

Item Number: 11
Application No: 16/01965/FUL
Parish: Thornton-le-Dale Parish Council
Appn. Type: Full Application
Applicant: Mr Verity
Proposal: Formation of 1no. vehicular to access dwelling and associated agricultural buildings
Location: Midsummer Cottage Thomton Lane High Marishes Malton North Yorkshire

Registration Date:
8/13 Wk Expiry Date: 8 February 2017
Overall Expiry Date: 19 April 2017
Case Officer: Charlotte Comforth **Ext:** 325

CONSULTATIONS:

Public Rights Of Way	Recommend informative
Parish Council	Object
Highways North Yorkshire	Recommend conditions
Highways North Yorkshire	Recommends conditions
Parish Council	No views received to date

Neighbour responses: Bridget Eldridge,

SITE:

The site is located within the wider open countryside, approximately 2.6 kilometres to the south of the village of Thornton-le-Dale. A public right of way runs to the north of the site and the site is located within Flood Zones 2 and 3.

The property itself, Midsummer Cottage is a holiday cottage that is attached to the dwelling known as Summertree Cottage. To the north of the site is the dwelling known as Summer Tree Farm.

In 2003 when the planning permission was granted to change the use of the outbuilding to form a holiday cottage, the outbuilding in question was in the same ownership as Summer Tree Farm. However, this is no longer the case. There is currently no vehicular access to Midsummer Cottage or the associated agricultural buildings following separation from Summertree Cottage. Therefore, the property is effectively landlocked despite it fronting Thornton Lane.

PROPOSAL:

Formation of 1no. vehicular to access dwelling and associated agricultural buildings.

The initial proposal stated the following:

Change of use of existing holiday cottage to form a one bedroom dwelling for permanent residential use together with formation of 2no. vehicular accesses - one to access the dwelling and the other to access the associated agricultural buildings to the rear.

However, following lengthy discussions between the Case Officer and the applicant, it became apparent that the applicant could not meet the requirements of the Local Needs Occupancy criteria. The change of use of the existing holiday cottage to form a one bedroom dwelling for permanent residential use was therefore omitted from the scheme.

Subsequently, the proposed additional vehicular access to the front of the dwelling was also omitted from the scheme. A full re-consultation was then carried out for the formation of 1no. vehicular to access the rear of the dwelling and associated agricultural buildings as this as the only element of the original proposal that remained to be determined.

HISTORY:

The relevant planning history includes:

03/00157/FUL - Planning permission granted 30.05.2003 - Change of use and extension to outbuilding to form holiday cottage.

POLICY :

The Ryedale Plan - Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

APPRAISAL:

The main considerations to be taken into account when considering the proposal are:

- i. The Principle of Development
- ii. Impact upon the wider open countryside landscape
- iii. Highway safety
- vi. Other matters
- vii. Conclusion

i. The Principle of Development

There is currently no vehicular access to the dwelling known as Midsummer Cottage or the associated agricultural buildings since their separation from Summertree Cottage. Therefore, it is considered that the principle of forming a vehicular access to gain access to the rear of the property, the formation of 2no. on site car parking spaces and access to the associated agricultural buildings is not unreasonable. The proposed vehicular access will be positioned to the south of the Summertree Cottage and will be 4.5 metres in width. It is noted that Thornton Lane is on higher land compared to the field that the access passes through.

ii. Impact upon the wider open countryside landscape

The formation of 1no. vehicular access will involve the removal of 5.5 metres in length of hedgerow and 1no. ash tree. However, it is considered that this limited length of hedgerow removal will not be detrimental to the character and appearance of the wider open countryside. A further 10 metres of mixed native hedging is proposed along the southern boundary within the site. The new access track to be constructed using limestone chippings. Five bar field type timber gates are proposed to be positioned 15.188 metres back from the main highway of Thornton Lane.

Subject to the additional planting, It is considered that the proposal satisfies the requirements of Policy SP 13 (Landscapes) of the Ryedale Plan - Local Plan Strategy.

iii. Highway safety

The Local Highway Authority have stated the following with regard to the proposal:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The design standard for the site is DMRB and the required visibility splay is 2.4 metres by 160 metres (north) & 90 metres (south). The available visibility is 2.4 metres by 160 metres (north) and 80 metres (south). Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted.

These conditions are regarding the private access and verge crossing construction requirements and full technical details relating to the bridging/culverting of the watercourse adjacent to the site.

The Local Highway Authority have further provided the following information following an email that was sent by the Case Officer to provide clarity regarding the visibility splays.

As you are aware from my consultation dated 13 April 2017, DMRB standards are considered appropriate for this location, and based upon the observed and self-driven vehicle speeds, the required visibility distances appropriate for 50 to 55mph (160 metres) for the southbound approach; and 25 to 30mph (90 metres for 30mph) for the northbound approach should be applied.

On site checking at the proposed site entrance (measured from a point 2.4 metres back from the carriageway edge and along the nearside carriageway edge), the actual visibility to the north is in excess of 160 metres, and to the south 80 metres (the limiting restriction being the bridge parapet over the beck). However, given that this distance is more or less to the end of the 90-degree bend in the road, where vehicle speeds would be around 20mph, a shortfall of 10 metres visibility distance is not considered an unreasonable departure.

Whilst it is appreciated that the distances quoted are different to what has been submitted on the architects drawings, they are based upon surveyed measurements taken on site and represent the correct situation as I see it.

It is considered that the proposal satisfies the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

vi. Other matters

A full re-consultation was carried out with regard to the revised scheme and no additional responses were received from any third parties.

However, Thornton-le-Dale Parish Council stated the following with regard to the initial proposal:

All Councillors objected to this application. They considered the new vehicular access too close to the bridge.

A letter was received from the occupiers of Summer Tree Cottage with regard to the initial proposal. Their full letter of objection can be viewed on the Council's website. They have raised points regarding highway safety, the impact of the proposal upon the setting of the Grade II listed building of Summertree Farm and the restriction of new residential development within the countryside.

The issues regarding highway safety have been addressed in iii of the report. Due to the siting of the proposed vehicular access, it is considered to not impact upon the setting of the Grade II listed building.

vii. Conclusion

In light of the above considerations, the proposal is considered to satisfy the relevant policy criteria outlined within Policies SP13, SP 16, SP 19 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details on Drawing Number 79/02 REV A and Standard Detail number DC/E9A.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

3 There shall be no access or egress by any vehicles between the highway and the application site until:

(i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority; and

(ii) the surface water ditch at the location has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

4 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 79/02 REV A. Once created, these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interests of safety and the general amenity of the development.

- 5 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan - 79/01 REV A.

Proposed Access - 79/02 REV A.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties