

**Item Number:** 10  
**Application No:** 14/01377/FUL  
**Parish:** Slingsby Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Slingsby Development Ltd  
**Proposal:** Erection of 1 no. 4 bedroom and 2 no. 3 bedroom dwellings and 2 no. detached carports for plots 2 and 3, together with change of use and alteration of existing outbuilding to form garage and workshop for plot 1, following demolition of existing lean-to outbuilding  
**Location:** Land To Rear Of Hutton Brothers Car Sales Railway Street Slingsby Malton

**Registration Date:**  
**8/13 Wk Expiry Date:** 17 February 2015  
**Overall Expiry Date:** 22 April 2015  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

<b>Countryside Officer</b>	No objection
<b>Environmental Health Officer</b>	Recommend Conditions
<b>Archaeology Section</b>	Advise a scheme of archaeological mitigation
<b>Building Conservation Officer</b>	Object to original plans
<b>Parish Council</b>	No objections
<b>Highways North Yorkshire</b>	Further response to follow

**Neighbour responses:** Mrs Helen Orchison, Mr J.M. Richards, Mrs Shelagh Richards, John And Chrysa Apps,

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#### SITE:

The site is situated on the eastern side of Railway Street, within the village development limits and within the designated Slingsby Conservation Area. In connection with its use as a garage, the frontage buildings were significantly altered, with the insertion of a very large commercial shop front. To the rear of the site, and running along the northern boundary is a two storey wing which reduces to single storey, and is agricultural in design. The remainder of the site comprises a large yard. The buildings and rear courtyard have most recently been used for Hutton Brothers Car Sales and workshop, but the site has been disused for some time. The site is in a predominantly residential area.

#### PROPOSAL:

Permission was granted in 2014 for the change of use and alteration of the frontage buildings to form two dwellings together with amenity areas and associated parking and access. Permission is now sought for the erection of three dwellings running at right angles to the frontage buildings. They will comprise:

(i) Plot 1- one two storey, three bedroom dwelling with a footprint of 7.7m by 11m with a rear single storey extension with a footprint of 4.3m by 5.1m. The eaves height are 4.5m within a ridge height of 7m.

(ii) Plots 2 and 3 each provide three bedroom accommodation, however the ground floor accommodation on plot 2 is reduced to enable rear access to be provided. Including the access, the footprint measures 10.5m by 7.5 m with an eaves height of 3.6m and a ridge height of 6.2m. To the

rear is a crosswing with a footprint of 6.4m by 5m and a ridge height of 6.1m. It is noted that the restricted eaves and ridge height for plots 2 and 3 results in the first floor accommodation being provided within the roof space. As such the rooms will have collared ceilings and reduced usable floorspace. Plot 3 has the same footprint as Plot 2, however, the ground floor is larger because the access is to the side.

(iii) Erection of two detached timber carports situated to the rear of the domestic curtilages for plots two and three.

(iv) Change of use of existing single storey outbuilding to create a garage and workshop for plot 1

### **HISTORY:**

14/00621/PREAPP: Pre application advice - conversion of buildings to 2 residential units and erection of 3 houses - conversion supported in principle, concerns over other aspects of the scheme.

14/00960/FUL: Permission granted for the change of use and alteration of garage/showroom to form 1no. five bedroom dwelling with attached double garage and amenity area and 1no. two bedroom dwelling with detached double garage and amenity area to include alteration to existing vehicular access, formation of access road to The Bungalow and front boundary wall with metal railings.

14/00965/FUL: Consent granted for the demolition of a detached garage building and two sections of main building.

### **POLICY:**

#### National Planning Guidance

National Planning Policy Framework  
National Planning Policy guidance

Planning (Listed Buildings and Conservation Areas Act) 1990

#### Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy  
Policy SP2 - Delivery and Distribution of New Housing  
Policy SP3 - Affordable Housing  
Policy SP11 - Community Facilities and Services  
Policy SP14 - Biodiversity  
Policy SP16 - Design  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

### **APPRAISAL:**

#### Impact of the development on the significance of Slingsby Conservation Area, and the setting of the adjacent listed building.

Both Local and National development is supportive of sustainable development. Planning Law states the planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Slingsby is identified as a Service Village and policy SP2 of the Ryedale Plan -Local Development Strategy supports the conversion and re-development of previously developed land and buildings. This general support is however subject to a number of criteria. Of particular relevance to this application is that such development is restricted to :

*infill development (small open sites in an otherwise continually built up frontage)*

To consider a site contrary to this criteria it is necessary for the applicant to demonstrate the *material considerations* that would justify a divergence from this criteria.

Given the location of the site within Slingsby Conservation Area, and within proximity to listed buildings, it is also necessary for Local Planning Authorities to take account of the requirements of the Planning (Listed Buildings and Conservation Areas) Act (Section 72). This places a duty on a Local Planning Authority to have regard to the desirability of preserving or enhancing the character of a Conservation Area. The understanding of the character of the area, and therefore its significance is essential. This requirement is detailed in the following paragraphs of the National Planning Policy Framework.

