

Parish: Tollerton
Ward: Easingwold
12

Committee date: 17 October 2019
Officer dealing:
Target date: 15 July 2019
Date of extension 18 October 2019
of time agreed

19/00936/FUL

Construction of 2no two storey semi-detached dwellings, associated parking, and formation of a new vehicular access from the public highway, at The Laurels Main Street Tollerton North Yorkshire for Mrs Lynne Dawson.

This application is referred to Planning Committee as the application is a departure from the Development Plan

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 This application is for the construction of two 3-bed properties. Access would be from South Back Lane via the existing gate. Access is proposed to be retained through the land to the frontage dwelling, The Laurels. The application is supported by plans showing a pair of semi-detached dwellings lying perpendicular South Back Lane .
- 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 but has the benefit of an outline consent, see 2.4 below.

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 to the south west of the site has been completed.
- 2.4 16/00755/OUT- Outline planning application for the construction of a detached dwelling with garage and access drive.
- 2.5 Updated report on 16/00755/OUT to the Planning Committee on 28 June 2018 with a recommendation to not require a Planning Obligation but for the a planning condition to require the provision of the visibility splay. This revision was agreed and the permission issued on 28 June 2018.

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
Core Strategy Policy CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
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
Interim Policy Guidance on housing in small settlements
National Planning Policy Framework - published February 2019

4.0 CONSULTATIONS

- 4.1 Tollerton Parish Council wishes to see the above application refused for the following reasons; the planning application shows an existing access this is not an existing vehicular access, if planning permission is granted the access is onto what effectively is a single track lane which cannot cope with any further volume of vehicles. The lane is heavily used by pedestrians from the village to access other areas of the village and increase vehicular traffic in this area could potentially be dangerous therefore Tollerton Parish Council wishes to see the application refused.
- 4.2 NYCC Highways – no objections subject to conditions
- 4.3 Public comments – the following comments have been received.
- Access and site lines can't be achieved;
 - Inadequate parking within the site which means that any additional parking and parking for visitors will be pushed into the adjoining lane creating a hazard;
 - The Lane is single track and used by children on bicycles and pedestrians and is unsuitable and dangerous for users in its current construction.
 - Any further development increases the danger for users of the Lane with the inevitable increase in traffic.

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) residential amenity; (iv) the likely highway impact; (v) contamination (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.
- 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 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 dwellings 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. The principle of development has already been established at this site with an outline approval albeit that was for one unit, the permission is extant. This is a very different proposal for 2 units however it has been drawn to represent a barn style development to assimilate with the adjacent barn to the northeast. The principle of residential development, in this case two barn style cottages, can therefore receive officer support subject to details.

The character and appearance of the Tollerton 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 are largely screened from the public domain by the landscape features on this side of the village off Back Lane.
- 5.7 The position and relationship of the neighbouring barn and other buildings along South Back Lane are noted. The submitted details, offers a 'barn-like' design with a large porch frontage providing each 'barn' with separate access points. The barns would lie perpendicular to South Back Lane, parallel with 'Longacre barn' preserving the character of South Back Lane and that of the Conservation Area. This is typical of Back Lane with numerous other examples of this. The resultant alternative layout has been negotiated through the planning process with the agent. The proposal has sought to demonstrate that the site is large enough to accommodate two dwellings with ample garden space.
- 5.8 The proposed high quality design will enhance and preserve the character and appearance of South Back Lane in line with the Development Plan policies. The layout maintains the open views from Main Street to South Back Lane in line with conservation objectives. On the basis of the layout there is no objection to this application on heritage grounds.

Residential amenity

- 5.9 Having regard to the length of the existing garden and the plot depth, the introduction of two new dwellings is achievable without causing significant harm to the amenities of existing and the proposed properties. The positioning of the proposed dwellings at a 0.5m lower ridge height than the adjacent Longacre Barn reduces massing of the development. The western section of the proposal is also noticeably lower. Main elevations are to the south with first floor openings to the rear serving a passage only

leading to bedrooms and bathrooms, this ensures no overlooking therefore a minimal loss of amenity towards the adjacent Longacre barn.

