

Item Number: 12
Application No: 22/00467/FUL
Parish: Middleton Parish Council
Appn. Type: Full Application
Applicant: Mr Dennis Leng
Proposal: Erection of 1no. two bedroom residential dwelling with associated access, parking and landscaping (revised scheme to refusal 21/00189/FUL dated 10.09.2021)
Location: March Cottage Main Street Middleton Pickering North Yorkshire YO18 8PA

Registration Date: 4 May 2022
8/13 Wk Expiry Date: 29 June 2022
Overall Expiry Date: 4 July 2022
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Initial consultation

Building Conservation Officer	No objection
Tree & Landscape Officer	No response received
Aislabby Middleton Wreton Parish Council	Objection – overdevelopment of the site
Highways North Yorkshire	Recommend refusal-insufficient width available for new access

Re-consultation (further information and revised access arrangements- shared existing access)

Building Conservation Officer	No objection
Tree & Landscape Officer	No objection subject to protection of Silver Birch tree within the property being fenced in accordance with BS5837 recommendations, i.e. condition for fencing prior to commencement and retention of the verge tree
Aislabby Middleton Wreton Parish Council	No response received
Highways North Yorkshire	No objection- recommend conditions

Representations (1): Mr Gary Newton (objection)

BACKGROUND:

The application is to be determined by Planning Committee as representations received in response to the consultation exercise have raised objections based on material planning considerations.

SITE:

The application site is within the development limits of Middleton and is land within the curtilage of the existing dwelling known as March Cottage. March Cottage is a detached, two storey dormer, stone and pantile dwelling which faces south- east with its gable end facing north onto Main Street (A170).

The application site comprises land forming the mature gardens and domestic curtilage to the south of the existing cottage. The application site has a maximum depth of 33 metres from the boundary with the public highway to the rear wall and a maximum plot width of 20 metres. The site is delineated and

enclosed by stone gate piers and a low wall planted by hedging on the northern side and a stone wall forms the boundary on the eastern side. The southern boundary is the blank stone wall of the adjacent two storey barn converted to residential use (Neveswood).

The site is within the Middleton Conservation Area. The Grade II listed 18th century Middleton Hall stands opposite across the road from the site at a distance of approximately 55 metres. The application site is also approximately 75 metres from the churchyard (Visually Important Undeveloped Area) of the Grade I listed church of St. Andrew to the north west. In addition the 18th century Grade II listed properties of Beech View and Green Farmhouse stand 60 metres to the west and 50 metres to the east respectively.

In terms of neighbouring buildings more immediate to the site: Beech House is to the north-west; Hall View is to the east; and 'Grayling' (care home) is to the south-east. The residential property 'Neveswood' forms the southern boundary and further to the south-west is the detached property 'Sannox'. 'Neveswood' and 'Sannox' are accessed via Back Lane South. Public footpath number 25.63/12/1 is to the west of March Cottage and takes a north-south route linking Main Street (A170) to Back Lane South.

The site is within Flood Zone 1. The site is also within Zone 1 (Inner Zone) of the Groundwater source protection zones (SPZs).

HISTORY:

21/00189/FUL - Erection of 1no. two bedroom dwelling with associated access, parking and landscaping. REFUSED 10.09.2021.

The reasons for refusal as set out on the decision notice are:-

"It is considered that the proposed development is contrary to Policies SP12, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy (2013) and the NPPF (2021) for the following reasons:-

