

Parish: Tollerton
Ward: Easingwold
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Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 15 September 2016
Date of extension of time (if agreed):

16/01612/OUT

Outline application with all matters reserved for the demolition of office/warehouse building and construction of four dwellings at R Thompson Joinery Limited, South Back Lane, Tollerton for Mr N R Thompson & Mr N C Thompson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is occupied by the R Thompson Joinery Limited building on South Back Lane. The application site is an active commercial premises extending to approximately 0.15 hectares (0.37 acres) and is surrounded by residential dwellings on a number of sides. The site contains a range of buildings including a large timber-clad warehouse and manufacturing building and a flat-roofed, two-storey office block. The site is served by a concrete service yard to the front, which also contains a number of external storage racks which are of similar height to the existing buildings. There are no planning restrictions on the site.
- 1.2 The application is in outline with all matters being reserved. The illustrative layout shows four three-bedroom houses, although a final mix would be agreed at reserved matters stage. Each dwelling would be accessed directly from South Back Lane and benefit from a minimum of two car parking spaces. Access would be via South Back Lane.
- 1.3 Tollerton is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The development boundary runs around three of the site boundaries to the east, west and north. The site is adjacent to Tollerton Conservation Area with the boundary running along South Back Lane.
- 1.4 The application is supported by a Planning and Design and Access Statement which concludes that:
 - The proposed development complies with the Council's Interim Policy Guidance which supports small-scale housing development in villages where it contributes towards achieving sustainable development;
 - Tollerton is defined as a Secondary Village within the Settlement Hierarchy 2014 defined in Policy CP4. This attractive and vibrant village contains a good range of services;
 - The proposed development represents a logical infill between established and new housing and snuggles between established residential areas;
 - Importantly, the site is brownfield land - a rare commodity within Hambleton District. Paragraph 111 of the NPPF supports the effective use of previously developed land;
 - The proposal complies with Policy DP17 which supports redevelopment of existing employment sites when an alternative use would bring about substantial planning benefit;
 - Local residents would benefit from the removal of ongoing commercial use that is incompatible with established neighbouring dwellings, in terms of noise, disturbance and outlook;
 - The local highway network would benefit from a net-reduction in vehicle movements (including trips by HGVs and LGVs) along South Back Lane. In terms of the weekday daily period, the proposed development has the potential

to reduce generated trips to the site by a total of 71 arrivals and 72 departures which is equivalent to 6 vehicle movements per hour on average;

- The proposed development is considered to be of good design;
- The development proposal will bring notable economic benefits to the area;
- The proposal is designed to achieve a high quality living environment ensuring the privacy and safety of future residents;
- The proposed dwellings will not have a detrimental impact on neighbouring residents; and
- Suitable and safe access can be achieved.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 75/0049/FUL - Extension to workshop; Granted 31 July 1975.

2.2 85/0012/EUC - Established use certificate for additional use of existing joinery workshop for the retail sale of associated products; Granted 10 December 1985.

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 CP7 - Phasing of housing

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 DP4 - Access for all

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP12 - Delivering housing on "brownfield" land

Development Policies DP28 - Conservation

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains

Development Policies DP44 - Very noisy activities

Interim Guidance Note - adopted by Council on 7th April 2015

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - would like to see the application refused due to concerns about the proposed vehicular access; South Back Lane is already overcrowded with dwellings the road is narrow and it is felt this is now becoming dangerous to have further dwellings with more vehicles on a very narrow road and the proposed site is on a blind corner which would be mayhem. Four dwellings on the current site with possibly two cars at each dwelling would cause mayhem. Also points out that the plan attached to the application is an old plan and this area has been built up further since this plan.