Design

- 5.10 The design is such that it represents barn characteristics with large arched openings at ground floor level replicating former cart shed bays, with relatively small windows to the bedrooms above. The gabled elevation facing South Back Lane offers a hayloft door detail, typical of a barn.
- 5.11 The provision of two x 3 bed properties is in line with Councils Housing Economic Development Needs Assessment (HEDNA) which continues to record the need for smaller house types. The smaller dwellings will fulfil a social role as advised within para 8 of the NPPF - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. There will also be environmental improvements to the area by making the best use of available land within the built environs of this sustainable village.

Highway issues

- 5.12 The initial outline approval was granted on the premise that an agreement with the neighbour was agreed through a Section 106 in order to achieve sight lines. Following hedge cutting and re-survey work showing a greater visibility splay within the highway the original outline consent was referred back to committee with a recommendation that conditions be attached as the S106 to ensure that visibility splays across neighbours land was no longer required.
- 5.13 The proposed access point is the same as was approved on the original 2016 outline application. The Highway Authority is content with the layout and access point and recommends conditions to be attached if the Council is minded to approve the scheme.
- 5.14 Cycle storage was originally to be provided within proposed timber storage buildings, these have been omitted from the scheme with storage now being within the porch areas of each unit.

Contamination

- 5.15 The buildings and immediate area has been used for personal/domestic use for a significant period of years. Councils Environmental Officers have advised that they do not expect any contamination of the buildings land or structures as they stand at present. A visual inspection shows no contamination in the buildings or surrounding gardens.

Ecology and wildlife

- 5.16 The site includes a hedgerow to the front of the site, this will be retained and kept trimmed back in order to provide the required visibility splay in both direction. Otherwise the site itself forms a typical residential garden that has been maintained as such. There are no significant concerns relating to wildlife that would prevent planning permission being granted.

Flooding and drainage

- 5.17 The Environment Agency data has indicated there are no associated flooding issues with this development site.

- 5.18 Foul drainage will be connected to the existing foul drain as annotated on the layout plans provided. This connection point is within the garden of the applicants at 'The Laurels'.

Planning balance

The proposed development by reason of its siting; proportionate and subservient built form; traditional design and detailing and relationship relative to neighbouring land users is such that the scheme is considered to represent an acceptable form of development which sits comfortably with the site and respects the character and appearance of Tollerton Conservation Area. Any perceived sense of harm arising from this development is not considered to be so significant to cause unreasonable harm to amenity. The development would give rise to modest economic gains through the investment in construction work and ongoing spend of residents and social gain through the provision of two new dwellings that are of a type that will help to meet local needs. Overall the scheme is considered to be a sustainable form of development.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements; The existing access shall be improved in accordance with the Standard Detail 'E50' The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 30m measured along both channel lines of the major road South Back Lane from a point measured 2m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times. An explanation of the terms used above is available from the Highway Authority.
 5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved a. have been constructed in accordance with the submitted drawing (Reference site plan scale 1:250 July 2019) 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.

- 6 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
- 7 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
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation
- 8 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on Layout plan 20 May and amended plans received 30 July 2019 unless otherwise agreed in writing by the Local Planning Authority.
- 9 The windows on the northern elevation of the building shall at all times be glazed with obscured glass and shall not be capable of opening.
- 10 Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no extension or other alterations to the building hereby permitted shall be carried out without express permission on an application made under Part III of the Town and Country Planning Act 1990.
11. Prior to construction of any building or regrading of land 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 to adjacent development. 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions are:-

- 1 To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 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 and DP32.
- 3 To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
- 4 In accordance with policy number and in the interests of road safety
- 5 To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 6 To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
- 7 To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
- 8 . 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 Policy DP10.
- 9 To safeguard the amenities of occupiers of adjoining residential property in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
- 10 The Local Planning Authority would wish to retain control over the alteration and/or extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Hambleton Local Development Framework Policies CP17 and DP32.
- 11 To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.