

Parish: Tollerton
Ward: Easingwold
13

Committee Date : 17 October 2019
Officer dealing : Mr Mark Danforth
Target Date: 1 April 2019
Date of extension of time (if agreed):

19/00193/FUL

**Full planning application for the creation of 5 dwellings (amendments to location plan, site layout, and house types),
at OS Field 2211 South Back Lane Tollerton North Yorkshire
for Mr Ian and Joe Hardy.**

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 site is located in an open field associated between South Back Lane and the estate known as Church Close, Tollerton. The site is slightly elevated above the highway of South Back Lane and behind a high hawthorn hedge. The application site is stated as being 0.4ha in size and currently used as a grass paddock.
- 1.2 The proposal seeks to construct of 1x 5 bedroom and 2 x 4 bedroom detached dwellings and 2 x 3 bedroom detached bungalows accessed off South Back Lane. The layout is such that the two storey houses run parallel with South Back Lane and the bungalows run in a north westerly - south easterly direction.. Each unit is shown with attached garaging and parking on the driveways.
- 1.3 The house types and design has been from the initial submission in consultations with officers from 5 x 4 bedrooms
- 1.4 The existing hedge along South Back Lane is shown to be retained as a defensive buffer for the 3 units facing the highway. The rest of the hedge south west of the proposed access road is proposed to be removed and replaced with hard landscaping in the form of a defined pavement and rear garden timber fencing.
- 1.5 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The Development Limits run to the rear of the dwellings, on Church Close to the south of the site, excluding the site from the boundary. The application site is therefore outside the Development Limits and is also outside the Conservation Area which is to the north side of South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 None

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 DP4 - Access for all
Development Policies DP6 Utilities and Infrastructure
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 DP31 - Protecting natural resources: biodiversity/nature Conservation.
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework
Interim Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS:

- 4.1 Tollerton Parish Council - wishes to see the application refused for the following reasons:
1. On completion of our Parish Plan residents of Tollerton stated no to further development in the village.
 2. The access road to the development is a Back Lane providing rear access to existing properties this lane is narrow and not appropriate to serve as access to more properties. People walk this lane there is no footpath and more traffic using the lane is dangerous.
 3. The Council feel the infrastructure of the village is just not adequate for further development.
- 4.2 NYCC Highways – The local highway authority recognises that the proposed highway improvements will reduce some issues in the immediate vicinity of the site, it does not result in the ability for safe access to South Back Lane from Newton Road and therefore it is recommended that the application is refused for the following reason:
- The Highway Authority consider that the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal
- 4.3 Yorkshire Water - If planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and YW infrastructure
- 4.4 Environmental Health Service (contaminated land) - insufficient information has been provided. Further information should be provided and comprise, as a minimum, a Phase 1 Preliminary Risk Assessment (including desk study, walkover and conceptual site model)
- 4.5 Public Rights of Way - No objections subject to measures to protect the right of way.
- 4.6 Ramblers Association - object to the removal of the hedgerow if minded to approve seek a condition to retain the hedges as opposed to fencing being erected.

- 4.7 Site notice posted and application advertised as a development plan departure (expired 09/09/2019), 8 objections have been received as follows

Loss of hedgerows and trees

Access and inclusion of a footpath alongside (The Old Haybarn) on to Main Street and the potential use by cars as a cut through

Safety of pedestrians

There will be an increase in traffic on this well used pedestrian track the proposed footpath will not solve the issues of more cars, suggest to make it a one way road

Junction on to Newton Road is difficult

Contrary to the applicants' highways (AMA's) report there have been collisions on Back Lane involving residents

Overlooking of houses on Church Close

There is no street lighting in the area, the lane is used by school children on a daily basis more cars will increase danger.

Mud will be brought onto the road

How will hedge and drainage be maintained, concerns that any earth works will alter the water table and divert rainwater into our gardens Church Close?

5.0 ANALYSIS:

- 5.1 The main issues to consider are i) the principle of development, ii) heritage, iii) residential amenity, iv) the design, v) mix of dwelling sizes, vi) landscape impact, vii) highway safety, viii) ecology and wildlife and ix) 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 overall.

- 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's settlement hierarchy as a secondary village indicates it is considered to be a reasonably 'sustainable' location where additional dwellings will support local services, which in this case include a pub and a village shop.
- 5.5 Although the site is considered to be in a sustainable location it is not considered that the proposal would comply with criteria 2 - 4 of the Interim Policy Guidance and these elements are discussed below.

Heritage

- 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 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 on 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. 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 site is a grass paddock, which forms a green buffer between South Back Lane and Church Close. The plans state some of the hedges will be retained, save the elements to be removed to ensure safe vehicular access, it is considered that the proposal would be detrimental to the natural environment. The site is adjacent to the conservation area boundary. Albeit the design shows dwellings of traditional form and proportion sympathetic to the existing character of the settlement. The design of the

dwellings whilst following local traditions are due to the substantial size and spacing not appropriate to the location away from the main streets of the village. In terms of new build dwellings given its location and the impact the development will have on the views out of the village the proposed development does not comply with criterion 3 of the IPG above.

- 5.9 The question 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 beyond the village limits
- 5.10 The evidence shows that the proposal cannot be accommodated within existing infrastructure, roads are required to be widened and footpaths created to avoid conflicts with pedestrians and other users. These works would have a harmful impact upon the character of the South Back Lane that is narrow and hedge lined.
- 5.11 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 from officers for the proposal.
- 5.12 Overall, the proposal is not acceptable in the terms of the Interim Policy Guidance.

