

Item Number: 10
Application No: 15/01323/MFUL
Parish: Slingsby Parish Council
Appn. Type: Full Application Major
Applicant: Mandale Construction Ltd
Proposal: Erection of 6no. two bedroom dwellings, 7no. three bedroom dwellings and 5no. four bedroom dwellings with associated garaging, parking and amenity areas and formation of vehicular access onto High Street
Location: Land East Of High Street Slingsby Malton
Registration Date:
8/13 Wk Expiry Date: 18 February 2016
Overall Expiry Date: 18 February 2016
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways North Yorkshire Building Conservation Officer	Views awaited
Parish Council	No objection
North Yorkshire Education Authority	No objection - concerns about drainage
Housing Services	No views received
Sustainable Places Team (Yorkshire Area)	Support
Land Use Planning	Comments made
Archaeology Section	Condition to be attached
Countryside Officer	A scheme of archaeological mitigation recording should be undertaken and a condition appended.
Vale Of Pickering Internal Drainage Boards	Condition to be added to any planning permission granted
Tree & Landscape Officer	Recommendations made
Environmental Health Officer	Views awaited
Neighbour responses:	No views received
	Mr Ben Rayner, Mr Kevin Randerson,

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SITE:

The application site is a former Haulage Yard located within both the village development limits and the Slingsby conservation area. It measures approximately 70m in depth at its greatest, and 70m in width at its greatest across the front of the site. There is also an area of land that wraps around the rear of Part Way Cottage and West Cottage on High Street on the north-eastern side. The site measures approximately 0.48 hectares. There is a stonewall that fronts High Street with a steep embankment immediately in front of the wall. There is also a significant increase in land levels from the road level on High Street to the site. A hardcore base exists across the majority of the haulage site. The site is also within an area of known archaeological importance.

Immediately opposite the site are two pairs of brick and rendered semi-detached properties, the remainder of the properties along High Street and along Malton Road (B1257) are either detached, semi-detached or terraced dwellings in stone under either clay pantile or slate roofs.

PROPOSAL:

Full planning permission is sought to develop the site for residential properties. This includes:-

- 5 no. 4-bed dwellings;
- 7 no. 3-bed dwellings ;
- 6 no. 2-bed dwellings;

The 4-bed properties have the largest footprints at 8.6m by 8.6m. The smallest 2 bed unit (Plot 3) has a footprint of 4.4 m by 8m. The eaves and ridge heights of the proposed dwellings vary between 4.7m - 5.7m and 7.5m -10.3m respectively.

The applicants propose to use natural stone for the properties under slate and red pantile roofs. The materials to be used for the windows, doors and ground surfacing materials are yet to be confirmed.

A detached single garage is proposed for Plots 9,10,11 and 13 having a footprint of 3.2m by 6.2m and being 2m to the eaves height and 4.4m to the ridge height. The garages are proposed to be constructed of random coursed stone under a clay pantile roof.

It is proposed to cut into the stonewall on High Street and create a central vehicular and pedestrian access to the site from High Street. There will then be properties fronting High Street to either side of the proposed access road, which will lead into a cul-de-sac. There will be a central rectangular area surrounded by properties. Attempts have been made to locate car parking and garages behind properties so views of the scheme are not dominated by vehicles.

Information regarding ground floor levels on the site, boundary details, and how the existing stone wall is proposed to be treated is outstanding.

To either side of the access are 4 properties, which are proposed to be located behind the existing stonewall. Plot 4 features a gable fronting High Street. Within the site are two properties at either side of the cul-de-sac, and 4 properties along the rear elevation, 2 further properties are proposed in the north-eastern corner of the site.

HISTORY:

2015: Planning permission approved for 24 no. dwellings.

2006: Planning application withdrawn for the erection of 26 dwelling units.

2006: Conservation Area consent approved for the demolition of an industrial building.

1997: Planning application withdrawn for the change of use of yard from general haulage repair and maintenance of commercial vehicles with ancillary sales of commercial vehicle parts to non-ancillary sales of vehicle parts. Installation of drainage interceptors.