- 4.2 Highway Authority – No objection, although concern must be expressed about South Back Lane which is narrow, has poor alignment and substandard visibility at the junction with Newton Road. However this proposal replaces an existing business which generates vehicular trips including HGVs and is likely to result in a significant reduction in the number of those trips. Therefore the Local Highway Authority considers that an objection on highways grounds would not be sustainable. Conditions are recommended.
- 4.3 Ministry of Defence - No safeguarding objections.
- 4.4 Public comment – three letters of objection raising the following points:
- The road is too narrow to take more traffic and has no footway; danger to pedestrians;
 - Access would be by a blind bend and there is no room for access, parking or visitors at the proposed dwellings - there needs to be ample off road parking for 4-8 cars;
 - Loss of trees;
 - South Back Lane road is not in good repair, i.e. potholes and loose surfaces and standing water near junction of Newton Road;
 - The 4 houses are set too far forward in the plot;
 - Overlooking;
 - Approval would set a precedent for other sites bordering South Back Lane; and
 - The traffic generation of the previous use is overestimated.
- 4.5 Two general comments have also been received from local residents requesting that any development includes a permanent solid wall on the boundary to prevent potential maintenance responsibility issues and to avoid overlooking and that appropriate boundary treatment be secured.

5.0 OBSERVATIONS

- 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) highway impact; (v) trees and (vi) 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 March 2012. Paragraph 55 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. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 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 that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses and constitutes previously developed land. As such the proposals 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 location of the site and the fact that it is previously developed land weigh heavily in support of the proposal.

The character and appearance of the 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 and its setting. The National Planning Policy Framework at paragraphs 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 outside but on the boundary of the designated Conservation Area wherein the desirability of preserving or enhancing the character or appearance of the Conservation Area is a key consideration.
- 5.7 The existing buildings are large and bulky in comparison to other residential dwellings and given their commercial design, size and dominance of the street scene alongside the external storage shelving areas, they detract from the quality of the Conservation Area. There is no doubt that the proposal would result in an enhancement to the appearance of the Conservation Area. This enhancement should be considered as a positive feature in the consideration of the application as CP4 criterion ii supports schemes that secure a significant improvement to the environment.

Residential Amenity

- 5.8 The existing manufacturing use of the site should be noted. There are no planning restrictions on the hours of use or activities and the bulk and mass of the building dominates the local landscape and could result in noise and disturbance to nearby residential properties. The joinery business has been in operation for a significant time period and therefore it is likely that there has been an acceptance of a level of commercial activity. There is potential enhancement to residential amenity resulting from the reduction in the amount of commercial vehicles and the reduction in commercial activity.
- 5.9 The proposal is in outline with all matters to be considered at later stage. It is likely, given the separation distances capable of being achieved and the size of the site, as illustrated on the indicative layout, that the proposal could achieve a design that would create a satisfactory relationship to neighbouring amenities. It is also likely that the scheme would result in a reduction in the overall bulk and mass of buildings on the site and enhance the residential character of the area.

Highways

- 5.10 The commercial use on the land generates regular commercial vehicle use of South Back Lane. The level of activity is a known and is a clear fall-back position. Whilst

there is a service yard at the front of the property, this yard could be considered as small in comparison to the size of the building and enterprise.

- 5.11 The width of South Back Lane is narrow and in the view of the Highway Authority is known to be substandard. The junction of South Back Lane and Newton Road is not improved by the scheme.
- 5.12 The proposal for four dwellings, in comparison to the level of commercial activity, is likely to be a reduction in the level of movement to and from the application site. Residential use would reduce the number of large vehicles accessing the site. The comments of the Parish Council and local residents have been carefully considered, however the proposal is likely to have a positive impact by reason of a reduced level of traffic movement and improved highway and pedestrian safety. The fall-back position of continued commercial use of the site is important in reaching the conclusion that the residential development results in a gain in highway safety.

Trees

- 5.13 There are mature trees adjacent to the application site. Due to their proximity to the existing buildings the proposal may result in the loss of some trees but suitable replacement planting could be secured through a reserved matters submission.

Flooding

- 5.14 The site is not located within a designated flood zone, as defined by the Environment Agency Flood Map, and is therefore at the lowest risk of flooding. Similarly, no local drainage issues are known.

RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.
 3. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

4. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
5. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
6. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (a) vehicular, cycle, and pedestrian accesses; (b) vehicular and cycle parking; and (c) vehicular turning and manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
9. 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 25 metres measured along the centre line of the major road from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

4. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.
5. To ensure that the development is in keeping with the character of the Conservation Area, in accordance with Policies DP28 and DP32
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general functioning of the development
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general functioning of the development
8. In the interests of highway safety.
9. In accordance with Policies CP2, DP3 and DP4 and in the interests of road safety.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.