- *128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.*

*131. In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

*132. 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

The application is accompanied by a detailed Heritage Statement which assess's the character of the area. It is considered that the supporting heritage statement is sufficiently detailed to satisfy the requirements under the NPPF. Of particular note, para 2.4.5 states:

#### **2.4.5 LAYOUT**

*..... The historic plot boundaries in Slingsby remain relatively intact in the conservation area although some plots have been sub-divided to provide new frontages and some plots have been amalgamated to create larger areas, the Former Hutton Bros. site for example incorporates two historic plots and has been sub-divided by the construction of a large bungalow in the 1960's.*

*Modern and historic map analysis shows that development has traditionally been linear along the street frontage, with attached ancillary structures constructed to the rear, perpendicular to the street, following the length of the historic plot rather than running across it.*

The report at 2.4.6 refers to the precedent within the village for new development to take the form of converted barn structures and the conversion of existing outhouses to form new dwellings. It also refers to several developments within the village that go against the grain of the historic plots, for example the bungalow to the rear of the former Hutton Brothers site. This sub-divides the plot and does not fit in with the character of the Conservation Area.

The submitted heritage appraisal includes a detailed assessment of the condition of the site, the benefits of the re-development and a detailed assessment of the proposed development. It categorises the change of use and alteration of the frontage buildings as *High Beneficial*. This relates to the application which was approved last year.

#### Development Proposal

Officers concur with the report in that the site has been redundant for a number of years, and is in a poor state of repair. As such it has a detrimental impact on the character of the area. The development of the frontage buildings which was approved last year is welcomed and it is considered that it is a high quality of design that will re-instate the traditional character of those buildings. Officers also consider that the heritage appraisal demonstrates that buildings to the rear of the main street are characteristic of the area. As such it is considered that this is a material consideration that outweighs the criteria in policy SP2 of the Ryedale Plan- Local Development Strategy for infill development only.

In relation to the design of the new build, the submitted heritage assessment articulates that development to the rear is predominantly ancillary in design and character. Whilst there are some examples of new build which is at odds to this character, they are anomalies and do not define the character of the area. Indeed officers have repeatedly advised the applicants that any development to the rear should be ancillary and smaller in scale, and have recommended that any development in this location is single storey. Accordingly Officers have some concerns regarding the height and two storey design of plot 1. Nevertheless they have taken account of the relatively low ridge and eaves height, and the irregular fenestration which characterises an ancillary building, and consider that taking into account the benefits of the renovation and change of use of the site as a whole, the benefits of this part of the development outweigh the harm. The assessment in the report of the new build is categorised as *Low Beneficial* in the submitted heritage assessment. This is defined as "*The alterations enhance to a minor extent the heritage asset or the ability to appreciate its significance values*". The rationale detailed in the report for this assessment is that whilst it is of two stories, "the building will have a low roof ridge and low eaves. The low but varied roofline will minimise the impact of the development on views from Railway Street. The design is in keeping with other ancillary or barn ranges nearby. To the rear the offshot has been reduced in size to respect the size and shape of the plot. The re-use of this previously developed site will be beneficial".

In relation to Units two and three, officers agree that the reduced ridge and eaves height, together with the simple detailing are a characteristic of ancillary buildings. Nevertheless there are significant concerns that the depth of the dwellings and roof span is greater than that of the existing buildings. However the greatest concern relates to the rear cross wings on Units two and three. They have an external length of 6.4m and 5m width, with a ridge height of 6.1m. The scale of these cross wings is such that they no longer have the form of ancillary buildings. Their height at the junction of the main ridge adds to their dominance. Furthermore they significantly detract from the linear form of the buildings and interrupt the length of the burgage plots.

The heritage assessment submitted by the applicant classifies the units as low beneficial due to their reduced height and simple detailing, it also refers to the reduced size of the *single storey* offshots. The rear wings are *not* single storey, and whilst the first floor accommodation will be provided in the roof, this desire for first floor accommodation has resulted in their increased height and length over

and above what would be required for a less dominant single storey offshot. There is also concern that if permission is granted for a development of this dominance and location it will be used as a precedent for other developments elsewhere in the village which will add to the erosion of character. Indeed, it is noted that the submitted Heritage assessment includes a list of sites that are considered to be at odds with the defined character of the village.

Accordingly it is considered that the proposed development will harm the significance of the conservation area by virtue of the scale and dominance of the proposed development, and the erosion of the burgage plots.