- 1. It is considered that the proposed dwelling by virtue of its siting, form, materials and design would result in an unacceptable adverse visual impact on the appearance of the street scene and will be harmful to the character of this part of the village. The size and siting of the proposed dwelling would result in overdevelopment of the site that would appear incongruous with the surrounding pattern and form of residential development, harmfully impacting upon the character of the locality contrary to Policies SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy and paragraphs 130 and 134 of the NPPF.*
- 2. It is considered that further to the first reason for refusal, the proposed dwelling does not reflect the historic character and appearance of the settlement in terms of its relationship to the street and surrounding buildings in design detailing; form and construction materials. As a result the proposed dwelling fails to preserve the character and appearance of the Conservation Area and would detract from the traditional village setting of the designated heritage asset. The less than substantial harm to the significance of the heritage asset which would arise is not outweighed by any identified public benefits and as such the proposal is contrary to Policy SP12 (Heritage) of the Ryedale Plan - Local Plan Strategy and paragraphs 199 and 202 of the NPPF.*
- 3. The proposed development by virtue of its size; siting; and appearance would give rise to an overbearing impact resulting in loss of outlook for occupants of the existing dwelling (March Cottage) and the resulting loss of outdoor amenity space to serve the existing dwelling would be detrimental to living conditions. As a result it is considered that the proposed dwelling would give rise to unacceptable material harm to the amenity of existing and future occupiers of March Cottage contrary to Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy".*

15/00832/HOUSE- Erection of a detached garage. APPROVED 10.09.2015. Unimplemented and expired.

PROPOSAL:

Planning permission is sought for the erection of 1no. two bedroom residential dwelling with associated access, parking and landscaping (revised scheme to refusal 21/00189/FUL dated 10.09.2021).

The proposed site plan shows that the proposed dwelling would be set back from the front boundary (north-east) by 18 metres and inset from the rear boundary (south-west) by approximately 8.5 metres. The new dwelling (including adjoining garage) would run the full width of the plot and would stand perpendicular to the existing dwelling (March Cottage). The supporting statement describes the proposed dwelling as a 'passivhaus' which "*surpasses the governments targets for sustainability and thermal efficiency*".

The proposed dwelling would have a width of 14.4 metres and a gable span of 6.1 metres. The dwelling would be 1 ½ storeys with an apex height of 6.5 metres and eaves height of 3.5 metres. The adjoining garage would be stepped down with a staggered ridgeline and would stand to a ridge height of 4.8 metres with eaves height of 2.5 metres. In comparison to the dwelling the garage would have a wider gable span (7.1 metres) and a shallower pitched roof which would have an overhang on the north elevation to shelter the main entrance door.

The proposed floor plans show that the ground floor of the dwelling would comprise an entrance lobby; WC; open plan living/kitchen/dining area; ensuite bedroom; and a utility room linking into the garage. At first floor the accommodation would comprise an office; lounge with balcony and en-suite bedroom.

Externally the dwelling would be constructed from natural coursed limestone and red pantiles with contrasting brick and slate to the adjoining garage which would also have solar panels to the rear roof slope. All windows and doors would be in UPVC windows and doors. There would be a single full height window and a single rooflight in the front (north-east) elevation. The main entrance would be at the front via a side door next to the garage. The garage would have a roller shutter door and would contain an electric vehicle charging point. There would be no window or door openings in the gable end side elevations. The majority of openings would be in the rear (south-west) elevation comprising two windows; a double set of full height windows/sliding doors and a triple set of full height windows at ground floor level. There would be two rooflights and a 'balcony garden' within the rear roofslope.

The eastern boundary with the rear of 'Neveswood' is a 1.5 metre high stone wall. The wall would be retained and it is proposed that additional screening is provided in the form of a laurel hedge planted on the inside of the wall which is shown as growing to the eaves height of the proposed garage (2.5 metres) by 3 years.

It had been proposed that a separate vehicular access would be formed in the northern boundary adjacent to the existing but that resulted in an objection from the Local Highway Authority. The revised scheme involves access via the existing driveway opening which would be widened. As part of the development the existing single storey part of March Cottage would be converted to form a garage. As a result, each dwelling would have an integral garage providing parking for one vehicle and external parking and turning areas to the front.

The proposed development would involve the demolition of two single storey lean-to sheds in the south-west corner of the site. The outdoor amenity space would be on the southern side of the proposed dwelling and would amount to approximately 130m².

