

Parish: Catton

Ward: Thirsk

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Committee Date : 22 December 2022

Officer dealing : Mr Andrew Cotton

Target Date: 17th October 2022

Date of extension of time (if agreed):

22/01955/FUL

Application for Proposed residential development comprising of 2No. bungalows with detached garage[s].

At: Land Rear of Swale Reach, Catton Village, Catton, North Yorkshire

For: Mr & Mrs A & S Trueman

The proposal is presented to planning committee as it has been called in for member consideration by a member of the council and is also of significant public interest

1.0 Site, context and proposal

- 1.1 The application site is located within Catton, a small village made up of around 40 houses and some extensive farm buildings, and to the south of an area shown on Ordnance Survey maps as "The Ruins". It lies to the rear (west) of "Swale Reach" a bungalow fronting Catton's main street. The site includes a section of a private track which also serves other houses and provides access to another dwelling, "The Chevins", to the rear which in turn adjoins the River Swale.
- 1.2 The site is laid out in grass and is roughly rectangular in shape, with timber post and rail fencing. The site gently slopes away from the access track towards the northern boundary. The site contains a number of mature trees in the north-west corner of the site and along the western edge of the site is a belt of mature trees located beyond the site boundary that are understood to be in the ownership of The Chevins. A narrow area of paddock (about 15m wide) separates the site from the barn buildings of The Ruins to the north, which was approved for conversion to 6 dwellings in March 2015 (ref. no.13/02323/FUL). This permission has been implemented and the units are now occupied.
- 1.3 This application seeks permission for the erection of 2no. detached 2 bedroom bungalow dwellings orientated in a north/south direction with the principal facades overlooking the private access track from the village street that would serve the proposed units. The proposed units would be single storey in height with accommodation set out over the ground floor.
- 1.4 There are no significant services within the village. Residents therefore rely on local services available in Topcliffe, Carlton Miniott, Thirsk and other centres for varying degrees of support. The village is located approximately 4.5km to the north west of Topcliffe (hosting a local primary school, surgery, Church, local shop and two pubs) and approximately 6km south of Thirsk, the Service Centre for the area. In addition, Catton village has no bus service.
- 1.5 The site is not within a conservation area and there are no heritage assets nearby. Despite its proximity to the River Swale, the site is not located in within an area at risk of flooding.

2.0 Relevant planning and enforcement history

2.1 15/02079/FUL Proposed construction of a 4 bedroomed dwellinghouse and detached garage. Refused February 2016.

19/01020/OUT - Outline application with all matters reserved for the development of 2no. detached 4 bedroom bungalows. Refused July 2019

2.2 Other nearby developments:

13/02323/FUL - Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works. Permitted March 2015

16/02633/FUL - Construction of five dwelling houses and a stable block. Permitted March 2017

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

The relevant policies are:

S1 – Sustainable development principles
S2 – Strategic priorities and urban requirements
S3 – Spatial distribution
HG2 - Delivering the right type of homes
HG5 – Windfall housing development
E1 - Design
E2 - Amenity
E3 - The natural environment
IC2 – Transport and accessibility
RM1 – Water quality, supply, and foul drainage
RM2 – Flood risk
RM3 – Surface water and drainage management

National Planning Policy Framework

4.0 Consultations

4.1 Catton Parish Council – Object to the proposal raising the following summarised concerns:

- No real changes (aside from Local Plan) since previous refusals;
- Would like to see application taken to planning committee;
- Infrastructure impacts/ supply/capacity issues;
- Proximity of chimney to fuel tanks;
- Highways safety and operation concerns;
- Construction noise and vibration impacts;

- Impacts upon neighbours amenity/privacy;
- Extent of impact to trees unknown; and
- No 'green notice' displayed by Hambleton District Council (*officer comment: a site notice was displayed on 12.09.22*)

4.2 North Yorkshire Highways Authority – No objections subject to conditions.

4.3 Yorkshire Wildlife Trust – No comments to make.

4.4 Ministry of Defence – No safeguarding objections.

4.5 Yorkshire Water – No objection subject to conditions.

4.6 Street naming and numbering – An application would be required.

4.7 Public comments –14 objections have been received raising the following summarised concerns:

- Amenity impacts/loss of privacy;
- Loss of view;
- Highways safety concern/insufficient parking;
- Insufficient services available to service new development (sewage/electricity etc)
- Noise, vibration and disturbance; and
- Inappropriate back land/tandem development.

5.0 Analysis

5.1 The main issues for consideration relate to (i) the principle of development (ii) Character, appearance and design; (iii) residential amenity; (iv) highway safety; (v) flood risk and drainage; (vi) trees and ecology; and (vii) services and utilities.

Principle of development

5.2 The application site lies in Catton which is defined as a Small Village under policy S3 of the Local Plan. Policy S3 goes on to state that housing development within small villages, such as Catton, could be supported through assessment against policy HG5 (windfall housing development). Policy S3 goes on further to state development within settlements within the settlement hierarchy will be supported where it is proportionate to the size of the settlement.

5.3 Policy S5 clarifies that the built form of a settlement is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. However, policy S5 specifically excludes:

a. any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;

b. any ribbon development attached to the main part of the settlement where the buildings relate more to the surrounding countryside than to the main part of the settlement;

- c. gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement;
- d. agricultural buildings on the edge of the settlement; and
- e. outdoor sports and recreational spaces on the edge of the settlement.

- 5.4 It is considered that the site is located relatively centrally within Catton, albeit set back behind the properties fronting onto the main street. Nonetheless it is noted that there is a property immediately south of the access track which is also set back behind the properties fronting the main street, there is 'The Chevins' a residential property located to the south west of the site significantly further back from the main street and the aforementioned converted stables to the north of the application site which are now in residential use. As such it is not considered that any of the above exception criteria a-e would apply, therefore it is concluded the site is within the built form of the settlement within the definition set out in policy S5 of the Local Plan.
- 5.5 Policy HG5 provides support for windfall housing development within the built form of a defined settlement.
- 5.6 The proposal therefore can draw in principle support from policy HG5.
- 5.7 It is noted that Catton has no significant services available and relies heavily on other settlements for services and amenities which are significant distances away and as such is a less sustainable place for new development, hence its position as a small village in the settlement hierarchy (policy S3). Policy S3 provides in principle support for development within these smaller settlements where it is proportionate to the size of the settlement. A consideration of existing/recent developments must be taken into consideration alongside the scale of the current proposal to determine if the proposal complies with policy S3. The Parish Council also raise concern with the incremental impact development would have on the village.
- 5.8 When considering the site both individually and cumulatively with surrounding approvals (as set out in the section (planning history) of this report, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement. Since the approval of planning ref. no. :13/02323/FUL in 2015 the village has increased by 11 units, albeit some of these are conversions. It is considered a further increase of 2 additional units as proposed under this application would not be disproportionate considering the span of time this development has occurred over as well as its scale. Furthermore, it is noted both previous refusal of planning permission on this site (15/02079/FUL and 19/01020/OUT) did not consider the addition of 2 dwellings as disproportionate for the settlement. Impact upon drainage and highway safety will be considered later in the report.
- 5.9 Therefore it is considered that the principle of a new residential dwellings within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

Character, appearance and design

- 5.10 Policy E1 of the Local plan requires that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.11 Catton is largely made up of detached and semi-detached two storey and bungalow properties of mixed architectural styles built across the 18th, 19th and 20th centuries. The village is primarily a linear settlement, with the application site lying within an area that departs slightly from this established pattern of development. As noted within the previous refusals on the site an access track leads to The Chevins, approximately 100m from the Village Street and Bramley House lies on the southern side of the track, to the rear of 1 and 2 Catton Village Street.
- 5.12 The Chevins is not apparent in views from the Village Street and whilst it is acknowledged that the proposed dwellings would be largely obscured in views by Swale Reach, as Bramley House is by numbers 1 and 2, nevertheless being mindful of their design and orientation relative to Swale Reach, it is considered the development would be in tandem form and as such uncharacteristic of the village.
- 5.13 It is also noted that the plot to dwelling ratio proposed is not in keeping with those found locally. By virtue of the fact the applicant is attempting to achieve two dwellings on this site, the proposed dwellings would have small amenity spaces compared with the scale of the proposed dwellings and the presence of the mature trees on the western boundaries would mean this amenity space would be heavily shaded for at least one of the proposed dwellings. The trees are not within the ownership of the applicant and there cannot be pruned or felled as part of this proposal.
- 5.14 The design and layout of the site is relatively urban in its form particularly the shared central access drive which does not relate well to the village of Catton.
- 5.15 The proposal is therefore considered to fail to comply with Policy E1 of the Local Plan as it would not integrate successfully within its surroundings being alien to the built form of Catton and failing to reinforce local distinctiveness through the incongruous pattern of development.
- 5.16 No supporting statement has been provided to justify or explain why the applicant believes this proposal overcomes the second reason for refusal on application 19/01020/OUT and as such as set out above it is considered this reason still stands.
- 5.17 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of brick, clay pantile roof covering. Considering the materials palette of the nearby built form and the location of the site the proposed materials palette is considered to be acceptable. The design of the properties is relatively traditional with header and cill details to doors and window openings, chimneys and a variation in style which will provide some visual interest. Overall the design of the properties are considered to be acceptable.