The applicant has stated during correspondence that:

*they find a further adjustment of the proposed scheme unacceptable particularly as there have been negotiations undertaken in good faith to adjust the original scheme and they will vigorously counter argue for approval in committee against your indicated proposal to refuse.*

*If refused they are minded to go to appeal particularly as it is the whole development, frontage and backlands, as currently conceived, that is needed for development viability and in this context the adjusted revised backlands scheme, most recently explored, falls short of that viability requirement.*

Officers are fully supportive of the re- development of the site in principle, and indeed have delayed making a decision on the application to enable negotiations to be carried out. Nevertheless as stated earlier in the report, officers clearly advised during further pre-application advice that there were concerns regarding the scale of development in this backland location. Officers held a meeting with the architect and his client after the submission of the application and re-iterated concerns regarding the scale, depth and the length of the rear wing. The viability of the overall scheme has been taken into account, and on balance the two storey design of plot one and one and half storey to plots two and three have therefore been considered acceptable because of the benefits of the scheme as a whole. Indeed the applicant has been advised that a recommendation of approval would be made if the rear extensions were reduced in length and height to enhance the linear character of the building, thereby maintaining the character of the burgage plots. It is considered that the harm is 'less than substantial', however the NPPF requires that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is not considered that the public benefits of the development outweigh the harm which will result from the interruption to the burgage plots, and the dominance of the rear cross wings. This is in particular because officers are of the opinion that the objections raised can be addressed by a revision to the proposed development.

In relation to the setting of the listed building, it is considered that the enhancement of the frontage buildings and the location of the development to the rear will not have an adverse impact on the setting of the listed building that is situated to the north of the application site.

#### Neighbour Impact

The site is in a predominantly residential area with a bungalow to the east, the domestic curtilage to a large dwelling to the northern boundary and single storey barn conversions to the south. Given the orientation of the proposed development, and the separation created by an access to plot three, it is not considered that the development will have a significant adverse impact on the existing amenities of the occupiers of The Bungalow. The development will be located within 7 metres of the dwellings at Wheatlands to the south, with windows facing those properties. Nevertheless the northern elevations of Wheatlands are blank with openings restricted to roof lights. Given the close proximity it is considered that there will be some impact on their amenities but it is not considered that this will be significant. Plot 1 is separated from the houses recently approved in the frontage of the site, by an access. It is considered that the distances are appropriate and the amenities for both dwellings acceptable. In relation to Orchard Cottage to the north, plots 2 and 3 have large windows at first floor level that are orientated towards the garden of that property. Nevertheless, there is a minimum distance of 16m from the common boundary. Consequently it is considered that there will not be a significant adverse impact by virtue of overlooking.

it is noted that two letters of response have been received in relation to the application. One is from the occupiers of The Bungalow to the east. They have advised that the site is currently in a derelict state of repair, and a danger to passing traffic due to falling slates. The development can only be a benefit.

A further letter has been received from another nearby neighbour. They express support for the development but strongly consider that development behind the extant building line should be single storey only.

#### Highway Considerations

Permission was granted by virtue of application 14/00960/FUL for the change of use of the frontage buildings, and this included the widening of the access to the rear. The current application includes a minimum of two parking spaces for each dwelling, together with one visitor space on the access. It is considered that this is sufficient for the development proposed.

The final comments of the Highway Authority are however awaited in relation to access into the houses and the turning and refuse collection areas.

#### Ecology

An ecological survey was submitted in relation to the application for the frontage buildings which was approved in January 2015. This report did not find any evidence of bats inside or around the buildings, and considered the site to have low bat roost potential. Accordingly, the Council's Countryside Officer has not objected to the proposed development.

#### Archaeology

The site lies on the edge of the historic core of the medieval village, and is within 200m of the scheduled monument of Slingsby castle. Accordingly, County Archaeology have recommended that should permission be granted it is subject to a condition requiring a written scheme of investigation.

#### Land Contamination

The site is a former garage, and therefore the application for the frontage buildings was subject to a condition that required a phase II land contamination survey. Whilst work on the necessary survey and sampling has been commenced, it is nevertheless recommended that the condition be re-imposed on this application should members be minded to approve it.

#### Conclusion

In conclusion officers consider that the principle of development in the location shown is acceptable, and with an appropriate scheme will preserve the character of the conservation area. The re-development of the site as a whole is welcomed and will result in a significant enhancement. Nevertheless it is considered that the depth of Units 2 and 3, and in particular the location of the rear offshots perpendicular to the burgage plots and their length, scale and height will render them unduly dominant, and interrupt the form of the burgage plots. As such the development will harm and erode the character of the conservation area, therefore setting an undesirable precedent for other 'erosions' elsewhere in the village. Given that there are potential revisions to the scheme that will address the harm identified, it is not considered that the public benefits of the development outweigh that harm. Accordingly the recommendation is one of refusal.

#### **RECOMMENDATION:                      Refusal**

- 1            The proposed development by virtue of the scale location and height of the cross wings to Units two and three, together with the excessive depth of those units, will result in a development that is not sufficiently ancillary to the principal frontage buildings. As such it is out of keeping with, and thereby within the character of this part of Slingsby Conservation Area contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policy SP12 of the Ryedale Plan - Local Plan Strategy.

- 2        The proposed development by virtue of the location, design and scale of the rear crosswings to Units two and three will result in a significant part of the proposed built form running perpendicular to the burgage plots. As such this will result in harm to the character of this part of Slingsby Conservation Area. As such it is contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Policy SP12 of the Ryedale Plan - Local Plan Strategy.

**Background Papers:**

Adopted Ryedale Local Plan 2002  
Local Plan Strategy 2013  
National Planning Policy Framework  
Responses from consultees and interested parties