

Parish: Potto
Ward: Osmotherley & Swainby
6

Committee Date : 12 November 2015
Officer dealing : Mrs B Robinson
Target Date: 12 November 2015

15/01823/FUL

**Construction of detached dwellinghouse and double garage.
at Land At The Old Orchard Cooper Lane Potto North Yorkshire
for Mr J Graham.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site forms part of a grassed paddock at the rear of a single storey house The Old Orchard. It lies to the west of the car park serving the Dog and Gun public house. The car park pub and Old Orchard are sited on land elevated from the road level and accessed up a short slope. The Old Orchard lies at the north end of Potto village. The plot is enclosed on the south and east side by a close boarded timber fence approximately 2 metres high and is enclosed on the west side by a hedge. To the west is an agricultural style building, with consent for use as storage.

1.2 The site is roughly rectangular, dimensions 30m x 16m. The site is accessed across the south side of the car park to the Dog and Gun, which also serves the rear of dwellings located on the western 'limb' of Cooper Lane, to the south.

1.3 The proposal is a two storey dwelling, facing east, with attached double garage to the front, forming an L shape. The house and garage are intended to be faced in coursed stone work on their front façade. The building is otherwise rendered. The roof is to be red clay pantiles. The building is broadly traditional in style with water tabling to the roof edges of house and garage and a chimney on the south gable end.

2.0 RELEVANT PLANNING HISTORY

2.1 The Old Orchard has a planning history of conversion and extension, from its origins as a garage building.

3.0 NATIONAL AND LOCAL POLICY:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Interim Guidance Note - adopted by Council on 7th April 2015
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - Approve. Additional comments by the PC on;

i. Planning statement

Interim Policy Guidance Note and precedent for future developments; house not 'affordable'; development this side of Cooper Lane not part of traditional village; gable end will have impact on outlook from nos 6 and 8 (Cooper Lane); impact of pub and car park activities on occupiers, and concerns about safety (construction vehicles across car park); existing access serves 4 properties - 4- 8 Cooper Lane, not 2, as stated (in planning statement).

ii. Proposed design

No objection to design; clarification needed whether septic tank or mains drainage.

4.2 NYCC Highways - conditions requested.

4.3 Northumbrian Water - no comments to make.

4.4 Site notice and neighbours - Objections (summarised)

- i. Access is across neighbours property and the right of access is disputed.
- ii. Outside development limits and since 2010 no further development in Potto. Lack of infrastructure in village
- iii. House is not in-keeping with area, this type of house available relatively close by eg at Ingleby Barwick. No local demand for this type of 'executive' home
- iv. Precedent
- v. History of creeping development at The Old Orchard, from origins as a detached garage, originally and successive development to form dwelling with its own detached garage.
- vi. Noise nuisance from pub, including smoking facilities.
- vii. Not in accordance with Potto Parish development plan
- viii access from the proposed gates into car park would be awkward and hazardous to others using the lane.
- viii. Reduced area of (original) pub car park, which is now insufficient.

5.0 OBSERVATIONS

5.1 Potto is a village without status within the hierarchy set out in CP4 as adopted 2008. In 2015 the Council has adopted an Interim Guidance Note which updates the hierarchy and includes Potto as an 'other' settlement. The Guidance Note provides for a more flexible consideration of new development at the edge of settlements. Accordingly, the main consideration is whether the development is in accordance with the criteria of the Interim Guidance, and thereafter whether it is in accordance with any other relevant policies of the local plan including the amenity of nearby occupiers (CP1 and DP1, design (CP17 and DP32) and any highway safety issues.

5.2 Interim Guidance Criteria:

Small scale housing development will be supported 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.

5.3 Potto includes a pub and a modern village hall offering a range activities and is relatively close to the wider range of facilities at Hutton Rudby. Overall it is a reasonably sustainable location where an additional dwelling can be considered to support local services.

5.4 As a single dwelling it is small in scale. The proposal is back-land development in relation to the road however it is contained within the existing built pattern of the village and is an acceptable fit with the existing built form of the village.