POLICY:

National Policy Guidance

National Planning Policy Framework 2012 (NPPF)

National Planning Policy Guidance 2014 (NPPG)

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 SP4 – Type and Mix of New Housing

Policy SP11 – Community Facilities and Services

Policy SP12 - Heritage

Policy SP13 - Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 – Managing Air Quality, Land and Water Resources

Policy SP18 – Renewable and Low Carbon Energy

Policy SP19 – Presumption in favour of Sustainable Development

Policy SP20 – Generic Development Management Issues

Policy SP22 – Planning Obligations, Developer Contributions and the Community Infrastructure Levy

APPRAISAL:

The main considerations in relation to this application are:-

- The principle of the development proposed;
- Whether the proposed development in terms of the number of dwellings proposed, density, scale, heights, design, relationship to existing residential development, layout and character are appropriate in this area;
- Whether the proposal either preserves or enhances the character and appearance of the Conservation Area;
- The impact of the proposals upon the setting of Listed Buildings
- Affordable housing provision;
- Open space provision;
- Drainage;
- Highway safety;
- Archaeology;
- Ecology;
- Impact on the amenity of surrounding neighbours;
- Contaminated land implications;
- Community Infrastructure Levy;
- Whether the proposed dwellings will have a satisfactory level of residential amenity

This proposal is classed as a 'Major' application and has been determined by the Planning Committee. The statutory determination date has been extended from the 18 February 2016 until 29th February 2016, so the application can be determined by this Committee meeting, and to allow for the

completion of a S106 agreement if the application is approved planning permission. At the time of writing, the following information is awaited:

- Details of the existing and proposed levels on the site;
- Confirmation of the window and door materials;
- Confirmation of the ground surfacing materials;
- How surface water is to be drained from the site, including a detailed scheme to ensure this is viable and that it will not unacceptably increase the proposed site levels; and
- Precise details of the treatment of the existing stone wall, including any reduction in height.

A second set of revised plans have also just been received in regard to increasing the floor size of Plots 1,2,15, and 16. These are currently being re-consulted upon until 18 February 2016. The changes relate to the minimum size of 79m² for a 2-bedroom 4-person property that a Registered Provider would accept as on-site Affordable Housing.

Members will therefore appreciate that the appraisal of this application cannot be complete at this stage, and a further Updated Report will follow on the Late Observations List. Any final recommendation made will be subject to the expiry of the consultation period on the 18 February 2016.

There have been objections submitted from 2 residents, these raise the following issues:

- Welcome the reduction in the numbers from 24 to 18;
- Highway safety;
- Site access;
- A suggested access position to the north;
- Comment in relation to land levels;
- A plan is required showing how the proposed development will affect residents is required;
- Local contractors should be used on the proposed development;
- Time frame for development
- A copy of the applicants accounts and concerns at whether this project is too large for the company;
- On-street parking for existing properties;
- Views from existing properties;
- Roof pitch scale and heights of properties;
- The impact of the proposal upon trees;
- The appearance of the archways
- Design, scale and roof pitch of the detached garages
- No details on boundary treatments;
- Separation distances from Plots 10,11, and 12.

The principle of the proposed development

Planning permission was granted for the erection of 24 dwellings on this site in 2015. The Local Plan Strategy identifies Slingsby as a 'Service Village' and a focus for new residential development. The village has a School, Village Shop, Public House, and is regarded as a sustainable location for new residential development. The site is within the development limits of Slingsby and the principle of residential development on the site is therefore considered acceptable.

Whether the proposed development in terms of the number of dwellings proposed, density, scale, heights, design, relationship to existing residential development, layout and character are appropriate in this area;

The site has a lawful haulage yard use on High Street, Slingsby, with its current access onto the B1257. Full planning permission is sought to create a new access from High Street into the site. This involves creating an opening into the existing stonewall, with excavations into the land in order to

create the proposed access road. The proposed layout includes a terrace of 4 properties High Street leading into an access road with a pair of semi-detached dwellings on either side. In the centre of the site is a turning head with a terrace of 4 dwellings against the back (eastern) side. A further access will lead from the central turning head into the north-eastern area of the site that wraps around the rear of the site where there will be two properties. On the earlier approval the use of stonewalls within the site allowed glimpsed views of the dwellings in this area from the main turning head. Details of the boundary details are awaited.

Following negotiations the general design of the proposed dwellings is considered to relate well to the character and form within Slingsby. The scheme has retained elements from the approved scheme that picked up on the local vernacular in Slingsby, such as the gable fronting High Street with the ground and first floor windows. The archways within the inner areas are considered to add interest to the scheme, and there are cartshed openings that have been re-used elsewhere in the Village. The use of natural stone, slate and clay pantile is also considered to be representative of the village. The scale of the proposed dwellings has been reduced from that originally designed, and there is considered to be no objection to the scheme in this regard. The siting, form and relationship with surrounding development is considered to be acceptable.

The previously approved application had a much denser layout of 24 dwellings. It is understood that the applicant has since agreed to purchase the application site and considers that 18 dwellings is the most efficient use of the site in terms of viability. Apartments, which are an efficient use of the land were included in the approved scheme. It is understood that there was no need or interest shown for these properties. As such, a scheme without apartments will inevitably not have the same level of density. The proposed built form of this scheme, and locations of buildings is very similar to the approved scheme. The density of this scheme is 37.5 dwellings to the hectare. Taking into account the form and character of the area, this density is considered to be acceptable. When the earlier application was considered, planning policy contained higher density target.

Access and Highway safety

The creation of a new vehicular access road in order to develop the site in depth in the same position was previously considered acceptable. The Highway Authority has requested auto-tracks showing how large vehicles can turn within the site. These have been received and sent to the Highway Authority for their views, at the time of preparing this report their views have not been received. It is anticipated that their views will be included within the Updated Report.

One of the main objections relates to the impact of the proposed access to the site and its affect upon on-street parking. This is noted, however, there is no automatic right to park on the public highway. Such parking is undertaken at the discretion of the local Highway Authority. Furthermore, the access position is consistent with that approved for 24 dwellings. Officers have therefore not sought to try and negotiate an amended access position.

Whether the proposal will either preserve or enhance the character and appearance of the Slingsby Conservation Area

There is a duty to have special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas (S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990. The area at present is an existing concreted forecourt belonging to a haulage yard, and its appearance is considered detrimental to the appearance of the designated area. This planning application will benefit the appearance of the area by the removal of the haulage wagons from within the site along with the existing modern industrial building, which is located on the site at present. It is anticipated that the proposed development should be able to demonstrate enhancement to the character and appearance of the Conservation Area. However, In the absence of the outstanding details it is not considered possible at the current time to conclude on this aspect.

The impact of the proposed development upon the setting of nearby Listed Buildings

There are two Grade 2 listed buildings nearby, Slingsby Heights and West Flatts Farmhouse. S66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 imposes a duty on Local Planning Authority to have special regard to the desirability of preserving the setting of Listed Buildings. Policy SP12 also requires the Local Planning Authority to assess the impact of the development proposals upon heritage assets. The redevelopment of this haulage yard for residential development purposes, is considered to be capable of having a neutral impact upon the setting of the nearby listed buildings. The Buildings Conservation Officer has no objection to the application.

Whether the proposals will have a satisfactory level of residential amenity

All of the proposed dwellings have some garden area. The 8 units on that front onto High Street have the least amenity space. Whilst the level of residential amenity for these units is less than ideal, this is required to be considered alongside the POS commuted sum of £45,324 towards the provision of communal facilities within the immediate vicinity. On balance the scheme is considered to be acceptable.

It is considered that a condition will need to be imposed however to withdraw the 'permitted development rights' of these properties to prevent ancillary structures and alterations to these properties without the benefit of planning permission in order to protect the character and appearance of the area and to retain reasonable levels of garden space.

Affordable Housing

There is a requirement under current planning policy for 35% of the dwellings to be affordable housing.). That equates to 6.3 units. The Housing Department has confirmed that this should comprise:

- 6. No 2 bed 4- person dwellings with a minimum size of 79m2;and
- A commuted payment equating to £17,700 representing the shortfall in provision

The developer has submitted a Viability Assessment, which the Local Planning Authority has had independently appraised. The applicant's Viability Assessment includes a variety of options including the provision of Starter Homes, in conjunction with onsite Affordable Housing. The provision of Starter Homes is not required under the adopted Development Plan, which specifically requires on-site Affordable Housing in this case. It is therefore considered that the provision should be on-site Affordable Housing. The independent appraisal has confirmed that 4 onsite Affordable Housing units is viable. The Housing Department has confirmed that this should comprise:

- 2no 2-bed intermediate dwellings being a minimum of 79m2
- 2no. 2-bed dwellings for rent being a minimum of 79m2

A **S106** legal agreement is required to ensure this Affordable Housing is provided and transferred to a Registered Provider and remains in perpetuity.

Public Open Space

In accordance with Policy SP11 of the Local Plan Strategy a contribution towards Public Open Space is required. It is not considered appropriate in this case to be accommodated on site. An off-site contribution of £45,324 has been calculated and agreed with the applicant.

This payment also needs to be secured via a S106 agreement, if Members are minded to approve the application.

Trees and Landscaping

The Tree and Landscape Officers views are currently awaited and Members will be updated.

Community Infrastructure Levy(CIL)

If this application is determined after 29th February 2016 this development is chargeable to CIL at £45m2, excluding the Affordable Housing. In this eventuality there would be no POS payment required.

Drainage

The foul water from the site is proposed to drain into the public sewer. Yorkshire Water requires developers to investigate sustainable methods of draining surface water before considering using the mains. It is noted that there is a watercourse located nearby, which is managed by The Vale of Pickering Internal Drainage Board. Furthermore, the Drainage Board has stated that the discharge of surface water should be restricted to 1.4 litres a second.

The agent has been asked to confirm how surface water is to be drained, although no response has been received to date. This is because, even with surface water discharge into the mains, there will be a requirement for on-site attenuation. Given the already raised land levels Officers consider that it is necessary to understand how the on-site surface water drainage requirements can be accommodated on site and what impact this has upon proposed finished ground and floor levels.

Contamination

The 2005 Contamination Report has been re-submitted with this application. That report was considered by the Environment Health Officer previously who considered that further investigation work is required, but that it is not necessary for this to be undertaken prior to the grant of planning permission (should members approve this development). After discussions internally it is considered that the same condition is considered to address this issue and to ensure the site is suitably remediated for residential development.

Ecology

A Ecology report has been submitted for the site by Delta Simmons. The Countryside Management Officer has considered that report in detail and considers that the ecology and biodiversity issues on site can be addressed by a condition requiring compliance with the submitted Report.

Archaeology

NYCC - Heritage Services has identified that the site is located within an area of known archaeological significance. In the circumstances, they have requested a condition regarding a scheme of archaeological recording is undertaken.

Impact upon the residential amenity of adjoining properties

In terms of the impact from the proposed development upon the residential amenity of adjoining neighbours, opposite the site are semi-detached properties and there is considered to be a satisfactory separation distance between these properties and the nearest proposed dwellings. To the north is a semi-detached cottage. The nearest unit will be approximately 23m from that property which is considered to be an acceptable distance. That property has a relatively large rear garden area, and whilst there will be some impact in terms of overlooking from the proposed development this is not considered to be objectionable given the location of the proposed dwellings and the separation distances involved. Neither is it considered that the two dwellings proposed in the north-eastern corner of the site would have a material adverse effect upon the residential amenity of the adjoining neighbours. The block of 4 units on the rear of the site will have some impact upon the rear garden

area of Croft House. However, there is an increase in the ground levels to the rear garden of Croft House together with mature landscaping on that boundary. Moreover there will be a minimum separation of 21m between Croft House and the nearest proposed unit. As such the proposed development is not considered to give rise to a material adverse effect upon that property in terms of scale and bulk or potential overlooking. It is not considered that the proposed dwellings would have an adverse impact upon Hunter's Hill, as there would be a separation distance of 17m from its rear elevation and the first floor side gable of Plot 12 is also on substantially lower ground levels. Hunters Hill is also offset to Plot 13 to avoid potential overlooking. The property on the corner, Hardwick House (formerly Lowrys Restaurant) is closest to Plot 15. However by virtue of the side-on relationship there is not considered to be an adverse effect upon that property by virtue of the proximity (10.5m) or through potential overlooking. There is a back-to-back separation distance of 22m between Harwick House and Plot 14.

One of the objections raised the issue of the proximity of Plots 10,11,12 to their boundary. Plot 10 has a separation distance of 9m and Plots 11, and 12 - 10.6m. This is a side-on relationship to the garden. This is also consistent with the earlier approved layout. As stated above, the closest is Plot 12 at 21m. Whilst there will be some impact, this arrangement of dwellings is not considered to be objectionable. Officers have sought to negotiate reductions in the heights of these properties and the detached garages as much as is possible. In summary, the impact from the proposed development is not considered to give rise to a material adverse effect upon the amenity of the adjoining neighbours that is sufficient to withhold consent. Moreover, the impact is not considered to be materially different to the approved scheme.

Other issues

NYCC - Education have been consulted regarding any contributions towards education provision. No response was received.

The Parish Council has no objection to the proposed development, however they are concerned regarding the capacity of the existing system to accommodate additional foul and surface water. Members will appreciate from the above appraisal that this information is currently awaited from the agent.

Of the outstanding issues raised by the objectors, the views from properties and the financial accounts of the applicant are not a material planning consideration. The comment in relation to the reduction in numbers is noted, as is the suggestion that local contractors should be used, however this is a matter for the developer. Officers cannot specify contractors based on location. There is no requirement that the construction of the development be included within a plan, however, if approved an informative could be imposed requesting that the applicant conforms to the expected standard of construction, known as The Considerate Constructors Scheme. The majority of the other issues raised have been appraised above or will be addressed in the Updated Report.

Given the outstanding information identified above, a further Update Report will be sent with the late papers.

RECOMMENDATION: **To Follow**

Background Papers:

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