

Parish: Tollerton
Ward: Easingwold
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Committee Date: 15 September 2016
Officer dealing: Mr Andrew Thompson
Target Date: 20 June 2016
Date of extension of time (if agreed): 16 September 2016

16/00755/FUL

**Outline planning application for the construction of a detached dwelling with garage and access drive
at The Laurels, Main Street, Tollerton
for Miss Lynne Dawson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies to the rear of The Laurels and Laurels Cottage, which are on Main Street, but fronts South Back Lane, whose boundary is formed of a mature hedge and field gate. To the north east is a barn conversion with boundaries delineated by a 2m high close boarded timber fence.
- 1.2 The application is in outline with all matters reserved. However, it is indicated that access would be via South Back Lane via an existing gate, with the creation of a new access to the donor property, The Laurels, on the eastern boundary of the site. The application is supported by an indicative layout plan showing a detached dwelling in the centre of the plot with a garage on the southwestern boundary.
- 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 site is within the Tollerton Conservation Area, the boundary of which runs along South Back Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 79/0062/OUT - Construction of a dwellinghouse; Refused 31 May 1979.
- 2.2 86/0018/OUT - 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 development has been completed.
- 2.4 95/51654/P - Extension to dwellinghouse (The Laurels); Granted 7 February 1996.
- 2.5 On land to the rear of Westfield (to the south west): 01/00312/FUL – Dwelling; Refused 23 September 2001.

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
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 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
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 - wish to see this application refused.
- 4.2 Highway Authority - recommends that planning permission is refused on highway safety grounds that: (i) the required visibility cannot be achieved at the junction with the highway in a south westerly direction; and (ii) the road leading to the site is substandard in terms of its width and alignment and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal.
- 4.3 Environmental Health Officer (contaminated land) - No objection.
- 4.4 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the likely impact on the Conservation Area; (iii) residential amenity; (iv) the likely highway impact; (v) ecology and wildlife; 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. As such the proposed dwelling 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. Public comments with regard to precedent are noted; however the previous refusal of permission only related to the access issue, not the principle of development on this site.

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. 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 strong pattern of development fronting on to Main Street and to a lesser degree the arrangement of rear gardens leading to South Back Lane contribute positively to the character 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. The neighbouring Longacre Barn, to the rear of The Firs, and other buildings along South Back Lane are noted as part of the character of the place.
- 5.7 The indicative plans, as stated above, show a dwelling at the centre of the site which could be considered to be out of keeping with the character of the Conservation Area. However, the layout, scale, and external appearance are reserved matters and therefore would be the subject of a future submission. Should outline planning permission be secured, the reserved matters submission should bring forward a scheme that more closely relates to the character of South Back Lane and in particular the neighbouring buildings of Longacre Barn.

Residential Amenity

- 5.8 Having regard to the length of the existing garden and the plot depth, the introduction of a new dwelling could be achieved without causing significant harm to the amenities of existing and proposed properties. Nevertheless the positioning of the proposed dwelling, the bulk and massing of the development and the arrangement of openings could be delivered to ensure any no loss of amenity is caused by the proposed dwelling.

Highways

- 5.9 The comments of the Highway Authority and the previous refusals on the site are carefully considered. Since those refusals the Ings View development has been approved and completed. It is noted that the Highway Authority did not object to a proposal for a new dwelling to the rear of Westfield which sought to use an access to South Back Lane. At Westfield the width of South Back Lane tapers down from the Ings View development. The proposal would be approximately 25m from the Ings View development.
- 5.10 The visibility on the illustrative plan is shown by the agent to be 2.4 x 57m, whereas the Highway Authority's assessment shows the available visibility to be 2 x 9m. The shortfall in visibility in a south-westerly direction is substantial. The agent has been asked to give further consideration of the access in order to achieve improved

visibility and in the light of comments at paragraph 5.7 above to illustrate a layout of the site that would respect the character of the area better. In the absence of details to demonstrate that a safe access can be achieved and that traffic could be accommodated without harm to the verges through manoeuvres in the road it is considered that the proposal is unacceptable in highway terms.

Ecology and wildlife

- 5.11 The site includes a hedgerow to the front of the site which should be maintained as much as possible. Otherwise the site is a typical residential garden. There are no significant concerns relating to wildlife that would prevent planning permission being granted.

Flooding

- 5.12 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.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:

1. The proposed means of access, by which vehicles would leave and re-join the highway on South Back Lane would fail to achieve the required visibility of 2 metres x 25 metres in a south westerly direction and the intensification of use of the access would result in a development that would not protect the safety of road users contrary to the Hambleton Local Development Framework policies CP1 and DP4.
2. The road leading to the site is substandard in terms of its width and is therefore unsuitable to cater for the traffic which would be likely to be generated by the development without harm to the safety of other road users and the condition of verges to the road contrary to the Hambleton Local Development Framework policies CP1, CP17 and DP4.