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing

Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP12 Heritage

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy'

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Strategy - Policy SP21 Occupancy Restrictions

Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

REPRESENTATIONS:

In response to the initial publicity exercise the LPA received one representation from a neighbour (occupant of 'Neveswood') which raises an objection and states the following concerns:-

- The proposed building would result in loss of privacy to rear garden and may also impact on dining room
- The proposed building would result in a loss of natural light both in the garden and in two downstairs rooms

The neighbour also agrees with the issues raised by the Parish Council (see later within this section of the report).

The neighbour raised further comments and concerns following notification in relation to the revised details:-

- No concerns in relation to the revised access arrangements
- It is acknowledged that the proposed building would not impact on direct sunlight but due to being in close proximity would reduce light quality
- The site would look overcrowded as a result of the proposed building

It is noted that the responses from the neighbour includes comments in relation to the following which are not matters of planning control: access for maintenance work; any encroachment of planting on to property; and loss of view.

The Parish Council object on the basis that they consider it to be overdevelopment of the site “*leaving little outside space for the surrounding properties*”. The Parish Council are of the view that the overdevelopment of the site detracts from the Conservation Area and a nearby listed building.

APPRAISAL:

Principle of the development

The application site is within the village development limits. Development Limits for settlements define the boundary within which development in principle will be generally acceptable.

Policy SP1 (General Location of Development and Settlement Hierarchy) directs development to the Principle Towns of Malton and Norton, then to Market Towns and Service Villages. Middleton is identified in the Local Plan Strategy (Policy SP1) as an ‘Other Village’ where the role is the “*Consolidation of new development within current development limits, with the expansion of settlements for housing, justified only in exceptional circumstances*” New residential development within ‘Other Villages’, such as Middleton, would only be supported in principle when it would contribute to supporting a sustainable, vibrant and healthy rural economy and communities.

The NPPF (2021), at paragraph 79, states that “*To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby*”.

Middleton is a small village but despite its ‘Other village’ status in the settlement hierarchy is currently served by a shared village hall; church; public house; post office & tea parlour; and a petrol station incorporating a convenience store. Furthermore, Middleton is less than 1.5 miles from the centre of the market town of Pickering (‘Local Service Centre’ in settlement hierarchy) and is considered to be within reasonable walking and cycling distance.

Policy SP2 identifies that sources of new housing in ‘Other Villages’ such as Middleton includes, *inter alia*, infill development (small open sites in an otherwise continually built up frontage) restricted to Local Needs Occupancy (Policy SP21(a)).

Middleton is a linear settlement although recent housing development along Back Lane South has consolidated development in the southern half of the village. There is limited capacity for new development along the A170 frontage due to the character and form of the historic core of the village (Conservation Area). However, there is a degree of development at depth in the locality. There are examples of buildings set back from the public highway within this part of the village such as ‘Graylings’ and ‘Kinderash’ to the east.

The proposal represents consolidation of development within development limits and a building in this location with the siting, scale and orientation proposed, would not unduly depart from the prevailing pattern of development in this part of the settlement and would be considered acceptable in principle subject to a local occupancy restriction as set out in Policy SP21(a).

The applicant has confirmed that the occupancy restriction would be complied with. The applicant is a long standing resident of Middleton and the site is within the curtilage of the existing dwelling thereby making it possible to remain in the village and downsize to an eco-friendly and adaptable dwelling designed specifically to meet their current and long term needs which also includes the provision of a ground floor bedroom.

Design, form and impact on designated heritage assets

The site is wholly within the village Conservation Area. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to ensure that special attention is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

To accord with Policy SP16 (Design) and reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings. Attention should be paid to the grain of settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings. Policy SP20 also requires that *“New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses”*.

The application is accompanied by a Heritage Statement (within the Design and Access Statement) which concludes that *“the development will make a positive contribution to the enclosed site and can be provided without harm to the wider character of the Conservation Area”*.