5.5 The site is a grassed area associated with an existing house and development of the nature proposed would not be detrimental to the natural environment. The surroundings do not include Listed Buildings and the development would not be harmful to the historic or built

environment, subject to considerations of design.

5.6 The site is within the built up part of the village and will not impact on the rural surroundings.

5.7 There is no evidence that a single extra dwelling cannot be accommodated within the capacity of the existing infrastructure.

5.8 Overall the proposed development is considered to be acceptable in the terms of the Interim Policy Guidance.

Design

5.9 The proposed house uses traditional design detailing, including coursed stone on the front, and water tabling features. The upper windows are 'tucked' in close to the eaves and the overall effect is traditional and appropriate in the village setting. Other properties nearby are mainly c20th and the proposed house will not affect the setting of any Listed Building. The proposal provides for private amenity space on the south west side. Because of the set back from the public road the proposed house will not have a significant impact on the nearby street-scene. From a greater distance, the upper parts will be viewed as part of the general 'huddle' of houses on the western limb of Cooper Lane.

Amenity of neighbours and residents of the proposed house

5.10 With regard to the amenity of neighbours, the rear of nos 6 and 8 Cooper Lane will face the proposed dwelling, but there is sufficient distance (approximately 26 metres) to ensure that amenities are not unacceptably affected. The proposed house is offset from the main outlook of the Old Orchard and over 30m away and will not be harmful to the amenities of occupiers there.

5.11 Occupiers of the proposed house will be in close proximity to the pub and potentially vulnerable to noise and activity during opening hours. However, this is not an unusual relationship locally and the existing pub will have a similar impact on other existing properties. This has not been a significant issue in the past and there is no reason to believe that this would be a problem in the future. The proposed dwelling will benefit from a satisfactory level of amenity.

Access and highway safety

5.12 The site is accessed across the pub car park. This is a feature of other nearby properties, and would not in principle preclude approval. The right to use the westerly part of the access route is disputed by neighbouring owners and this is a matter which any developer would have to resolve and it will be appropriate to draw attention to the point in an informative, this is otherwise not a matter for the consideration of this application.

Parish Council and neighbour observations

5.13 Comments draw attention to the restrictions to development in Potto that have been in place in recent years. However, the more recent Interim Policy Guidance gives scope to consider small developments, subject to criteria, and refusal for this reason would not be justified.

5.14 The planning history of the Old Orchard is not material to the consideration of this proposal.

5.15 The site is not part of the pub car park and the proposal has a neutral effect on parking provision for the public house.

5.16 Potto Village Plan nearing the end of its life (2008 -2017) and policies of restraint are to be considered in the light of more recent government priorities and the Councils responses, including the Interim Guidance.

5.17 As noted above the design of the proposed house is considered to be in-keeping with the traditions of the area. The proposed dwelling will not be an affordable dwelling, however this would not be required for this development. In scale it is in keeping with neighbouring houses on Cooper Lane. The proposal will not have an unacceptable harmful effect on the amenities of neighbours.

5.18 Safety during the construction period will be a matter for the developer of the site and will be dependant on the good sense of drivers and others using the car park but particularly taking into account the likely lesser use of the pub car park during day time hours when works will be undertaken. This issue is not considered to preclude the approval of this scheme.

5.19 The access is at the corner of the site where there is scope for a reasonably convenient turn onto the access track, and taking into account the low level of use of the further part of the drive to no 8, normal attentive driving should ensure that safety is not compromised.

5.20 The development is CIL liable.

SUMMARY

5.21 Due to its design and materials and location the proposal is appropriate to the local setting and will not have a harmful effect on the amenities of neighbouring occupiers or the wider surroundings and is able to comply with the above policies.

5.22 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01 A; 02 B; received by Hambleton District Council on 10th of August and 2nd September 2015 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing, 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.
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. The use of the development hereby approved shall not be commenced

until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.

6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

7. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Community Infrastructure Levy

Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on the 07 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk

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. 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(ies) .
3. 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.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. In accordance with policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.