Residential amenity

- 5.13 The proposed units are set within substantial plots, with a site area of 0.4 ha providing sufficient amenity space for each unit. The three houses have principle elevation facing the road with parking and turning areas to the roadside by an internal access road. The plans state part of the existing hawthorn hedge will be retained to the north-west fronting the road. This will provide sufficient screening towards the dwellings of South Back Lane and prevent any significant overlooking. There will be more than 21 metres intervening distance between the frontages of the existing and proposed dwellings and this is considered sufficient to safeguard residential amenity.
- 5.14 The bungalows would consist of main elevations facing the field hedge to the south west where the main gardens would also be located. This is sufficient distance from the adjacent public right of way to the south west of the site. The frontages would face into the site overlooking parking and turning areas. There is sufficient distance between dwellings to prevent any significant impact towards privacy.
- 5.15 There has been concern expressed from residents of Church Close as to overlooking and amenity issues. There is a significant intervening distance between the proposal site and the existing dwellings. It is therefore concluded the proposal will have no significant impact on residential amenity and the proposed development complies with policy DP1.

Design

- 5.16 DP32 advises design of development must be of the highest quality proposals must respect local character and distinctiveness including that of the surrounding landscape, in accordance with policy DP33 by enhancing its positive attributes whilst mitigating its negative aspects. Scale, volume and massing should contribute positively to the townscape or surrounding buildings.
- 5.17 Policy DP13 relates to achieving and maintaining the right mix of housing. Developers will be required to assess and demonstrate the sustainability of the

proposed housing mix on any particular site. 5.19 The plans show a traditional brick built dwellings with porch and red pantile roof. The external materials and fenestration is traditional with brick arched heads and stone cills with uPVC fittings being vernacular to the area. There are a broad range of other dwelling types in the locality, and this site is away from the historic core of the village. However the modern suburban design would appear out of place in this countryside setting. It is considered therefore that that the proposal would not comply with policies DP10 and DP32.

Mix of dwelling sizes

- 5.18 The dwellings proposed as noted at paragraph 1.2 are a mix of 3, 4 and 5 bedroom dwellings. The LDF policy and supplementary planning guidance refer to the need to provide dwellings that meet up-to-date locally expressed needs. Recent research documents show that the continuing need in the district is for smaller family houses. The SPD guidance identifies that two and three bedroom dwellings are required. The proposal that provides larger dwelling does not meet the local needs. The two single storey 3 bedroom dwellings do meet the identified needs. However, overall the proposals fail to comply with CP8 and DP13 in respect of the mix of dwelling sizes.

Landscape impact

- 5.19 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.
- 5.20 The proposed development would erode the agricultural nature of the area. Whilst acknowledging that there has been some development approved off South Back Lane these have been on the north west side of the lane.
- 5.21 There is one anomaly with the redevelopment of a former commercial building further along the lane; however this is much closer to existing built form and was previously developed land that resulted in larger vehicles using South Back Lane and on balance a decision was reached that the development was appropriate. The circumstances on this application site are not the same.
- 5.22 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, DP9 and DP30, the Council's Interim Planning Guidance (2015). There is insufficient justification and limited economic or social benefit to be gained from this development that would overcome the impact towards the landscape.

Highway safety

- 5.23 The Highway Authority has expressed concerns as to the access road to the site as follows; While the Highway authority recognises that the proposed highway improvements will reduce some issues in the immediate vicinity of the site, it does not result in the ability for safe access to South Back Lane from Newton Road and therefore it is recommended that the application is refused for the following reason:

The Highway Authority consider that the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal

- 5.24 The access is a main focal point of concern from local residents with the majority expressing safety concerns of pedestrians with the lack of width to avoid motor vehicles and limited space for provision of a footway as well as forming an access onto Main Street. The location of the site towards the northern end of South Back Lane results in a reasonable expectation that occupiers and visitors to the dwellings would be likely to use the Newton Road junction rather than south through Ings View and on to Main Street. The lack of a safe and suitable access to the site is such that the proposal is contrary to LDF policies CP2, DP3, DP4 and the NPPF.

Drainage and flooding

- 5.25 Sewerage and surface water is proposed to be connected to the mains; it is unclear how this connection will be made as there is no sewer off Back Lane. Yorkshire Water advised 'The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse, are not reasonably practical before considering disposal to public sewer.
- 5.26 The site is in Flood Zone 1 (low probability of flooding).
- 5.27 The developer/agent has failed to provide any detailed information as to how the site will be drained therefore this will be another reason for refusal as in the absence of evidence the proposal is contrary to Policies CP1 and DP6.

Other issues

- 5.28 Concern is raised in representations to the potential for mud on the road during construction, this can be controlled by condition and would not justify a refusal of planning permission. On the issue of the connecting walkway from South Back Lane to the Main Street, this can be configured to make it impossible for cars to take this route, however cyclists may well utilise this access route in addition to use by pedestrians.

Planning balance

- 5.29 The proposed development does not reflect the existing built form and character of the village and causes harm to the setting of the Conservation Area, the lack of a safe access for all users is a further harm arising from the scheme. Any economic benefit arising from the development would not outweigh the identified harm.

6.0 RECOMMENDATION:

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

1. The proposed development fails to reflect the existing built form and character of the village as required by Core Strategy Policies CP1, CP2, CP4, DP9 and the Council's Interim Planning Guidance (2015)

2. The proposal fails to enhance the character of the countryside and is harmful to the setting of the Tollerton Conservation Area contrary to DP28 and DP30.

3 The proposed design and type of properties would not be in character with the local area and its setting contrary to Policy CP17, DP10 and DP32.

4. Access onto the main road is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal contrary to CP2 and DP4:

5. The proposal fails to provide sufficient information regarding foul and surface water drainage systems contrary to Local Development Framework Policies CP1 and DP6.