- 5.18 However, while the design and appearance of the dwellings are in and of themselves acceptable, the proposal as a whole is considered harmful to the character of the area and the traditional form of the village as set out above contrary to policy E1 of the Hambleton Local Plan.

Residential amenity

- 5.19 Plots 1 and 2 would be sited c.12m to the west of the bungalow at Swale Reach, diagonally c.18m to the northwest of Bramley House, and c.38m to the north-east of The Chevins. The barns at The Ruins are sited c.22m and c.24m from the northern elevations of the proposed houses.
- 5.20 As with the previous application, which was refused, a number of concerns have been raised by members of the public and the Parish Council regarding impacts upon residential amenity. It is considered unlikely that the proposed residential use of the site would lead to any concerns in respect of noise and disturbance. Similarly, while noise would clearly be a feature of the construction period, but the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted. With regard to the concerns raised with potential for vibration from construction traffic impacting upon the integrity of the surrounding residential dwellings, considering the limited scale of the proposal and therefore the scale and duration of the construction period it is unlikely that any vibration from construction traffic would be of such a magnitude so as to cause structural damage.
- 5.21 Overall it is considered the proposal would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the neighbouring properties main amenity spaces due to the properties scale, siting, orientation, and separation distances.
- 5.22 Adequate provision of private amenity space and bin storage is set out for each dwelling. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.23 The layout submitted demonstrates that there would be adequate space for the parking of two vehicles per property along with some space for visitor parking within the confines of the site. As such it is unreasonable to assume that the proposal would lead to cars being parked on the private track or the public highway, and parking is therefore considered to be acceptable. The proposal would have no adverse impacts upon highway safety or the free flow of traffic. The Highway Authority has been consulted and has raised no objection to the proposal, subject to conditions.
- 5.24 As such subject to the imposition of appropriately worded conditions the proposal is considered to comply with Policy IC2 of the Local Plan.

Flood risk and drainage

- 5.25 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.

- 5.26 The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition. Connection to the mains public sewer is proposed for foul water with soakaway indicated on the site plan to deal with surface water drainage.
- 5.27 Given the low flood risk of the site it is considered that adequate drainage details could be secured via condition. As such the proposal is considered to accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Trees and ecology

- 5.28 Policy E3 of the Hambleton Local Plan seeks to ensure proposals demonstrate delivery of biodiversity net gain. Policy E1 (b) seeks to ensure the use of appropriate landscaping and tree planting within schemes.
- 5.29 The proposed site plan identifies some proposed landscaping as well as the addition of one bat brick and one nest brick within each dwelling. In addition, the applicant has submitted biodiversity calculations to demonstrate a net gain in accordance with Policy E3 through a mix of native landscaping and the inclusion of biodiversity enhancement features. Appropriate conditions could be used to secure these enhancements.
- 5.30 Plot 2 is within proximity to a number of large trees to the western boundary of the site. In particular large trees close to the proposed front and rear elevation of the property may be affected through impacts to root protection zones and pressure to prune or fell these trees due to overshadowing in the future, however the trees do not appear to be within the site boundary nor applicants ownership. No arboricultural impact assessment has been submitted and as such it is not possible to fully determine the extent of impacts to these mature trees. However given the issues identified with the layout of development (para 5.10-5.18) it was not considered necessary to request this information.

Services and utilities

- 5.31 Catton is served by all services but is not on the gas network and it is noted that no gas or oil tanks are noted on the indicative drawings. However, there would not appear to be any material reasons to suggest that the local utilities networks would not have the capacity to cater for the proposed dwellings.

Planning balance

- 5.32 While the principle of residential development in this location is acceptable under policies S1, S2, S3, HG5 of the Local Plan, due to the location of the site within the settlement the proposal is considered to cause detrimental harm to the built form and local distinctiveness of Catton being a predominantly linear development.

6.0 Recommendation:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):

1. The proposed development by virtue of its layout, scale and form would create dwellings in a position that would be in urban in character, in tandem form and thus uncharacteristic of the village and contrary to the provisions of the Hambleton Local Plan Policy E1 that seeks to achieve development of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place, a standard that is not reached by this proposal.