

Parish: Tollerton
Ward: Easingwold
15

Committee date: 09 January 2020
Officer dealing: Mark Danforth
Target date: 09 January 2020
Date of extension
of time agreed

19/02391/FUL

Construction of 2 two semi-detached dwellings

At: Greys Cottage, Main Street Tollerton North Yorkshire

For: Mr Anthony Charlton.

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 Greys Cottage between The Laurels and Westfield. The land is currently used as garden to Grey's Cottage.
- 1.2 The site fronts South Back Lane. The boundary is formed by a paling fence and a vertical boarded timber gate. On the adjoining site to the west is a barn parallel with South Back Lane.
- 1.3 Opposite the site on the south side of the road, 4 single storey bungalows have been approved by members at outline stage.
- 1.4 This application is for the construction of two 3-bed properties. Access would be from South Back Lane via the existing gate. The layout shows a pair of semi-detached dwellings lying centrally to the plot and perpendicular to South Back Lane. Parking and turning space is shown to each end of the two storey brick and clay tile building.
- 1.5 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. This site lies outside development limits.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 17/02170/FUL- Construction of two dwellings withdrawn November 2019.
- 2.2 19/00936/FUL To the east is the rear garden of The Laurels this has recently gained approval for a pair of semi-detached properties at the rear of their garden.
- 2.3 13/00803/FUL followed by 18/01909/MRC To the west is Westfield is a barn conversion to residential use, this was allowed on appeal in 2013 and following variation of a condition, approved by this Council, is currently under construction.

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 – The site is located at the south western end of South Back Lane close to where the road widens and becomes Ings View. Whilst some of the traffic generated by the proposed development will use Ings View and the main street, there will be drivers travelling to and from the site who will use South Back Lane as it is more convenient particularly to and from the south. South Back Lane is narrow, has substandard alignment and restricted visibility at its junction with Newton Road.

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. Having said this, the Highways Authority does not believe that these issues amount to a large enough risk to warrant a recommendation for refusal.

Consequently the Local Highway Authority recommends that conditions are attached to any permission granted.

4.3 Environmental Health - There is concern that nearby residential properties will be impacted by noise from the construction activities on site. Should planning permission be granted it is recommended that an hour's of work condition be applied.

4.4 Yorkshire Water - have no objections subject to conditions comments were also made regarding surface water disposal.

4.5 Public comments – none received

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 house. 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 residential development, in this case two 3 bed-cottages, can 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 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 simple design with chimneys to either end. The proposal would lie perpendicular to South Back Lane, parallel with 'The Laurels' approved development that was considered to preserve the character of South Back Lane and that of the Conservation Area. The approach taken in this proposal is typical of Back Lane with numerous other examples of this. The resultant layout has been negotiated through the planning process with the agent, which is very different to the previous schemes that have been withdrawn. The

proposal has sought to demonstrate that the site is large enough to accommodate two dwellings with ample garden space.

- 5.8 The proposed 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.
- 5.9 Consideration is also required by the Interim Policy Guidance and the underlying LDF policy to the cumulative impact of the proposed development. As noted elsewhere in this report approvals have been given for development on adjoining land to the east, south and west, approvals that would result in the construction of ## dwellings on three sites. The undeveloped state of the site has not become more important because of the approvals and potential for development on the adjoining land. There is no features of special importance on the site that would be effected by the proposal. The cumulative impact on the character of South Back Lane is a matter for consideration in this case. However it is considered that given the lack of any special characteristics of this site and the maintenance of views from South Back Lane towards the Main Street ensures that the legibility of the character of the Conservation Area is adequately maintained. The proposal is therefore found to not be in conflict with IPG criterion 2.

Residential amenity

- 5.10 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 with low ridge heights similar to the dwellings yet to be erected to the east, reduces the overall massing of the development.
- 5.11 Main elevations are to both east and west sides with first floor openings to the rear being smaller in scale to those at the front. There are high hedges between the adjoining sites that ensures minimal overlooking of neighbouring gardens from ground floor windows therefore a minimal loss of amenity towards 'The Laurels'. The separation distance between "The Laurels" development and the boundary with Grey's Cottage is about 15.5m, the distance from the boundary to the proposed dwelling on Grey's Cottage site is about 8.3m, as such the total separation distance between the principle windows of the two sets of dwellings is about 23.8m and is considered sufficient to safeguard the amenity of all properties. The barn conversion at Westfield has some gable windows serving the kitchen and a bedroom but these are off-set from the front of the proposal site at a significant angle. Residential amenity would therefore be protected post construction. A condition to control the height of the building is appropriate to avoid the property dominating the scene or harming the amenity of others.

Design

- 5.12 The overall design is such that it represents similar characteristics to other properties off South Back Lane. The design statement asserts that the properties would be erected from a timber frame then clad in bricks. Incorporating photo-voltaic panels and battery storage, heating will be sourced from electricity only. Windows will be of timber construction.

Size of dwelling

- 5.13 The provision of two x 3 bed properties is in line with Council's 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

- 5.14 As noted above the Highway Authority does not support the development proposals but identifies that they would not wish to propose refusal for the scheme. It is considered that due to the proximity of the site to the estate road at Ings View the vehicular access is of acceptable details. Subject to conditions regarding the formation of the access and provision of parking space the scheme is considered to be acceptable in accordance with the LDF policies.

Contamination

- 5.15 The buildings and immediate area has been used for personal/domestic use for a significant period of years. Council's 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 Willow tree set into the site this is subject to a tree removal notice. A new Willow will be planted in its place. 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. The applicant has advised that the connection point will be off 'Ings View'. Yorkshire Water have advised they promote the surface water disposal hierarchy, and surface water disposal should be achieved via infiltration or watercourse. Conditions can be attached to any approval to address surface water discharge and foul connection requirements.

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
 - a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E50.
 - b. 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.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
 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. 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. parking capable of accommodating staff and sub-contractors vehicles clear of the public highway
 - b. materials storage area capable of accommodating 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.
 6. No development shall take place until wheel washing facilities have been provided. The development shall be undertaken using wheel washing facilities to prevent mud being deposited on the highway.
 7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings 10926/P/01, 02A, 03, 04A, 05A, 06A, 07 received by

Hambleton District Council on 8 November 2019 unless otherwise agreed in writing by the Local Planning Authority.

- 8 The hedges to both east and west boundaries shall be retained at a height no lower than two metres for the lifetime of the development.
- 9 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.
10. 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.

- 11 The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Bank Holidays.
- 12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 13 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

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 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 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.
- 8 To safeguard the amenities of occupiers of adjoining residential property in accordance with Hambleton Local Development Framework Policies CP1 and DP1.
- 9 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.
- 10 To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
- 11 In the interest of neighbour amenity.
- 12 In the interest of satisfactory and sustainable drainage.
- 13 To ensure that no surface water discharges take place until proper provision has been made for its disposal.