The NPPF (2021), at paragraph 199, advises that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

Paragraph 202 of the NPPF goes on to state that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

The requirements set out in Local Policy SP12 align with the NPPF in requiring the conservation and, where appropriate, the enhancement of designated historic assets such as Conservation Areas. Policy SP12 also states that *“Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset”*.

Residential development in this part of the settlement is generally characterised by properties which occupy the width of the site in which they are situated. March Cottage is unusual in that it has its gable end facing the road and the front of the house faces east across the plot.

The proposed dwelling would be set back within the site occupying its full width. There have been concerns raised that the new build would result in overdevelopment of the site. However, the proposed dwelling would have its own well defined curtilage and would not encroach upon the side facing, principal elevation of March Cottage and the open area to its frontage.

There would continue to be a sense of enclosure within the site but it is not considered that the building in terms of its footprint; scale and position within the plot would amount to overdevelopment. The dwellings would also be served by adequate private amenity space and parking areas commensurate to the size of the dwellings.

The apex height of the dwelling would be similar to that of March Cottage but would not exceed that of the adjacent dwellings. Unlike the earlier application, which proposed a flat roof building, the proposed dwelling positively responds to traditional pitched roof forms within the Conservation Area. The proposed dwelling would have a narrow gable span and relatively steep pitch to the roof. The proportions would be generally in keeping with the adjacent barn conversion. The proposed dwelling would not disrupt the building hierarchy in the locality and would follow the grain of settlement of Middleton in terms of the siting, scale and orientation.

The northern elevation of the dwelling is a largely blank stone façade which ‘turns its back’ to the streetscene. The simple form and appearance mimics a barn wall and purposefully avoids the creation of an overtly domestic frontage to the building. The new dwelling benefits from its discrete siting towards the rear of the site and in terms of visual impact the appearance of the new dwelling, when viewed from the main road, would not be too dissimilar to the existing arrangement whereby the featureless stone wall of ‘Neveswood’ forms the rear boundary of the March Cottage plot.

The revised scheme retains the single vehicular access point off the main road and, as a result, there would be no significant loss of the existing boundary treatment which currently provides the site with a strong sense of enclosure from the road and nearby listed buildings. In addition the attractive verge tree would be retained to the benefit of the streetscene.

With regard to the proposed construction materials it is considered that the stone and pantile shown for the dwelling would respect the local vernacular and the use of the brick and slate to the garage is an appropriate contrast. In addition the stepped roof form and staggered ridge line would add visual interest and as a result the garage would appear as an ancillary and subservient addition in terms of scale and materials.

It is considered that the proposed development is sufficiently screened and separated from nearby listed buildings and would have no impact on their setting. The proposed development is a clear improvement upon the scheme the subject of the recently refused application and, in this case, there are no objections from Council’s Building Conservation Officer.

It is considered that in order to ensure the plot is not overdeveloped or the character and appearance of the new build diminished it is proposed that permitted development rights are removed from the dwelling and its domestic curtilage.

The site is in close proximity to a public right of way. The public footpath which passes the western side of the site is relatively narrow and enclosed by high boundary walls and established planted boundaries along its length. It would be possible to view the upper part of the western extent of the proposed dwelling when facing north from the public footpath. At present the view from this position is towards the stone gable end of March Cottage and a mixture of lower roof forms and the corrugated roof of the lean-to which is to be demolished. In this context it is not considered that the scale and appearance of the rear slope of the pitched roof of the proposed dwelling would result in any loss of visual amenity for users of the footpath.

Overall, the design of the development is of a standard that meets that required by Policies SP16 and SP20 and, having regard to the statutory duty placed on LPA’s by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, the proposed development preserves the character and appearance of this part of the Conservation Area in accordance with Policy SP12 and the NPPF. In addition the design of the proposed building incorporates sustainable credentials such as solar panels; an electric vehicle charging point; air source heat pump; rainwater harvesting; and built-in thermal efficiency which aligns with the aims of Policy SP18.

