of the Conservation Area and in line with the policy and case law highlighted, unless the benefits put forward by the applicant cannot be achieved elsewhere and/or are so essential as to warrant this harm, the application should be refused.

5.10 NPPF Paragraph 170-advises planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.11 The 3 bungalows and one barn style unit is not conducive to the character of the area on this side of Back Lane albeit there are some bungalows on the adjacent side. Three bungalows together would appear incongruous in this rural setting contrary to DP32 general design.

5.12 This site is being promoted as a rounding off; this is not considered to be rounding off rather it is encroachment into the countryside given that it is outside development limits and in a position where the land to the south east and north east is undeveloped. It is set beyond the later cul-de sac development back in the late nineties to the south west. This is a product of its time and if proposed now would not meet the tests of the LDF policies.

5.13 The Humble Heritage Statement submitted with the proposal plays down the significance of the site from a conservation point of view. It reports:

Various developments have been permitted within the setting of the conservation area since designation, in similar location to the boundary as the present proposal. Ings View housing estate, adjacent to the proposed development site, was awarded outline consent in 1996 (renewing earlier permissions) and full consent was awarded in 1998'.

This is seen by the author (Humble) as urbanising this part of the village to its detriment making the reading of the past era difficult to understand.

5.14 Whilst the above statement may have some merit a great deal of care was taken in preserving the hedgerow at Ings View to screen the site from the open countryside beyond. The hedgerow has been commented on by one of the objectors as being a vital element for the Ings View scheme as it forms a strong barrier between the Ings View and the countryside. The statement goes on to state 'existence of a former barn and Crofts is evident and the barn to the north east outside the site boundaries is further evidence of the agricultural use'.

- 5.15 Albeit this may be the case if the site is allowed to be developed this erodes the agricultural nature of the area. Whilst acknowledging that former crofts are typically in agricultural use and the buildings that do occur are historic these are not modern residential dwellings as proposed.
- 5.16 The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9, the Council's Interim Planning Guidance (2015). There is insufficient justification and limited economic or social benefit to be gained from this development therefore there is no support for the proposal.

Landscape impact

- 5.17 DP30 advises 'The openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.18 The proposal would impede views off South Back Lane and indeed from Main Street contrary to the aforementioned policy.
- 5.19 As already stated above at 5.14 the hedgerow to the north east of Ings View screens the site from the open countryside beyond.
- 5.20 If the site is allowed to be developed this erodes the agricultural nature of the area by retaining the trees but planting new hedgerows rather than retaining well-established natural landscape features. Whilst acknowledging that former crofts are typically in agricultural use and the buildings that do occur are historic these are not modern residential dwellings as proposed.
- 5.21 The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, and DP9, the Council's Interim Planning Guidance (2015). The impact on the landscape would be contrary to policy DP30 there is insufficient justification and limited economic or social benefit to be gained from this development therefore there is no support from officers for the proposal.

Residential amenity

- 5.22 Having regard to the amended layout and the two plots to the south east being bungalows the introduction of new dwellings 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 dwellings.

Highway issues

- 5.23 The Highway Authority has expressed concerns as to the access road to the site as reported at paragraph 4.2.

- 5.24 The access is a main focal point of concern from local residents with the majority expressing safety concerns and lack of width to avoid motor vehicles and limited space for provision of a footway as well as widening the roadway for two vehicles.
- 5.25 A traffic survey has been provided by the agents that advised that there is limited traffic movement during peak periods along Back Lane. This survey was only undertaken over one day in mid-week and is not considered sufficiently representative of vehicle movements throughout the working week.
- 5.26 Considering the concerns raised by the Highway Authority regarding the access and the poor sight lines of 2 x 30m the proposal would be contrary to Policy CP2 of the Core Strategy. This site lies opposite a current site that can achieve the required sight lines. The fundamental difference being that the corner of The Ings' site below juts into the roadway reducing sight lines. This element is not within the ownership of the applicant's therefore is an issue that has not been properly resolved.

Ecology and wildlife

- 5.27 There are hedges and trees' on the southern boundary of the site; it is stated on the site plan that this landscaping will be retained and enhanced. The ecology report advises habitat features including hedgerows, grass verges and mature trees be retained where possible with appropriate buffer zones as part of any development scheme. As part of the development it is proposed to retain the boundary vegetation on the southern, western and eastern edges of the site.
- 5.28 Under the current development proposal the hedgerows on the northern eastern edge of the site will be lost. To compensate for the loss of hedgerow it is recommended that the hedgerows proposed for retention be managed to improve their biodiversity value; improvements to include supplementary planting using native species such as Hazel, Silver Birch, Rowan, Beech, Hawthorn, Blackthorn and Guelder Rose. Although this new hedgerow and planting is welcomed on the northern boundary it is regrettable that this well established Hawthorne could not be retained. A hedge to the road frontage has already been removed without consent and re-instated it is unclear what impact this would have on sight lines.
- 5.29 The Ecological statement advises that hedgerows, mature trees and field boundary verges provide a network of biodiversity corridors around the site, with these features being of potential value to several protected species. It is recommended that habitat features including hedgerows, grass verges and mature trees be retained where possible with appropriate buffer zones as part of any development scheme.
- 5.30 The main issue is that the natural hedge boundary on the south western boundary beyond Ings View will be encroached by this development. Where possible natural features and in particular hedgerows should be preserved. The northern hedge will be lost in order to compensate for this the ecological statement advises improvements to include supplementary planting using native species such as hazel, silver birch, rowan, beech, hawthorn, blackthorn and guelder rose.
- 5.31 Whilst this replanting may well provide compensation for its loss there will be an interim detrimental impact on the ecology of the area that is not justified simply by the fact that it may be overgrown and untidy.

Drainage/flooding

- 5.32 There is conflicting information from consultees as to whether soak-away would work correctly with no option to drain into the adjoining site. Conditions have been proposed regarding surface water by consultees with the use of soak-away being

ruled out by reasons of poor infiltration through the clay soils. It is advised that the development cannot progress without suitable and satisfactory management of the surface water. The latest advice from NYCC Flood Risk Project Engineer is the 'The site is in Flood Zone 1 with a low risk of surface water flooding, meaning that each year this area only has a chance of flooding of between 0.1% and 1%.

- 5.33 The LLFA would be content to condition drainage given the low level number of dwellings proposed although there is no guarantee that soak-away will be successful.

Planning balance

In this case albeit there would be some social and economic advantages through the formation of new housing there is a housing land supply of 9 years and only limited weight can be given to the provision of new housing. The economic gain through the residential development and future occupation and spend by residents would be limited. The harm to the character and appearance of a Conservation Area and the countryside is substantial. The harm to the environment is not outweighed by the limited social and economic gains. There are no other material considerations that would outweigh the adopted LDF policy.

6.0 RECOMMENDATION:

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

The reasons are:-

1. The proposed development fails to reflect the existing built form and character of South Back Lane as required by the LDF Policies and Council's Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9 the Council's Interim Planning Guidance (2015)
2. The proposal fails to enhance the character of the countryside and the setting of the Tollerton Conservation Area contrary to DP28 and DP30.
3. The proposed layout of the site would not be in character with the local area and its setting contrary to policies CP17, DP10 and DP32.
4. The proposed access onto South Back Lane is substandard in terms of its width, alignment and visibility splay at the point of entry and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal contrary to CP2 and DP4: