

**Item Number:** 11  
**Application No:** 17/01534/FUL  
**Parish:** Settrington Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Stuart Benson  
**Proposal:** Formation of vehicular access onto Chapel Road to serve South View Plot 1 with Corner Cottage Plot 2 solely to use the approved access onto Forkers Lane  
**Location:** South View & Corner Cottage Forkers Lane Settrington Malton North Yorkshire YO17 8NP  
**Registration Date:** 31 January 2018  
**8/13 Wk Expiry Date:** 28 March 2018  
**Overall Expiry Date:** 1 March 2018  
**Case Officer:** Niamh Bonner **Ext:** Ext 325

#### **CONSULTATIONS:**

<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Objects
<b>Highways North Yorkshire</b>	Recommend Conditions

**Neighbour responses:** Miss Sophie Rawlings, Keith and Sue Herdman,

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#### **SITE:**

The application site lies at the junction of Forkers Lane and Chapel Road in Settrington. The site lies within the development limits as defined within the Ryedale Local Plan and the designated Conservation Area for the settlement. The site incorporates a pair of semi-detached properties, which are now almost complete. The approved access to both properties is gained from Forkers Lane, where off street parking is provided for both properties.

#### **PROPOSAL:**

This application seeks approval for the formation of vehicular access onto Chapel Road to serve South View (Plot 1) with Corner Cottage (Plot 2) solely to use the approved access onto Forkers Lane.

#### **HISTORY:**

The following applications are considered relevant to the current proposal:

08/00417/FUL: Erection of a four bedroom dwelling with detached double garage and formation of vehicular access. Withdrawn

09/01372/FUL: Erection of 2 no. two bedroom semi-detached dwellings with associated parking/amenity areas Approved

12/00809/73A: Variation of Condition 21 of approval 09/01372/FUL dated 17.03.2010 to state "The development hereby permitted shall be carried out in accordance with the following approved plans: 858-GA10-01-A Site Layout Plan, 858/105A Proposed elevations, 858/106 Floor Plans proposed" Approved

15/00738/73A: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state "The development hereby permitted shall be carried out in accordance with the following approved plans: 1411/14 - Location plan 1:1250, 1411/15 - Site Plan as Existing, 1411/16 - Site Plan as Proposed, 1411/17 - Ground Floor Plans as Proposed, 1411/18A - First Floor Plans as Proposed, 1411/19 -

Elevations as Proposed 1, 1411/20A - Elevations as Proposed 2, 1411/21A - Aerial View" Refused 16/01887/73A: Variation of Condition 21 of approval 12/00809/73A dated 29.11.2012 to state that the approved plans shall be "619/21K Site Layout, 619/20D House Type Design, 619/22B Window Details Eaves Details and 619/23 Additional Door Details" Approved

## **POLICIES:**

Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework  
National Planning Practice Guidance

## **APPRAISAL:**

The main considerations within the determination of this application are:

- i. Form and Design
  - ii. Impact upon Access and Highway Safety.
  - iii. Impact upon the Conservation Area
  - iv. Other matters, including consultation responses.
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- i. Form and Design

This proposal relates to the formation of a new vehicular access onto Chapel Road, Settrington. This access would serve South View and would lead to an area of hard surfacing within the site, providing turning spaces and two off street car parking spaces. The other access onto the site, from Forkers Lane would be retained to solely serve Corner Cottage.

This is illustrated on plan no. 619/21N (attached) which is an amendment upon the most recently revised site plan approved under application reference 16/01887/73A. This previously approved parking arrangements incorporated 4 off street parking spaces for the two properties solely utilising the previously approved access from Forkers Lane.

Aside from the proposed new access, the new plan incorporates the following alterations:

- New hedgerow to a section of the western boundary between South View Cottage and 18 Chapel Road.
- Removal of a section of the existing hedge along the southern boundary of the site to provide for the required visibility splay. This plan also incorporates the replanting of a section of hedgerow slightly inset from the southern boundary of the site.
- Parking spaces serving the site access from Forkers Lane to serve Corner Cottage reduced from 3 to 2.

It is considered that this proposal is acceptable in terms of its impact upon the character of the area. It is also noted that the planning history indicates that vehicular access to this site along Chapel Road has been gained previously and an existing dropped kerb remains.

A condition in relation to the proposed hedgerow/replacement hedgerow landscaping is recommended, to ensure the proposed species mix and heights of the proposed hedge is acceptable in this location. A further condition seeking details of the proposed surfacing is also considered necessary, given the positioning of the new parking area within the street scene.

Subject to the recommended conditions, it is considered that this proposal would not result in an inappropriate development in accordance with SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

ii. Impact upon Access and Highway Safety.

North Yorkshire Highways initially responded to the application with concerns with regard to the visibility splays which could be achieved to the east of the proposed new access. This response noted that due to an impending scheme to introduce a 20mph local speed limit within Settrington, (which would include the application site, it would be acceptable to provide visibility splays of 2 x 25 metres in an easterly and westerly direction.

In terms of impact upon the Conservation Area, the Building Conservation Specialist had raised concerns with regard to the potential harm that an extended loss of hedgerow to the southern boundary of the site to facilitate the 25m visibility spay could have on the heritage value of the Conservation Area.

Further negotiations were therefore undertaken and the North Yorkshire Highways Officer indicated that in the easterly direction, the visibility splay could be reduced to a minimum of 22 metres in length, without causing adverse impact in terms of highway safety. Revised plans were submitted on the 24th April 2018, which indicate the proposed new access and the achievable visibility splays, in context with the amount of hedgerow required for removal and proposed location of the replanted hedgerow further within the site. This proposed amended plan is considered to be acceptable by the Building Conservation Specialist.

The Highways Officer confirmed the following within their consultation response dated 26th April 2018 *“The revised drawing shows visibility splays for the access proposed appropriate for the impending 20mph local speed limit for the central part of Settrington village which is due to be implemented and become operational by the end of July 2018. A condition is therefore included which recommends that the proposed development is not brought into use in advance of this being in place.”*

Appropriate conditions and informatives has been recommended in relation to the use of the proposed development and construction requirements. Subject to the recommended conditions, it is considered that this proposal would not result in harm to access and highway safety in accordance with this element of Policy SP20 of the Ryedale Plan, Local Plan Strategy.

iii. Impact upon the Conservation Area

The site is situated within Settrington Conservation Area where the Council has a duty to assess whether a development proposal enhances or preserves the character of the designated area. (S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As noted above, detailed discussions have been undertaken to identify if a balance could be achieved where the proposal could be acceptable in terms of protecting highway safety and preserving the character of the Conservation Area,. The hedgerow along the southern boundary contributes to this character and Officers consider that it is an important feature to retain within the street scene.

Following receipt of the revised plans on received on the 24th April 2018, the Building Conservation Specialist was reconsulted and provided the following response. *“ I am of the opinion that this scheme is acceptable as there is now a very minor loss of hedge that is supplemented by additional hedging to the western boundary of the site. I have no objections.”*

It is therefore considered that the proposed replanting of the hedgerow further within the site along the southern boundary, together with the additional hedge planning to the western boundary will not result in harm to the character of the Conservation Area and its character is preserved.

iv. Other matters, including consultation responses.

Two letters of representation from third parties have been received in relation to this proposal.

The first from the occupier of 19 Chapel Road, notes the following:

*“We object to this access planning as we live next door and we know the dangers of the road. It is on a blind bend and people drive through the village at stupid speeds. I feel that the new access will make it even more dangerous. A death will be waiting to happen.”*

The second letter from the occupiers of Willowbeck Lodge, Forkers Lane is one of support noting the following summarised points:

- They objected to the original application in 2010 in relation to road safety. The visibility splays along the Forkers Lane side have not yet been installed.
- Since 2010 the traffic through the village has increased, however some improvements to the pavement on the corner have increased pedestrian safety.
- They noted the historic dropped kerb, evidencing that access to the plot was used at some stage in the past.
- They offered support for this proposal as the original parking scheme for four cars to use the Forkers Lane access was unworkable and dangerous, increasing likelihood of reversing onto highway and potentially causing disturbance to occupiers of separate houses within the plot.
- Recommend if decision of approval is made that further increase to the visibility splays be cut, with hedges repositioned accordingly.
- In terms of traffic management, a 20mph is proposed for elsewhere in the village and this should incorporate this area.

The Parish Council responded to note the following, they *“object to the proposal to reinstate the vehicular access on Chapel Road to South View Plot 1, on the basis that it is too close to the right-angle bend and junction, with insufficient sight lines, on the busy main road with much HGV traffic, which is narrowing towards the single lane bridge.*

*Councillors recall that, at the time of the initial planning proposal for the site, NYCC Highways Dept. used the above rationale to insist that this access be closed in favour of the new one opened up on Forkers Lane.”*

The above responses are noted. However the concerns in relation to highway safety have been resolved to the satisfaction of the North Yorkshire Highways Officer, who in their capacity as the statutory consultee on this application have confirmed that there would be no harmful impacts upon access or highway safety subject to the recommended speed limit, visibility splay, verge crossing and parking conditions.

In light of the above considerations and subject to the recommended conditions, the proposal is considered to satisfy the relevant policy criteria outlined within Policies, SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

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

Existing and Proposed Site Layout Plan (Drawing no. 619/21N received 24th April 2018)

Plan Sections and Elevations - including Location Plan (Drawing no.

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

- 3 No part of the development shall be brought into use in advance of the proposed 20mph local speed limit for the centre of Settrington village (including Chapel Road and parts of Forkers Lane) coming into force, expected to be during July 2018.

Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and in the interests of road safety.

- 4 Prior to the commencement of the development hereby permitted, details of the proposed hard surfacing of the parking area hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of development, details of the proposed hedging for planting to the southern and western boundaries of the site (illustrated on the approved drawing number 619/21N) shall be submitted to and approved in writing by the writing by the Local Planning Authority.

The approved scheme shall be implemented within the first available planting season (Nov - March) following completion of the development. In the event of any plant material dying, or become seriously diseased or damaged within a 5 year period following planting, it shall be replaced with similar species to a specification that shall be first agreed in writing with the Local Planning Authority unless the Local Planning authority give written consent to any variation.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 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:
- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details as shown on Drawing Number 619/21N and/or Standard Detail number E6.
  - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with details that shall be submitted and agreed with the local planning authority in consultation with the local highway authority in advance of the commencement of the development and maintained thereafter to prevent such discharges.
  - The final surfacing of any private access within 2 metres of the public highway boundary shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

#### HI-07 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.

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

- 7 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 in a westerly direction and 22 metres in a easterly direction measured along the adjacent channel line of the major road Chapel Road / Forkers Lane from a point measured 2.0 metres down the centre line of the access road (as indicated on approved drawing number 619/21N). 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.

Reason: In accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and in the interests of road safety.

**INFORMATIVE**

An explanation of the terms used above is available from the Highway Authority.

- 8 No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number 619/2N. 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 interest of safety and the general amenity of the development.