Residential amenity

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.

It is considered that the proposed building and its use would not result in materially adverse impacts on occupants of dwellings to the east or west of the application site. The proposed dwelling would be in close proximity to March Cottage immediately to the north and ‘Neveswood’ to the south/south-east.

March Cottage is an anomaly within the streetscene in that it stands gable end to the road with a side (east) facing frontage. As a result the existing dwelling has a limited outlook in respect of the southern end of the plot where the new dwelling is proposed to be constructed. In contrast to the earlier application (refused) the proposed dwelling would be sited perpendicular to March Cottage at the

southern end of the site and would not encroach upon the east facing frontage of the cottage.

The loss of the existing mature, well landscaped garden is regrettable but it is evident from the plans that the applicant would seek to re-establish suitable garden areas to serve both dwellings. In total the amount of undeveloped outdoor space across the whole site would amount to approximately 200m² and whilst the garden serving March Cottage is reduced as a result of the development it would still provide adequate outdoor space in addition to its conservatory.

The earlier application was deemed to result in a cramped arrangement; overbearing presence and loss of outlook for occupants of March Cottage. It is considered that the siting; scale and massing of the dwelling as now proposed would not result in any overbearing impact or loss of outlook to March Cottage. Likewise it would not give rise to material impacts in terms of loss of light or overshadowing of March Cottage.

The principal windows serving the proposed dwelling would be at ground floor level in the rear (south-west) elevation. As a result of the limited openings in the northern elevation of the proposed dwelling March Cottage and its associated outdoor space would not be overlooked from any habitable rooms.

The proposed dwelling would be a self-contained unit of accommodation separate from March Cottage albeit with a shared access off Main Street. The site layout plans show that within the site there would be separate access, parking and turning areas for each dwelling. The access route for the proposed dwelling would run along the eastern boundary at its furthest point from March Cottage. There is scope of soft landscaping between March Cottage and the access route and for a suitable boundary treatment to be installed (to be controlled by condition). Overall, it is not considered that the intensification of use of the shared access and parking and turning arrangements would result in unacceptable disturbance or general loss of amenity to the future occupants of March Cottage.

‘Neveswood’ is a two storey dwelling forming the boundary to the south and has three rooflights in the northern roof slope but no ground or first floor windows facing the proposed dwelling.

In light of the stand-off from the southern boundary and the size of the garden to serve the proposed dwelling it is considered that the future occupants of the proposed dwelling would have an acceptable level of outdoor amenity space and outlook and the presence of ‘Neveswood’ would not be overbearing; oppressive or result in any loss of privacy. In addition the proposed rooflights and larger openings at ground floor level in the rear elevation of the proposed dwelling would ensure that all habitable rooms are provided with acceptable levels of natural light.

On the south east side of the application site the proposed building would be constructed close to the boundary with ‘Neveswood’ but it is noted that it is arranged such that the garage, which has a lower eaves and ridge height, abuts the boundary with the neighbouring property. As a result the building would not result in an overbearing or unacceptably dominant presence in relation to the outdoor space to the rear of ‘Neveswood’.

The proposed plans show that within the southern roof slope a ‘balcony garden’ would be formed. The balcony is of concern to the neighbour due to potential loss of privacy/overlooking to the small outdoor seating area to the rear of their dwelling.

The applicant has confirmed that the ‘balcony garden’ would be no more than 2.4 metres wide, no higher than 2.8 metres above ground level and approximately 12 metres from the eastern boundary with ‘Neveswood’. The applicant states that it is intended for the balcony to be used solely for growing pot plants but how the balcony is used is a matter beyond planning control.

The balcony would directly face the rear wall of ‘Neveswood’ overlooking the garden associated with the proposed dwelling. Nevertheless, it is accepted that, despite being partially screened by the roof slope of the proposed garage which extends back beyond the rear building line of the dwelling, views could be obtained by facing south-east towards the rear of ‘Neveswood’ but only at a very acute angle and through a gap no wider than 5 metres between the existing and proposed buildings.

It is noted that the eastern boundary with 'Neveswood' is a 1.5 metre high stone wall and there is scope to provide natural screening in this location. The proposed plans show that the stone wall would be retained and it is proposed that additional screening is provided in the form of a laurel hedge planted on the inside of the wall which is shown as growing to the eaves height of the proposed garage (2.5 metres) after 3 years.

Should permission be granted a condition will secure the final details relating to the balcony and the applicant is agreeable to a condition limiting the balcony projection to a maximum of 500mm. In addition it is considered that the potential impact of the balcony can be mitigated to an acceptable degree through the boundary screen planting shown on the plans which would be the subject of a landscaping condition.

The neighbour had also raised concerns about the impact of the proposed building on light levels. The proposed building would be to the north west of the rear of 'Neveswood' and it is considered that by virtue of its scale and siting it would not result in any material loss of natural light to the rear of the neighbouring property.

A condition is recommended to remove permitted development rights to restrict the insertion of any additional window openings in the dwelling to safeguard against any future adverse impacts upon privacy of the adjoining properties.

In addition the condition requiring the submission of a Construction Management Plan would ensure hours of work are agreed with the LPA prior to commencement and, in the interests of residential amenity, those hours will be limited to day time hours only.

Overall, it is considered that the application site can accommodate the proposed dwelling and provide the future occupants with acceptable levels of amenity without having a materially detrimental effect on living conditions enjoyed by present or future occupants of March Cottage and 'Neveswood'. It is considered that subject to the aforementioned conditions the proposed development complies with requirements of Policy SP20 in respect of residential amenity.

Highways

The application initially proposed the creation of a second vehicular access in the northern boundary. The highways officer highlighted the requirement for a minimum 2.4 metre width of access to be available for safe access and egress to and from the site, with a clearance of 450mm from the verge tree. It was noted that the available width was 1.9 metres allowing for the clearance of the tree and this was deemed insufficient and the LHA recommended that the application be refused.

The application was subsequently amended by the applicant to propose that the existing access is slightly widened and shared by occupants of both March Cottage and the proposed dwelling. In response the LHA have confirmed no objections noting that the existing access provides adequate visibility to facilitate access and egress for both host and proposed dwellings. The LHA recommended conditions in relation to the creation and retention of on-site parking and turning areas; and a construction management plan.

The site will provide sufficient space to allow for the parking of a minimum of two cars per dwelling and there would be no conflict with adopted parking standards in this regard.

It is considered that the very modest intensification of use of the existing access would not have any materially adverse impact on highway safety or the capacity of the public highway in compliance with Policy SP20.

Drainage

As is the case for the majority of land in Middleton the site falls within Zone 1 (Inner Zone) of the Environment Agency's Groundwater Source Protection Zones (SPZs). The application form indicates

that all foul water will be channelled to the existing mains sewer which is considered acceptable and does not have the potential implications to pollute or harm groundwater associated with a non-mains foul drainage system. For completeness informatives will be attached to any grant of planning permission to ensure the applicant is aware of the implications of the SPZ designation.

Surface water will be directed to a soakaway. As no details of the proposed soakaway has been provided it is recommended that a condition is attached should planning permission be granted requiring that unless otherwise agreed in writing with the Local Planning all surface water shall be directed to soakaway in accordance with the British Standard requirements, to the satisfaction of the Building Control Inspector.

Contamination

The application is accompanied by a Contamination Screening Assessment which confirms that the site has a history of domestic land use and no buildings, other than the existing lean-to domestic sheds, have been present on the application site. In light of the aforementioned groundwater sensitivities in the area it is considered prudent to impose a condition that should any contamination be discovered during the construction phase, that it should be reported and appropriately remediated.

Trees

The Council's Tree and Landscape Officer notes that the revised scheme no longer proposes the creation of a second vehicular access and, as a result, the verge tree (Red Maple), which positively contributes towards the amenity and character of the Conservation Area, will not be impacted by the proposed development.

The Council's Tree and Landscape Officer has raised no objection to the proposed development on the basis that the Silver Birch tree within the site is retained (as shown on the site plan) and protected during construction with appropriate fencing in accordance with BS5837 *"Trees in Relation to Design, Demolition and Construction to Construction - Recommendations"*.

Conclusion

Middleton is a small village but is considered to be one of the more sustainable 'Other Villages' in the settlement hierarchy for reasons highlighted in earlier in this report. There has been consolidation of development within the settlement limits in recent years with individual plots being developed for new dwellings.

Taking account of the pattern of development within this part of the settlement it is considered that the proposal represents consolidation of development within development limits and is acceptable in principle under the terms of Policy SP2. The dwelling would also meet an identified local need and the occupants would comply with the occupancy restriction to be imposed in line with Policy SP21(a).

In summary, the earlier application (ref. 21/00189/FUL) was refused due to poor design; harm to the character and appearance of the Conservation Area; and loss of amenity for future occupants of March Cottage. The proposed dwelling the subject of this application has a revised siting; scale; appearance and orientation.

It is considered that the previous design and heritage related concerns have been addressed and, whilst the objections are noted, the development would not result in material harm to the living conditions of occupants of March Cottage; the proposed dwelling or the neighbours to the south/south-east.

The proposed dwelling would also be developed as a 'passivhaus' with the design incorporating sustainable credentials and modern thermal efficiency whilst respecting the character, form and appearance of the historic environment in this part of the village.

No objections have been raised in respect of highways or heritage matters and there are no insurmountable issues in respect of drainage or contamination.

It is considered that the proposal represents sustainable development meeting an identified local need and as a result the recommendation to Members is one of conditional approval.

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 plans:

Site Location Plan, date stamped 27.06.2022
Revised vehicular access plan, ref. T5/B, dated 12.06.2022
Boundary elevation and plan drawing (revised) ref. T5/A, dated 12.06.2022
Site Plan (revised) ref. T4/A, dated 12.06.2022
Ground floor plan ref. T1/A, dated Jan 2022
First floor plan ref. T2/A, dated Jan 2022
Elevations ref. T3/A, dated Jan 2022

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

3 Before the commencement of any aboveground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20.

4 Notwithstanding the plans hereby approved, there shall be no barge boards or fascias on the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20.

5 Prior to their installation, details of all windows, rooflights, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance in compliance with Policy SP20.

6 Prior to installation full details of the materials, colour finish, height and design of all means of enclosure; methods for the delineation of the plots; and boundary treatments including gates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the development being brought into use.

Reason: To ensure that the development does not prejudice the appearance of the locality, as required by Policy SP20.

- 7 Prior to being installed the precise details of the proposed ground surfacing materials across the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP20.

- 8 Prior to installation full details of any chimney(s) or flue(s) (position, size, colour and projection) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the appearance of the locality, as required by Policy SP20.

- 9 Prior to the construction/installation of the balcony hereby approved full details (size; appearance; projection; and means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The balcony shall have a maximum projection of 500mm from the eaves.

Reason: To ensure that the development does not prejudice the appearance of the locality or residential amenity, as required by Policy SP20.

- 10 Before the end of the first planting season (November - March inclusive) following the commencement of development, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the approval of the details, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20.

- 11 Prior to the commencement of any construction or excavation works within the site the Silver Birch tree within the property shall be enclosed by tree protection fencing in accordance with BS5837 "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" which shall be retained throughout the construction period.

Reason: To ensure adequate tree protection in the interests of amenity in compliance with Policy SP20.

- 12 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

2. The parking of contractors' site operatives and visitor's vehicles;
3. Areas for storage of plant and materials used in constructing the development clear of the highway;
4. Details of site working hours;
5. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in compliance with Policy SP20.

- 13 The dwelling hereby approved shall not be occupied until the related parking and turning areas/facilities have been constructed in accordance with the approved details. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: 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 in compliance with Policy SP20.

- 14 Vehicular access to the dwelling hereby permitted shall be via the existing access only which shall be widened a maximum of 620mm as shown on the revised vehicular access plan, ref. T5/B, dated 12.06.2022

Reason: In the interest of safety and the general amenity of the development in compliance with Policy SP20.

- 15 Prior to the commencement of any above ground building works associated with the dwelling and garage hereby permitted, details of the proposed means of disposal of foul and surface water drainage, including details of any off-site works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained and to satisfy the requirements of Policy SP17.

- 16 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any above ground building works, all surface water discharge shall be dealt with as follows:

1) The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology. If soakaways are feasible, surface water shall be directed to a soakaway in accordance with the British Standard requirements to the satisfaction of the approved Building Control Inspector.

2) If soakaways are not feasible, the prior written approval of the Local Planning Authority for an alternative means of surface water disposal must be sought with any approved scheme to be installed prior to the occupation of the dwelling.

Reason: To ensure the development is provided with satisfactory means of drainage in accordance with Policy SP17.

- 17 The dwelling hereby approved shall not be occupied prior to completion of the works for disposal and treatment of sewage to the mains sewer in line with the informatives attached to this permission.
- Reason: To ensure that no foul discharges take place until proper provision has been made for their disposal and in a way which would not pose a risk to Source Protection Zone 1 for drinking water abstraction in compliance with Policy SP17.
- 18 During the development any unforeseen land contamination found shall be notified immediately in writing to the Local Planning Authority and work cease until the extent of the contamination has been investigated and remedial action, which has been agreed in writing with the Local Planning Authority has been completed. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of any remedial work.
- Reason: To ensure management of any contamination risks and to satisfy the requirements of Policy SP17.
- 19 The dwelling hereby approved shall not be occupied until the garage shown on Site Plan (revised) ref. T4/A, dated 12.06.2022 has been formed and made available for use by occupants of the dwelling known as March Cottage.
- Reason: 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 in compliance with Policy SP20.
- 20 Prior to the occupation of the dwelling hereby approved the garage shall be fitted with an electric vehicle charging point.
- Reason: To promote sustainable transport and in accordance with the development principles for the site in compliance with Policy SP18.
- 21 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no windows, other than those shown on the plans hereby approved, shall be formed in the walls, doors or roof of the dwelling and garage hereby permitted without the prior written consent of the Local Planning Authority following a specific application in that respect.
- Reason: In the interests of amenity and to ensure that the appearance of the building is not prejudiced by the introduction of unacceptable additions and in the interest of residential amenity in accordance with Policies SP16 and SP20.
- 22 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
- Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in compliance with Policy SP20

- 23 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policy SP20.

- 24 The dwelling hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason: To satisfy the requirements of Policies SP2 and SP21.

INFORMATIVES:

Groundwater

The proposed development is located in a groundwater Source Protection Zone 1 for public drinking water abstraction. This means any pollution that enters the ground can pollute groundwater and find its way into the drinking water supply in a short amount of time. It is therefore important that the development does not pose an unacceptable risk to the quality of the underlying groundwater during its construction phase or during its lifetime.

Foul drainage – It is proposed that foul sewage will be discharged to the mains sewers. The highest specification pipework and designs will be required for new sewage pipework to minimise leakage.

Construction - The construction phase of the development should not cause pollution of ground water. Advice on managing environmental risk during the construction and demolition works can be found in the following publication: Working at Construction and Demolition Sites: Pollution Prevention Guidelines6. Copies of this document can be found on our website: <https://www.gov.uk/government/publications/construction-and-demolition-sites-ppg6-prevent-pollution>.

Vegetation

Any vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any works. If nesting birds are found during the watching brief, disturbance and destructive works will need to stop until the young have fledged.